

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL  
Code of Criminal Procedure  
Chapter 58  
10/2/18

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16 CHAPTER 58. CONFIDENTIALITY OF IDENTIFYING INFORMATION AND MEDICAL  
17 RECORDS OF CERTAIN CRIME VICTIMS

18 SUBCHAPTER A. GENERAL PROVISIONS

19 Revised Law

20 Art. 58.001. GENERAL DEFINITIONS. In this chapter:  
21 (1) "Name" means the legal name of a person.  
22 (2) "Pseudonym" means a set of initials or a  
23 fictitious name chosen by a victim to designate the victim in all  
24 public files and records concerning the offense, including police  
25 summary reports, press releases, and records of judicial  
26 proceedings.  
27 (3) "Public servant" has the meaning assigned by  
28 Section 1.07(a), Penal Code. (Code Crim. Proc., Arts. 57.01(1),  
29 (2), (3), 57A.01(1), (2), (3), 57B.01(1), (2), (3), 57D.01(1), (2),  
30 (3).)

31 Source Law

32 Art. 57.01. DEFINITIONS. In this chapter:  
33 (1) "Name" means the legal name of a  
34 person.  
35 (2) "Pseudonym" means a set of initials or  
36 a fictitious name chosen by a victim to designate the

1 victim in all public files and records concerning the  
2 offense, including police summary reports, press  
3 releases, and records of judicial proceedings.

4 (3) "Public servant" has the meaning  
5 assigned by Subsection (a), Section 1.07, Penal Code.

6 Art. 57A.01. DEFINITIONS. In this chapter:

7 (1) "Name" means the legal name of a  
8 person.

9 (2) "Pseudonym" means a set of initials or  
10 a fictitious name chosen by a victim to designate the  
11 victim in all public files and records concerning the  
12 offense, including police summary reports, press  
13 releases, and records of judicial proceedings.

14 (3) "Public servant" has the meaning  
15 assigned by Section 1.07(a), Penal Code.

16 Art. 57B.01. DEFINITIONS. In this chapter:

17 (1) "Name" means the legal name of a  
18 person.

19 (2) "Pseudonym" means a set of initials or  
20 a fictitious name chosen by a victim to designate the  
21 victim in all public files and records concerning the  
22 offense, including police summary reports, press  
23 releases, and records of judicial proceedings.

24 (3) "Public servant" has the meaning  
25 assigned by Subsection (a), Section 1.07, Penal Code.

26 Art. 57D.01. DEFINITIONS. In this chapter:

27 (1) "Name" means the legal name of a  
28 person.

29 (2) "Pseudonym" means a set of initials or  
30 a fictitious name chosen by a victim to designate the  
31 victim in all public files and records concerning the  
32 offense, including police summary reports, press  
33 releases, and records of judicial proceedings.

34 (3) "Public servant" has the meaning  
35 assigned by Section 1.07(a), Penal Code.

36 SUBCHAPTER B. ADDRESS CONFIDENTIALITY PROGRAM FOR CERTAIN CRIME

37 VICTIMS

38 Revised Law

39 Art. 58.051. DEFINITIONS. In this subchapter:

40 (1) "Applicant" means a person who applies to  
41 participate in the program.

42 (2) "Family violence" has the meaning assigned by  
43 Section 71.004, Family Code.

44 (3) "Family violence shelter center" has the meaning  
45 assigned by Section 51.002, Human Resources Code.

46 (4) "Household" has the meaning assigned by Section  
47 71.005, Family Code.

48 (5) "Mail" means first class mail and any mail sent by  
49 a government agency. The term does not include a package,  
50 regardless of size or type of mailing.

1 (6) "Participant" means an applicant who is certified  
2 for participation in the program.

3 (7) "Program" means the address confidentiality  
4 program created under this subchapter.

5 (8) "Sexual abuse" means any conduct that constitutes  
6 an offense under Section 21.02, 21.11, or 25.02, Penal Code.

7 (9) "Sexual assault" means any conduct that  
8 constitutes an offense under Section 22.011 or 22.021, Penal Code.

9 (10) "Stalking" means any conduct that constitutes an  
10 offense under Section 42.072, Penal Code.

11 (11) "Trafficking of persons" means any conduct that:

12 (A) constitutes an offense under Section 20A.02,  
13 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code;  
14 and

15 (B) results in a person:

16 (i) engaging in forced labor or services;  
17 or

18 (ii) otherwise becoming a victim of the  
19 offense. (Code Crim. Proc., Art. 56.81.)

20 Source Law

21 Art. 56.81. DEFINITIONS. In this subchapter:

22 (1) "Applicant" means a person who applies  
23 to participate in the program.

24 (2) "Family violence" has the meaning  
25 assigned by Section 71.004, Family Code.

26 (3) "Family violence shelter center" has  
27 the meaning assigned by Section 51.002, Human  
28 Resources Code.

29 (3-a) "Household" has the meaning assigned  
30 by Section 71.005, Family Code.

31 (4) "Mail" means first class mail and any  
32 mail sent by a government agency. The term does not  
33 include a package, regardless of size or type of  
34 mailing.

35 (5) "Participant" means an applicant who  
36 is certified for participation in the program.

37 (6) "Program" means the address  
38 confidentiality program created under this  
39 subchapter.

40 (6-a) "Sexual abuse" means any conduct  
41 that constitutes an offense under Section 21.02,  
42 21.11, or 25.02, Penal Code.

43 (6-b) "Sexual assault" means any conduct  
44 that constitutes an offense under Section 22.011 or  
45 22.021, Penal Code.

46 (6-c) "Stalking" means any conduct that  
47 constitutes an offense under Section 42.072, Penal

1 Code.

2 (7) "Trafficking of persons" means any  
3 conduct that constitutes an offense under Section  
4 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or  
5 43.26, Penal Code, and that results in a person:

6 (A) engaging in forced labor or  
7 services; or

8 (B) otherwise becoming a victim of  
9 the offense.

10 Revisor's Note

11 (1) Article 56.01, Code of Criminal Procedure,  
12 provides definitions for purposes of Chapter 56, Code  
13 of Criminal Procedure. Article 56.81, Code of  
14 Criminal Procedure, revised as this article, provides  
15 definitions that apply only to Subchapter C, Chapter  
16 56. The terms "close relative of a deceased victim"  
17 and "guardian of a victim" as defined by Article 56.01  
18 are not used in Subchapter C, Chapter 56, revised as  
19 Subchapter B of this chapter, and are therefore not  
20 revised in this article.

21 (2) Article 56.01, Code of Criminal Procedure,  
22 defines "victim" as "a person who is the victim of the  
23 offense of sexual assault, kidnapping, aggravated  
24 robbery, trafficking of persons, or injury to a child,  
25 elderly individual, or disabled individual or who has  
26 suffered personal injury or death as a result of the  
27 criminal conduct of another" for purposes of Chapter  
28 56, Code of Criminal Procedure. While Subchapter C,  
29 Chapter 56, Code of Criminal Procedure, revised as  
30 this subchapter, does not contain a different  
31 definition of "victim," Article 56.82(a) in that  
32 subchapter specifically provides that the address  
33 confidentiality program is open to "a victim of family  
34 violence, sexual assault or abuse, stalking, or  
35 trafficking of persons." It is clear that, in the  
36 context of the address confidentiality program under  
37 Subchapter C, Chapter 56, Code of Criminal Procedure,  
38 revised as Subchapter B of this chapter, the word

1 "victim" is not meant to include a victim of the  
2 offenses listed in the chapter-wide definition under  
3 Article 56.01 but rather a victim of the offenses  
4 listed under Article 56.82(a). For this reason, the  
5 definition provided by Article 56.01 is not revised in  
6 this article because it is clear that the definition  
7 for "victim" provided by Article 56.01 was not  
8 intended to apply to Subchapter C.

9 Revised Law

10 Art. 58.052. ADDRESS CONFIDENTIALITY PROGRAM. (a) The  
11 attorney general shall establish an address confidentiality  
12 program, as provided by this subchapter, to assist a victim of  
13 family violence, sexual assault or abuse, stalking, or trafficking  
14 of persons in maintaining a confidential address.

15 (b) The attorney general shall:

16 (1) designate a substitute post office box address  
17 that a participant may use in place of the participant's true  
18 residential, business, or school address;

19 (2) act as agent to receive service of process and mail  
20 on behalf of the participant; and

21 (3) forward to the participant mail received by the  
22 office of the attorney general on behalf of the participant.

23 (c) A summons, writ, notice, demand, or process may be  
24 served on the attorney general on behalf of the participant by  
25 delivery of two copies of the document to the office of the attorney  
26 general. The attorney general shall retain a copy of the summons,  
27 writ, notice, demand, or process and forward the original to the  
28 participant not later than the third day after the date of service  
29 on the attorney general.

30 (d) The attorney general shall make and retain a copy of the  
31 envelope in which certified mail is received on behalf of the  
32 participant.

33 (e) The attorney general shall adopt rules to administer the  
34 program. (Code Crim. Proc., Arts. 56.82, 56.93.)

1 Source Law

2 Art. 56.82. ADDRESS CONFIDENTIALITY PROGRAM.  
3 (a) The attorney general shall establish an address  
4 confidentiality program, as provided by this  
5 subchapter, to assist a victim of family violence,  
6 sexual assault or abuse, stalking, or trafficking of  
7 persons in maintaining a confidential address.

8 (b) The attorney general shall:

9 (1) designate a substitute post office box  
10 address that a participant may use in place of the  
11 participant's true residential, business, or school  
12 address;

13 (2) act as agent to receive service of  
14 process and mail on behalf of the participant; and

15 (3) forward to the participant mail  
16 received by the office of the attorney general on  
17 behalf of the participant.

18 (c) A summons, writ, notice, demand, or process  
19 may be served on the attorney general on behalf of the  
20 participant by delivery of two copies of the document  
21 to the office of the attorney general. The attorney  
22 general shall retain a copy of the summons, writ,  
23 notice, demand, or process and forward the original to  
24 the participant not later than the third day after the  
25 date of service on the attorney general.

26 (d) The attorney general shall make and retain a  
27 copy of the envelope in which certified mail is  
28 received on behalf of the participant.

29 Art. 56.93. RULES. The attorney general shall  
30 adopt rules to administer the program.

31 Revised Law

32 Art. 58.053. AGENCY ACCEPTANCE OF SUBSTITUTE ADDRESS  
33 REQUIRED; EXEMPTIONS. (a) Except as provided by Subsection (b), a  
34 state or local agency must accept the substitute post office box  
35 address designated by the attorney general if the substitute  
36 address is presented to the agency by a participant in place of the  
37 participant's true residential, business, or school address.

38 (b) The attorney general by rule may permit an agency to  
39 require a participant to provide the participant's true  
40 residential, business, or school address, if necessary for the  
41 agency to perform a duty or function that is imposed by law or  
42 administrative requirement. (Code Crim. Proc., Art. 56.89.)

43 Source Law

44 Art. 56.89. ACCEPTANCE OF SUBSTITUTE ADDRESS;  
45 EXEMPTIONS. (a) Except as provided by Subsection (b),  
46 a state or local agency must accept the substitute post  
47 office box address designated by the attorney general  
48 if the substitute address is presented to the agency by  
49 a participant in place of the participant's true  
50 residential, business, or school address.

51 (b) The attorney general by rule may permit an



1 agency to require a participant to provide the  
2 participant's true residential, business, or school  
3 address, if necessary for the agency to perform a duty  
4 or function that is imposed by law or administrative  
5 requirement.

6 Revised Law

7 Art. 58.054. ELIGIBILITY. To be eligible to participate in  
8 the program:

9 (1) an applicant must:

10 (A) meet with a victim's assistance counselor  
11 from a state or local agency or other for-profit or nonprofit entity  
12 that is identified by the attorney general as an entity that  
13 provides shelter or civil legal services or counseling to victims  
14 of family violence, sexual assault or abuse, stalking, or  
15 trafficking of persons;

16 (B) be protected under, or be filing an  
17 application on behalf of a victim who is the applicant's child or  
18 another person in the applicant's household and who is protected  
19 under:

20 (i) a temporary injunction issued under  
21 Subchapter F, Chapter 6, Family Code;

22 (ii) a temporary ex parte order issued  
23 under Chapter 83, Family Code;

24 (iii) an order issued under Subchapter A or  
25 B, Chapter 7B, of this code or Chapter 85, Family Code; or

26 (iv) a magistrate's order for emergency  
27 protection issued under Article 17.292; or

28 (C) possess documentation of family violence, as  
29 identified by the rules adopted under Article 58.056, or of sexual  
30 assault or abuse or stalking, as described by Section 92.0161,  
31 Property Code; and

32 (2) an applicant must:

33 (A) file an application for participation with  
34 the attorney general or a state or local agency or other entity  
35 identified by the attorney general under Subdivision (1);

36 (B) file an affirmation that the applicant has

1 discussed safety planning with a victim's assistance counselor  
2 described by Subdivision (1)(A);

3 (C) designate the attorney general as agent to  
4 receive service of process and mail on behalf of the applicant; and

5 (D) live at a residential address, or relocate to  
6 a residential address, that is unknown to the person who committed  
7 or is alleged to have committed the family violence, sexual assault  
8 or abuse, stalking, or trafficking of persons. (Code Crim. Proc.,  
9 Art. 56.83(a).)

10 Source Law

11 Art. 56.83. ELIGIBILITY TO PARTICIPATE IN  
12 PROGRAM. (a) To be eligible to participate in the  
13 program, an applicant must:

14 (1) either:

15 (A) meet with a victim's assistance  
16 counselor from a state or local agency or other entity,  
17 whether for-profit or nonprofit, that is identified by  
18 the attorney general as an entity that provides  
19 shelter or civil legal services or counseling to  
20 victims of family violence, sexual assault or abuse,  
21 stalking, or trafficking of persons;

22 (B) be protected under, or be filing  
23 an application on behalf of a victim who is the  
24 applicant's child or another person in the applicant's  
25 household and who is protected under:

26 (i) a temporary injunction  
27 issued under Subchapter F, Chapter 6, Family Code;

28 (ii) a temporary ex parte order  
29 issued under Chapter 83, Family Code;

30 (iii) an order issued under  
31 Chapter 7A or Article 6.09 of this code or Chapter 85,  
32 Family Code; or

33 (iv) a magistrate's order for  
34 emergency protection issued under Article 17.292; or

35 (C) possess documentation of family  
36 violence, as identified by the rules adopted under  
37 this section, or of sexual assault or abuse or  
38 stalking, as described by Section 92.0161, Property  
39 Code;

40 (2) file an application for participation  
41 with the attorney general or a state or local agency or  
42 other entity identified by the attorney general under  
43 Subdivision (1);

44 (3) file an affirmation that the applicant  
45 has discussed safety planning with a victim's  
46 assistance counselor described by Subdivision (1)(A);

47 (4) designate the attorney general as  
48 agent to receive service of process and mail on behalf  
49 of the applicant; and

50 (5) live at a residential address, or  
51 relocate to a residential address, that is unknown to  
52 the person who committed or is alleged to have  
53 committed the family violence, sexual assault or  
54 abuse, stalking, or trafficking of persons.

1 Revisor's Note

2 Article 56.83(a)(1)(C), Code of Criminal  
3 Procedure, refers to documentation of family violence,  
4 as identified by the rules adopted under "this  
5 section." The quoted language is a drafting error  
6 because Chapter 56, Code of Criminal Procedure, is  
7 organized in articles rather than sections. The  
8 revised law substitutes a reference to Article 58.056,  
9 Code of Criminal Procedure, for the quoted language  
10 because the provisions of Article 56.83 relating to  
11 rulemaking authority are revised in that article.

12 Revised Law

13 Art. 58.055. APPLICATION. (a) An application under  
14 Article 58.054(2)(A) must contain:

15 (1) a signed, sworn statement by the applicant stating  
16 that the applicant fears for the safety of the applicant, the  
17 applicant's child, or another person in the applicant's household  
18 because of a threat of immediate or future harm caused by the person  
19 who committed or is alleged to have committed the family violence,  
20 sexual assault or abuse, stalking, or trafficking of persons;

21 (2) the applicant's true residential address and, if  
22 applicable, the applicant's business and school addresses; and

23 (3) a statement by the applicant of whether there is an  
24 existing court order or a pending court case for child support or  
25 child custody or visitation that involves the applicant, the  
26 applicant's child, or another person in the applicant's household  
27 and, if so, the name and address of:

28 (A) the legal counsel of record; and

29 (B) each parent involved in the court order or  
30 pending case.

31 (b) An application under Article 58.054(2)(A) must be  
32 completed by the applicant in person at the state or local agency or  
33 other entity with which the application is filed.

34 (c) A state or local agency or other entity with which an

1 application is filed under Article 58.054(2)(A) shall forward the  
2 application to the office of the attorney general.

3 (d) Any assistance or counseling provided by the attorney  
4 general or an employee or agent of the attorney general to an  
5 applicant does not constitute legal advice.

6 (e) The attorney general shall make program information and  
7 application materials available online. (Code Crim. Proc., Arts.  
8 56.83(b), (c) (part), (d), (f), 56.92.)

9 Source Law

10 [Art. 56.83]

11 (b) An application under Subsection (a)(2) must  
12 contain:

13 (1) a signed, sworn statement by the  
14 applicant stating that the applicant fears for the  
15 safety of the applicant, the applicant's child, or  
16 another person in the applicant's household because of  
17 a threat of immediate or future harm caused by the  
18 person who committed or is alleged to have committed  
19 the family violence, sexual assault or abuse,  
20 stalking, or trafficking of persons;

21 (2) the applicant's true residential  
22 address and, if applicable, the applicant's business  
23 and school addresses; and

24 (3) a statement by the applicant of  
25 whether there is an existing court order or a pending  
26 court case for child support or child custody or  
27 visitation that involves the applicant, the  
28 applicant's child, or another person in the applicant's  
29 household and, if so, the name and address of:

30 (A) the legal counsel of record; and

31 (B) each parent involved in the court  
32 order or pending case.

33 (c) An application under Subsection (a)(2) must  
34 be completed by the applicant in person at the state or  
35 local agency or other entity with which the  
36 application is filed. . . .

37 (d) A state or local agency or other entity with  
38 which an application is filed under Subsection (a)(2)  
39 shall forward the application to the office of the  
40 attorney general.

41 (f) Any assistance or counseling provided by the  
42 attorney general or an employee or agent of the  
43 attorney general to an applicant does not constitute  
44 legal advice.

45 Art. 56.92. PROGRAM INFORMATION AND APPLICATION  
46 MATERIALS. The attorney general shall make program  
47 information and application materials available  
48 online.

49 Revised Law

50 Art. 58.056. APPLICATION AND ELIGIBILITY RULES AND  
51 PROCEDURES. (a) The attorney general may establish procedures for  
52 requiring an applicant, in appropriate circumstances, to submit

1 with the application under Article 58.054(2)(A) independent  
2 documentary evidence of family violence, sexual assault or abuse,  
3 stalking, or trafficking of persons in the form of:

4 (1) an active or recently issued order described by  
5 Article 58.054(1)(B);

6 (2) an incident report or other record maintained by a  
7 law enforcement agency or official;

8 (3) a statement of a physician or other health care  
9 provider regarding the medical condition of the applicant,  
10 applicant's child, or other person in the applicant's household as a  
11 result of the family violence, sexual assault or abuse, stalking,  
12 or trafficking of persons;

13 (4) a statement of a mental health professional, a  
14 member of the clergy, an attorney or other legal advocate, a trained  
15 staff member of a family violence center, or another professional  
16 who has assisted the applicant, applicant's child, or other person  
17 in the applicant's household in addressing the effects of the  
18 family violence, sexual assault or abuse, stalking, or trafficking  
19 of persons; or

20 (5) any other independent documentary evidence  
21 necessary to show the applicant's eligibility to participate in the  
22 program.

23 (b) The attorney general by rule may establish additional  
24 eligibility requirements for participation in the program that are  
25 consistent with the purpose of the program as stated in Article  
26 58.052(a). (Code Crim. Proc., Arts. 56.83(e), (e-1).)

27 Source Law

28 (e) The attorney general by rule may establish  
29 additional eligibility requirements for participation  
30 in the program that are consistent with the purpose of  
31 the program as stated in Article 56.82(a).

32 (e-1) The attorney general may establish  
33 procedures for requiring an applicant, in appropriate  
34 circumstances, to submit with the application under  
35 Subsection (a)(2) independent documentary evidence of  
36 family violence, sexual assault or abuse, stalking, or  
37 trafficking of persons in the form of:

38 (1) an active or recently issued order  
39 described by Subsection (a)(1)(B);

40 (2) an incident report or other record

1 maintained by a law enforcement agency or official;  
2 (3) a statement of a physician or other  
3 health care provider regarding the medical condition  
4 of the applicant, applicant's child, or other person in  
5 the applicant's household as a result of the family  
6 violence, sexual assault or abuse, stalking, or  
7 trafficking of persons;

8 (4) a statement of a mental health  
9 professional, a member of the clergy, an attorney or  
10 other legal advocate, a trained staff member of a  
11 family violence center, or another professional who  
12 has assisted the applicant, applicant's child, or  
13 other person in the applicant's household in  
14 addressing the effects of the family violence, sexual  
15 assault or abuse, stalking, or trafficking of persons;  
16 or

17 (5) any other independent documentary  
18 evidence necessary to show the applicant's eligibility  
19 to participate in the program.

20 Revised Law

21 Art. 58.057. FALSE STATEMENT ON APPLICATION. (a) An  
22 applicant who knowingly or intentionally makes a false statement in  
23 an application under Article 58.054(2)(A) is subject to prosecution  
24 under Chapter 37, Penal Code.

25 (b) An applicant is ineligible for, and a participant may be  
26 excluded from, participation in the program if the applicant or  
27 participant knowingly makes a false statement on an application  
28 filed under Article 58.054(2)(A). (Code Crim. Proc., Arts.  
29 56.83(c) (part), 56.86(a).)

30 Source Law

31 [Art. 56.83]

32 (c) . . . An applicant who knowingly or  
33 intentionally makes a false statement in an  
34 application under Subsection (a)(2) is subject to  
35 prosecution under Chapter 37, Penal Code.

36 Art. 56.86. INELIGIBILITY AND CANCELLATION.  
37 (a) An applicant is ineligible for, and a participant  
38 may be excluded from, participation in the program if  
39 the applicant or participant knowingly makes a false  
40 statement on an application filed under Article  
41 56.83(a)(2).

42 Revised Law

43 Art. 58.058. EXCLUSION FROM PARTICIPATION IN PROGRAM;  
44 WITHDRAWAL. (a) A participant may be excluded from participation  
45 in the program if:

46 (1) mail forwarded to the participant by the attorney  
47 general is returned undeliverable on at least four occasions;

48 (2) the participant changes the participant's true

1 residential address as provided in the application filed under  
2 Article 58.054(2)(A) and does not notify the attorney general of  
3 the change at least 10 days before the date of the change; or

4 (3) the participant changes the participant's name.

5 (b) A participant may withdraw from the program by notifying  
6 the attorney general in writing of the withdrawal. (Code Crim.  
7 Proc., Arts. 56.86(b), 56.87.)

8 Source Law

9 [Art. 56.86]

10 (b) A participant may be excluded from  
11 participation in the program if:

12 (1) mail forwarded to the participant by  
13 the attorney general is returned undeliverable on at  
14 least four occasions;

15 (2) the participant changes the  
16 participant's true residential address as provided in  
17 the application filed under Article 56.83(a)(2) and  
18 does not notify the attorney general of the change at  
19 least 10 days before the date of the change; or

20 (3) the participant changes the  
21 participant's name.

22 Art. 56.87. WITHDRAWAL. A participant may  
23 withdraw from the program by notifying the attorney  
24 general in writing of the withdrawal.

25 Revised Law

26 Art. 58.059. CERTIFICATION OF PARTICIPATION IN PROGRAM.

27 (a) The attorney general shall certify for participation in the  
28 program an applicant who satisfies the eligibility requirements  
29 under Articles 58.054 and 58.056(b).

30 (b) A certification under this article expires on the third  
31 anniversary of the date of certification.

32 (c) To renew a certification under this article, a  
33 participant must satisfy the eligibility requirements under  
34 Articles 58.054 and 58.056(b) as if the participant were originally  
35 applying for participation in the program. (Code Crim. Proc.,  
36 Arts. 56.84, 56.85.)

37 Source Law

38 Art. 56.84. CERTIFICATION; EXPIRATION. (a)  
39 The attorney general shall certify for participation  
40 in the program an applicant who satisfies the  
41 eligibility requirements under Article 56.83.

42 (b) A certification under this article expires  
43 on the third anniversary of the date of certification.

44 Art. 56.85. RENEWAL. To renew a certification  
45 under Article 56.84, a participant must satisfy the

1 eligibility requirements under Article 56.83 as if the  
2 participant were originally applying for  
3 participation in the program.

4 Revisor's Note

5 Articles 56.84(a) and 56.85, Code of Criminal  
6 Procedure, refer to the "eligibility requirements  
7 under Article 56.83." The relevant provisions of  
8 Article 56.83, Code of Criminal Procedure, relating to  
9 the eligibility requirements are Subsections (a) and  
10 (e), revised as Articles 58.054 and 58.056(b) of this  
11 chapter, and the revised law is drafted accordingly.

12 Revised Law

13 Art. 58.060. CONFIDENTIALITY OF PARTICIPANT INFORMATION;  
14 DESTRUCTION OF INFORMATION. (a) Information relating to a  
15 participant:

16 (1) is confidential, except as provided by Article  
17 58.061; and

18 (2) may not be disclosed under Chapter 552, Government  
19 Code.

20 (b) Except as provided by Article 58.052(d), the attorney  
21 general may not make a copy of any mail received by the office of the  
22 attorney general on behalf of the participant.

23 (c) The attorney general shall destroy all information  
24 relating to a participant on the third anniversary of the date the  
25 participant's participation in the program ends. (Code Crim.  
26 Proc., Art. 56.88.)

27 Source Law

28 Art. 56.88. CONFIDENTIALITY; DESTRUCTION OF  
29 INFORMATION. (a) Information relating to a  
30 participant:

31 (1) is confidential, except as provided by  
32 Article 56.90; and

33 (2) may not be disclosed under Chapter  
34 552, Government Code.

35 (b) Except as provided by Article 56.82(d), the  
36 attorney general may not make a copy of any mail  
37 received by the office of the attorney general on  
38 behalf of the participant.

39 (c) The attorney general shall destroy all  
40 information relating to a participant on the third  
41 anniversary of the date participation in the program  
42 ends.



1 Revised Law

2 Art. 58.061. EXCEPTIONS. (a) The attorney general shall  
3 disclose a participant's true residential, business, or school  
4 address if:

5 (1) requested by:

6 (A) a law enforcement agency for the purpose of  
7 conducting an investigation;

8 (B) the Department of Family and Protective  
9 Services for the purpose of conducting a child protective services  
10 investigation under Chapter 261, Family Code; or

11 (C) the Department of State Health Services or a  
12 local health authority for the purpose of making a notification  
13 described by Article 21.31 of this code, Section 54.033, Family  
14 Code, or Section 81.051, Health and Safety Code; or

15 (2) required by court order.

16 (b) The attorney general may disclose a participant's true  
17 residential, business, or school address if:

18 (1) the participant consents to the disclosure; and

19 (2) the disclosure is necessary to administer the  
20 program.

21 (c) A person to whom a participant's true residential,  
22 business, or school address is disclosed under this article shall  
23 maintain the requested information in a manner that protects the  
24 confidentiality of the participant's true residential, business,  
25 or school address. (Code Crim. Proc., Art. 56.90.)

26 Source Law

27 Art. 56.90. EXCEPTIONS. (a) The attorney  
28 general:

29 (1) shall disclose a participant's true  
30 residential, business, or school address if:

31 (A) requested by:

32 (i) a law enforcement agency  
33 for the purpose of conducting an investigation;

34 (ii) the Department of Family  
35 and Protective Services for the purpose of conducting  
36 a child protective services investigation under  
37 Chapter 261, Family Code; or

38 (iii) the Department of State  
39 Health Services or a local health authority for the  
40 purpose of making a notification described by Article  
41 21.31 of this code, Section 54.033, Family Code, or

1 Section 81.051, Health and Safety Code; or  
2 (B) required by court order; and  
3 (2) may disclose a participant's true  
4 residential, business, or school address if:  
5 (A) the participant consents to the  
6 disclosure; and  
7 (B) the disclosure is necessary to  
8 administer the program.  
9 (b) A person to whom a participant's true  
10 residential, business, or school address is disclosed  
11 under this section shall maintain the requested  
12 information in a manner that protects the  
13 confidentiality of the participant's true residential,  
14 business, or school address.

15 Revisor's Note

16 Article 56.90(b), Code of Criminal Procedure,  
17 refers to a person to whom a participant's true  
18 residential, business, or school address is disclosed  
19 under "this section." The quoted language is a  
20 drafting error because Chapter 56, Code of Criminal  
21 Procedure, is organized in articles rather than  
22 sections. The revised law is drafted accordingly.

23 Revised Law

24 Art. 58.062. LIABILITY. (a) The attorney general or an  
25 agent or employee of the attorney general is immune from liability  
26 for any act or omission by the agent or employee in administering  
27 the program if the agent or employee was acting in good faith and in  
28 the course and scope of assigned responsibilities and duties.

29 (b) An agent or employee of the attorney general who does  
30 not act in good faith and in the course and scope of assigned  
31 responsibilities and duties in disclosing a participant's true  
32 residential, business, or school address is subject to prosecution  
33 under Chapter 39, Penal Code. (Code Crim. Proc., Art. 56.91.)

34 Source Law

35 Art. 56.91. LIABILITY. (a) The attorney  
36 general or an agent or employee of the attorney general  
37 is immune from liability for any act or omission by the  
38 agent or employee in administering the program if the  
39 agent or employee was acting in good faith and in the  
40 course and scope of assigned responsibilities and  
41 duties.

42 (b) An agent or employee of the attorney general  
43 who does not act in good faith and in the course and  
44 scope of assigned responsibilities and duties in  
45 disclosing a participant's true residential, business,  
46 or school address is subject to prosecution under  
47 Chapter 39, Penal Code.

1 SUBCHAPTER C. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF SEX  
2 OFFENSE VICTIMS

3 Revised Law

4 Art. 58.101. DEFINITION. In this subchapter, "victim"  
5 means a person who was the subject of:

6 (1) an offense the commission of which leads to a  
7 reportable conviction or adjudication under Chapter 62; or

8 (2) an offense that is part of the same criminal  
9 episode, as defined by Section 3.01, Penal Code, as an offense  
10 described by Subdivision (1). (Code Crim. Proc., Art. 57.01(4).)

11 Source Law

12 (4) "Victim" means a person who was the  
13 subject of:

14 (A) an offense the commission of  
15 which leads to a reportable conviction or adjudication  
16 under Chapter 62; or

17 (B) an offense that is part of the  
18 same criminal episode, as defined by Section 3.01,  
19 Penal Code, as an offense described by Paragraph (A).

20 Revised Law

21 Art. 58.102. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a)  
22 A victim may choose a pseudonym to be used instead of the victim's  
23 name to designate the victim in all public files and records  
24 concerning the offense, including police summary reports, press  
25 releases, and records of judicial proceedings. A victim who elects  
26 to use a pseudonym as provided by this subchapter must complete a  
27 pseudonym form developed under Subsection (b) and return the form  
28 to the law enforcement agency investigating the offense.

29 (b) The Sexual Assault Prevention and Crisis Services  
30 Program of the office of the attorney general shall develop and  
31 distribute to all law enforcement agencies of the state a pseudonym  
32 form to record the name, address, telephone number, and pseudonym  
33 of a victim. (Code Crim. Proc., Arts. 57.02(a), (b).)

34 Source Law

35 Art. 57.02. CONFIDENTIALITY OF FILES AND  
36 RECORDS. (a) The Sexual Assault Prevention and Crisis  
37 Services Program of the office of the attorney general  
38 shall develop and distribute to all law enforcement  
39 agencies of the state a pseudonym form to record the  
40 name, address, telephone number, and pseudonym of a

1 victim.

2 (b) A victim may choose a pseudonym to be used  
3 instead of the victim's name to designate the victim in  
4 all public files and records concerning the offense,  
5 including police summary reports, press releases, and  
6 records of judicial proceedings. A victim who elects  
7 to use a pseudonym as provided by this article must  
8 complete a pseudonym form developed under this article  
9 and return the form to the law enforcement agency  
10 investigating the offense.

11 Revisor's Note

12 (1) Article 57.02(b), Code of Criminal  
13 Procedure, refers to a victim who elects to use a  
14 pseudonym as provided by "this article," meaning  
15 Article 57.02, Code of Criminal Procedure. The  
16 provisions of Article 57.02 relating to a victim who  
17 elects to use a pseudonym are revised in this  
18 subchapter, and the revised law is drafted  
19 accordingly.

20 (2) Article 57.02(b), Code of Criminal  
21 Procedure, refers to a pseudonym form developed under  
22 "this article," meaning Article 57.02, Code of  
23 Criminal Procedure. The provision of Article 57.02  
24 relating to the development of a pseudonym form is  
25 Article 57.02(a), revised in this chapter as Article  
26 58.102(b), and the revised law is drafted accordingly.

27 Revised Law

28 Art. 58.103. VICTIM INFORMATION CONFIDENTIAL. (a) A  
29 victim who completes a pseudonym form and returns the form to the  
30 law enforcement agency investigating the offense may not be  
31 required to disclose the victim's name, address, and telephone  
32 number in connection with the investigation or prosecution of the  
33 offense.

34 (b) A completed and returned pseudonym form is confidential  
35 and may not be disclosed to any person other than a defendant in the  
36 case or the defendant's attorney, except on an order of a court.  
37 The court finding required by Article 58.104 is not required to  
38 disclose the confidential pseudonym form to the defendant in the  
39 case or to the defendant's attorney.

1 (c) If a victim completes a pseudonym form and returns the  
2 form to a law enforcement agency under Article 58.102(a), the law  
3 enforcement agency receiving the form shall:

4 (1) remove the victim's name and substitute the  
5 pseudonym for the name on all reports, files, and records in the  
6 agency's possession;

7 (2) notify the attorney representing the state of the  
8 pseudonym and that the victim has elected to be designated by the  
9 pseudonym; and

10 (3) maintain the form in a manner that protects the  
11 confidentiality of the information contained on the form.

12 (d) An attorney representing the state who receives notice  
13 that a victim has elected to be designated by a pseudonym shall  
14 ensure that the victim is designated by the pseudonym in all legal  
15 proceedings concerning the offense. (Code Crim. Proc., Arts.  
16 57.02(c), (d), (e), (f).)

17 Source Law

18 (c) A victim who completes and returns a  
19 pseudonym form to the law enforcement agency  
20 investigating the offense may not be required to  
21 disclose the victim's name, address, and telephone  
22 number in connection with the investigation or  
23 prosecution of the offense.

24 (d) A completed and returned pseudonym form is  
25 confidential and may not be disclosed to any person  
26 other than a defendant in the case or the defendant's  
27 attorney, except on an order of a court of competent  
28 jurisdiction. The court finding required by  
29 Subsection (g) of this article is not required to  
30 disclose the confidential pseudonym form to the  
31 defendant in the case or to the defendant's attorney.

32 (e) If a victim completes and returns a  
33 pseudonym form to a law enforcement agency under this  
34 article, the law enforcement agency receiving the form  
35 shall:

36 (1) remove the victim's name and  
37 substitute the pseudonym for the name on all reports,  
38 files, and records in the agency's possession;

39 (2) notify the attorney for the state of  
40 the pseudonym and that the victim has elected to be  
41 designated by the pseudonym; and

42 (3) maintain the form in a manner that  
43 protects the confidentiality of the information  
44 contained on the form.

45 (f) An attorney for the state who receives  
46 notice that a victim has elected to be designated by a  
47 pseudonym shall ensure that the victim is designated  
48 by the pseudonym in all legal proceedings concerning  
49 the offense.

1 Revisor's Note

2 (1) Article 57.02(d), Code of Criminal  
3 Procedure, refers to a court "of competent  
4 jurisdiction." Throughout this chapter, the revised  
5 law omits the quoted language as unnecessary. The  
6 determination of whether a particular court has  
7 jurisdiction over a matter is made under other law, and  
8 it is not necessary to refer to that determination.

9 (2) Article 57.02(e), Code of Criminal  
10 Procedure, refers to a victim who completes and  
11 returns a pseudonym form to a law enforcement agency  
12 under "this article," meaning Article 57.02, Code of  
13 Criminal Procedure. The provision of Article 57.02  
14 relating to a victim who completes and returns a  
15 pseudonym form to a law enforcement agency is Article  
16 57.02(b), revised in this chapter as Article  
17 58.102(a), and the revised law is drafted accordingly.

18 (3) Articles 57.02(e)(2) and (f), Code of  
19 Criminal Procedure, refer to an "attorney for the  
20 state." Throughout this chapter, the revised law  
21 substitutes "attorney representing the state" for  
22 "attorney for the state" because "attorney  
23 representing the state" is more commonly used in the  
24 Code of Criminal Procedure.

25 Revised Law

26 Art. 58.104. COURT-ORDERED DISCLOSURE OF VICTIM  
27 INFORMATION. A court may order the disclosure of a victim's name,  
28 address, and telephone number only if the court finds that the  
29 information is essential in the trial of the defendant for the  
30 offense or the identity of the victim is in issue. (Code Crim.  
31 Proc., Art. 57.02(g).)

32 Source Law

33 (g) A court of competent jurisdiction may order  
34 the disclosure of a victim's name, address, and  
35 telephone number only if the court finds that the

1 information is essential in the trial of the defendant  
2 for the offense or the identity of the victim is in  
3 issue.

4 Revised Law

5 Art. 58.105. DISCLOSURE OF CERTAIN CHILD VICTIM INFORMATION  
6 PROHIBITED. Except as required or permitted by other law or by  
7 court order, a public servant or other person who has access to or  
8 obtains the name, address, telephone number, or other identifying  
9 information of a victim younger than 17 years of age may not release  
10 or disclose the identifying information to any person who is not  
11 assisting in the investigation, prosecution, or defense of the  
12 case. This article does not apply to the release or disclosure of a  
13 victim's identifying information by:

14 (1) the victim; or

15 (2) the victim's parent, conservator, or guardian,  
16 unless the parent, conservator, or guardian is a defendant in the  
17 case. (Code Crim. Proc., Art. 57.02(h).)

18 Source Law

19 (h) Except as required or permitted by other law  
20 or by court order, a public servant or other person who  
21 has access to or obtains the name, address, telephone  
22 number, or other identifying information of a victim  
23 younger than 17 years of age may not release or  
24 disclose the identifying information to any person who  
25 is not assisting in the investigation, prosecution, or  
26 defense of the case. This subsection does not apply to  
27 the release or disclosure of a victim's identifying  
28 information by:

29 (1) the victim; or

30 (2) the victim's parent, conservator, or  
31 guardian, unless the parent, conservator, or guardian  
32 is a defendant in the case.

33 Revised Law

34 Art. 58.106. DISCLOSURE OF INFORMATION OF CONFINED VICTIM.  
35 This subchapter does not prohibit the inspector general of the  
36 Texas Department of Criminal Justice from disclosing a victim's  
37 identifying information to an employee of the department or the  
38 department's ombudsperson if the victim is an inmate or state jail  
39 defendant confined in a facility operated by or under contract with  
40 the department. (Code Crim. Proc., Art. 57.02(i) as added Acts 80th  
41 Leg., R.S., Chs. 619, 1217.)

1 Source Law

2 (i) [as added Acts 2007, 80th Leg., R.S., Ch.  
3 619] This article does not prohibit the inspector  
4 general of the Texas Department of Criminal Justice  
5 from disclosing a victim's identifying information to  
6 an employee of the department if the victim is an  
7 inmate or state jail defendant confined in a facility  
8 operated by or under contract with the department.

9 (i) [as added Acts 2007, 80th Leg., R.S., Ch.  
10 1217] This article does not prohibit the inspector  
11 general of the Texas Department of Criminal Justice  
12 from disclosing a victim's identifying information to  
13 the department's ombudsperson if the victim is an  
14 inmate or state jail defendant confined in a facility  
15 operated by or under contract with the department.

16 Revisor's Note

17 Article 57.02(i), Code of Criminal Procedure, as  
18 added by Chapters 619 (H.B. 433) and 1217 (H.B. 1944),  
19 Acts of the 80th Legislature, Regular Session, 2007,  
20 provides that "[t]his article," meaning Article 57.02,  
21 Code of Criminal Procedure, does not prohibit certain  
22 disclosures of a victim's identifying information by  
23 the inspector general of the Texas Department of  
24 Criminal Justice. Article 57.02 is revised in this  
25 subchapter, and the revised law is drafted  
26 accordingly.

27 Revised Law

28 Art. 58.107. OFFENSE. (a) A public servant commits an  
29 offense if the public servant:

30 (1) has access to the name, address, or telephone  
31 number of a victim 17 years of age or older who has chosen a  
32 pseudonym under this subchapter; and

33 (2) knowingly discloses the name, address, or  
34 telephone number of the victim to:

35 (A) a person who is not assisting in the  
36 investigation or prosecution of the offense; or

37 (B) a person other than:

38 (i) the defendant;

39 (ii) the defendant's attorney; or

40 (iii) the person specified in the order of a



1 court.

2 (b) Unless the disclosure is required or permitted by other  
3 law, a public servant or other person commits an offense if the  
4 person:

5 (1) has access to or obtains the name, address, or  
6 telephone number of a victim younger than 17 years of age; and

7 (2) knowingly discloses the name, address, or  
8 telephone number of the victim to:

9 (A) a person who is not assisting in the  
10 investigation or prosecution of the offense; or

11 (B) a person other than:

12 (i) the defendant;

13 (ii) the defendant's attorney; or

14 (iii) a person specified in an order of a  
15 court.

16 (c) It is an affirmative defense to prosecution under  
17 Subsection (b) that the actor is:

18 (1) the victim; or

19 (2) the victim's parent, conservator, or guardian,  
20 unless the actor is a defendant in the case.

21 (d) It is an exception to the application of this article  
22 that:

23 (1) the person who discloses the name, address, or  
24 telephone number of a victim is the inspector general of the Texas  
25 Department of Criminal Justice;

26 (2) the victim is an inmate or state jail defendant  
27 confined in a facility operated by or under contract with the  
28 department; and

29 (3) the person to whom the disclosure is made is an  
30 employee of the department or the department's ombudsperson.

31 (e) An offense under this article is a Class C misdemeanor.  
32 (Code Crim. Proc., Art. 57.03.)

33 Source Law

34 Art. 57.03. OFFENSE. (a) A public servant with

1 access to the name, address, or telephone number of a  
2 victim 17 years of age or older who has chosen a  
3 pseudonym under this chapter commits an offense if the  
4 public servant knowingly discloses the name, address,  
5 or telephone number of the victim to any person who is  
6 not assisting in the investigation or prosecution of  
7 the offense or to any person other than the defendant,  
8 the defendant's attorney, or the person specified in  
9 the order of a court of competent jurisdiction.

10 (b) Unless the disclosure is required or  
11 permitted by other law, a public servant or other  
12 person commits an offense if the person:

13 (1) has access to or obtains the name,  
14 address, or telephone number of a victim younger than  
15 17 years of age; and

16 (2) knowingly discloses the name, address,  
17 or telephone number of the victim to any person who is  
18 not assisting in the investigation or prosecution of  
19 the offense or to any person other than the defendant,  
20 the defendant's attorney, or a person specified in an  
21 order of a court of competent jurisdiction.

22 (c) It is an affirmative defense to prosecution  
23 under Subsection (b) that the actor is:

24 (1) the victim; or

25 (2) the victim's parent, conservator, or  
26 guardian, unless the actor is a defendant in the case.

27 (c-1) [as added Acts 2007, 80th Leg., R.S., Ch.  
28 619] It is an exception to the application of this  
29 article that:

30 (1) the person who discloses the name,  
31 address, or telephone number of a victim is the  
32 inspector general of the Texas Department of Criminal  
33 Justice;

34 (2) the victim is an inmate or state jail  
35 defendant confined in a facility operated by or under  
36 contract with the Texas Department of Criminal  
37 Justice; and

38 (3) the person to whom the disclosure is  
39 made is an employee of the department.

40 (c-1) [as added Acts 2007, 80th Leg., R.S., Ch.  
41 1217] It is an exception to the application of this  
42 article that:

43 (1) the person who discloses the name,  
44 address, or telephone number of a victim is the  
45 inspector general of the Texas Department of Criminal  
46 Justice;

47 (2) the victim is an inmate or state jail  
48 defendant confined in a facility operated by or under  
49 contract with the department; and

50 (3) the person to whom the disclosure is  
51 made is the department's ombudsperson.

52 (d) An offense under this article is a Class C  
53 misdemeanor.

54 SUBCHAPTER D. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF

55 VICTIMS OF STALKING

56 Revised Law

57 Art. 58.151. DEFINITION. In this subchapter, "victim"  
58 means a person who is the subject of:

59 (1) an offense that allegedly constitutes stalking  
60 under Section 42.072, Penal Code; or

1 (2) an offense that is part of the same criminal  
2 episode, as defined by Section 3.01, Penal Code, as an offense under  
3 Section 42.072, Penal Code. (Code Crim. Proc., Art. 57A.01(4).)

4 Source Law

5 (4) "Victim" means a person who is the  
6 subject of:

7 (A) an offense that allegedly  
8 constitutes stalking under Section 42.072, Penal Code;  
9 or

10 (B) an offense that is part of the  
11 same criminal episode, as defined by Section 3.01,  
12 Penal Code, as an offense under Section 42.072, Penal  
13 Code.

14 Revised Law

15 Art. 58.152. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a)  
16 A victim may choose a pseudonym to be used instead of the victim's  
17 name to designate the victim in all public files and records  
18 concerning the offense, including police summary reports, press  
19 releases, and records of judicial proceedings. A victim who elects  
20 to use a pseudonym as provided by this subchapter must complete a  
21 pseudonym form developed under Subsection (b) and return the form  
22 to the law enforcement agency investigating the offense.

23 (b) The office of the attorney general shall develop and  
24 distribute to all law enforcement agencies of the state a pseudonym  
25 form to record the name, address, telephone number, and pseudonym  
26 of a victim. (Code Crim. Proc., Arts. 57A.02(a), (b).)

27 Source Law

28 Art. 57A.02. CONFIDENTIALITY OF FILES AND  
29 RECORDS. (a) The office of the attorney general shall  
30 develop and distribute to all law enforcement agencies  
31 of the state a pseudonym form to record the name,  
32 address, telephone number, and pseudonym of a victim.

33 (b) A victim may choose a pseudonym to be used  
34 instead of the victim's name to designate the victim in  
35 all public files and records concerning the offense,  
36 including police summary reports, press releases, and  
37 records of judicial proceedings. A victim who elects  
38 to use a pseudonym as provided by this article must  
39 complete a pseudonym form developed under this article  
40 and return the form to the law enforcement agency  
41 investigating the offense.

42 Revisor's Note

43 (1) Article 57A.02(b), Code of Criminal  
44 Procedure, refers to a victim who elects to use a

1 pseudonym as provided by "this article," meaning  
2 Article 57A.02, Code of Criminal Procedure. The  
3 provisions of Article 57A.02 relating to a victim who  
4 elects to use a pseudonym are revised in this  
5 subchapter, and the revised law is drafted  
6 accordingly.

7 (2) Article 57A.02(b), Code of Criminal  
8 Procedure, refers to a pseudonym form developed under  
9 "this article," meaning Article 57A.02, Code of  
10 Criminal Procedure. The provision of Article 57A.02  
11 relating to the development of a pseudonym form is  
12 Article 57A.02(a), revised in this chapter as Article  
13 58.152(b), and the revised law is drafted accordingly.

14 Revised Law

15 Art. 58.153. VICTIM INFORMATION CONFIDENTIAL. (a) A  
16 victim who completes a pseudonym form and returns the form to the  
17 law enforcement agency investigating the offense may not be  
18 required to disclose the victim's name, address, and telephone  
19 number in connection with the investigation or prosecution of the  
20 offense.

21 (b) A completed and returned pseudonym form is confidential  
22 and may not be disclosed to any person other than the victim  
23 identified by the pseudonym form, a defendant in the case, or the  
24 defendant's attorney, except on an order of a court. The court  
25 finding required by Article 58.154 is not required to disclose the  
26 confidential pseudonym form to the victim identified by the  
27 pseudonym form, the defendant in the case, or the defendant's  
28 attorney.

29 (c) If a victim completes a pseudonym form and returns the  
30 form to a law enforcement agency under Article 58.152(a), the law  
31 enforcement agency receiving the form shall:

32 (1) remove the victim's name and substitute the  
33 pseudonym for the name on all reports, files, and records in the  
34 agency's possession;



1 Revisor's Note

2 Article 57A.02(e), Code of Criminal Procedure,  
3 refers to a victim who completes and returns a  
4 pseudonym form to a law enforcement agency under "this  
5 article," meaning Article 57A.02, Code of Criminal  
6 Procedure. The provision of Article 57A.02 relating  
7 to a victim who completes and returns a pseudonym form  
8 to a law enforcement agency is Article 57A.02(b),  
9 revised in this chapter as Article 58.152(a), and the  
10 revised law is drafted accordingly.

11 Revised Law

12 Art. 58.154. COURT-ORDERED DISCLOSURE OF VICTIM  
13 INFORMATION. A court may order the disclosure of a victim's name,  
14 address, and telephone number only if the court finds that:

15 (1) the information is essential in the trial of the  
16 defendant for the offense;

17 (2) the identity of the victim is in issue; or

18 (3) the disclosure is in the best interest of the  
19 victim. (Code Crim. Proc., Art. 57A.02(g).)

20 Source Law

21 (g) A court of competent jurisdiction may order  
22 the disclosure of a victim's name, address, and  
23 telephone number only if the court finds that:

24 (1) the information is essential in the  
25 trial of the defendant for the offense;

26 (2) the identity of the victim is in issue;  
27 or

28 (3) the disclosure is in the best interest  
29 of the victim.

30 Revised Law

31 Art. 58.155. DISCLOSURE OF CERTAIN CHILD VICTIM INFORMATION  
32 PROHIBITED. Except as required or permitted by other law or by  
33 court order, a public servant or other person who has access to or  
34 obtains the name, address, telephone number, or other identifying  
35 information of a victim younger than 17 years of age may not release  
36 or disclose the identifying information to any person who is not  
37 assisting in the investigation, prosecution, or defense of the  
38 case. This article does not apply to the release or disclosure of a

1 victim's identifying information by:

2 (1) the victim; or

3 (2) the victim's parent, conservator, or guardian,  
4 unless the victim's parent, conservator, or guardian allegedly  
5 committed the offense described by Article 58.151. (Code Crim.  
6 Proc., Art. 57A.02(h).)

7 Source Law

8 (h) Except as required or permitted by other law  
9 or by court order, a public servant or other person who  
10 has access to or obtains the name, address, telephone  
11 number, or other identifying information of a victim  
12 younger than 17 years of age may not release or  
13 disclose the identifying information to any person who  
14 is not assisting in the investigation, prosecution, or  
15 defense of the case. This subsection does not apply to  
16 the release or disclosure of a victim's identifying  
17 information by:

18 (1) the victim; or

19 (2) the victim's parent, conservator, or  
20 guardian, unless the victim's parent, conservator, or  
21 guardian allegedly committed the offense described by  
22 Article 57A.01(4).

23 Revised Law

24 Art. 58.156. OFFENSE. (a) A public servant commits an  
25 offense if the public servant:

26 (1) has access to the name, address, or telephone  
27 number of a victim 17 years of age or older who has chosen a  
28 pseudonym under this subchapter; and

29 (2) knowingly discloses the name, address, or  
30 telephone number of the victim to:

31 (A) a person who is not assisting in the  
32 investigation or prosecution of the offense; or

33 (B) a person other than:

34 (i) the defendant;

35 (ii) the defendant's attorney; or

36 (iii) the person specified in the order of a  
37 court.

38 (b) Unless the disclosure is required or permitted by other  
39 law, a public servant or other person commits an offense if the  
40 person:

41 (1) has access to or obtains the name, address, or

1 telephone number of a victim younger than 17 years of age; and  
2 (2) knowingly discloses the name, address, or  
3 telephone number of the victim to:

4 (A) a person who is not assisting in the  
5 investigation or prosecution of the offense; or

6 (B) a person other than:  
7 (i) the defendant;  
8 (ii) the defendant's attorney; or  
9 (iii) a person specified in an order of a  
10 court.

11 (c) It is an affirmative defense to prosecution under  
12 Subsection (b) that the actor is:

13 (1) the victim; or  
14 (2) the victim's parent, conservator, or guardian,  
15 unless the victim's parent, conservator, or guardian allegedly  
16 committed the offense described by Article 58.151.

17 (d) An offense under this article is a Class C misdemeanor.  
18 (Code Crim. Proc., Art. 57A.03.)

19 Source Law

20 Art. 57A.03. OFFENSE. (a) A public servant  
21 with access to the name, address, or telephone number  
22 of a victim 17 years of age or older who has chosen a  
23 pseudonym under this chapter commits an offense if the  
24 public servant knowingly discloses the name, address,  
25 or telephone number of the victim to any person who is  
26 not assisting in the investigation or prosecution of  
27 the offense or to any person other than the defendant,  
28 the defendant's attorney, or the person specified in  
29 the order of a court of competent jurisdiction.

30 (b) Unless the disclosure is required or  
31 permitted by other law, a public servant or other  
32 person commits an offense if the person:

33 (1) has access to or obtains the name,  
34 address, or telephone number of a victim younger than  
35 17 years of age; and

36 (2) knowingly discloses the name, address,  
37 or telephone number of the victim to any person who is  
38 not assisting in the investigation or prosecution of  
39 the offense or to any person other than the defendant,  
40 the defendant's attorney, or a person specified in an  
41 order of a court of competent jurisdiction.

42 (c) It is an affirmative defense to prosecution  
43 under Subsection (b) that the actor is:

44 (1) the victim; or  
45 (2) the victim's parent, conservator, or  
46 guardian, unless the victim's parent, conservator, or  
47 guardian allegedly committed the offense described by  
48 Article 57A.01(4).



1 (d) An offense under this article is a Class C  
2 misdemeanor.

3 Revised Law

4 Art. 58.157. EFFECT ON OTHER LAW. This subchapter does not  
5 affect:

6 (1) a victim's responsibility to provide documentation  
7 of stalking under Section 92.0161, Property Code; or

8 (2) a person's power or duty to disclose the documented  
9 information as provided by Subsection (j) of that section. (Code  
10 Crim. Proc., Art. 57A.04.)

11 Source Law

12 Art. 57A.04. EFFECT ON OTHER LAW. This chapter  
13 does not affect:

14 (1) a victim's responsibility to provide  
15 documentation of stalking under Section 92.0161,  
16 Property Code; or

17 (2) a person's power or duty to disclose  
18 the documented information as provided by Subsection  
19 (j) of that section.

20 SUBCHAPTER E. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF  
21 VICTIMS OF FAMILY VIOLENCE

22 Revised Law

23 Art. 58.201. DEFINITION. In this subchapter, "victim"  
24 means a person who is the subject of:

25 (1) an offense that allegedly constitutes family  
26 violence, as defined by Section 71.004, Family Code; or

27 (2) an offense that is part of the same criminal  
28 episode, as defined by Section 3.01, Penal Code, as an offense  
29 described by Subdivision (1). (Code Crim. Proc., Art. 57B.01(4).)

30 Source Law

31 (4) "Victim" means a person who is the  
32 subject of:

33 (A) an offense that allegedly  
34 constitutes family violence, as defined by Section  
35 71.004, Family Code; or

36 (B) an offense that is part of the  
37 same criminal episode, as defined by Section 3.01,  
38 Penal Code, as an offense described by Paragraph (A).

39 Revised Law

40 Art. 58.202. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a)  
41 A victim may choose a pseudonym to be used instead of the victim's  
42 name to designate the victim in all public files and records

1 concerning the offense, including police summary reports, press  
2 releases, and records of judicial proceedings. A victim who elects  
3 to use a pseudonym as provided by this subchapter must complete a  
4 pseudonym form developed under Subsection (b) and return the form  
5 to the law enforcement agency investigating the offense.

6 (b) The office of the attorney general shall develop and  
7 distribute to all law enforcement agencies of the state a pseudonym  
8 form to record the name, address, telephone number, and pseudonym  
9 of a victim. (Code Crim. Proc., Arts. 57B.02(a), (b).)

10 Source Law

11 Art. 57B.02. CONFIDENTIALITY OF FILES AND  
12 RECORDS. (a) The office of the attorney general shall  
13 develop and distribute to all law enforcement agencies  
14 of the state a pseudonym form to record the name,  
15 address, telephone number, and pseudonym of a victim.

16 (b) A victim may choose a pseudonym to be used  
17 instead of the victim's name to designate the victim in  
18 all public files and records concerning the offense,  
19 including police summary reports, press releases, and  
20 records of judicial proceedings. A victim who elects  
21 to use a pseudonym as provided by this article must  
22 complete a pseudonym form developed under this article  
23 and return the form to the law enforcement agency  
24 investigating the offense.

25 Revisor's Note

26 (1) Article 57B.02(b), Code of Criminal  
27 Procedure, refers to a victim who elects to use a  
28 pseudonym as provided by "this article," meaning  
29 Article 57B.02, Code of Criminal Procedure. The  
30 provisions of Article 57B.02 relating to a victim who  
31 elects to use a pseudonym are revised in this  
32 subchapter, and the revised law is drafted  
33 accordingly.

34 (2) Article 57B.02(b), Code of Criminal  
35 Procedure, refers to a pseudonym form developed under  
36 "this article," meaning Article 57B.02, Code of  
37 Criminal Procedure. The provision of Article 57B.02  
38 relating to the development of a pseudonym form is  
39 Article 57B.02(a), revised in this chapter as Article  
40 58.202(b), and the revised law is drafted accordingly.

1 Revised Law

2 Art. 58.203. VICTIM INFORMATION CONFIDENTIAL. (a) A  
3 victim who completes a pseudonym form and returns the form to the  
4 law enforcement agency investigating the offense may not be  
5 required to disclose the victim's name, address, and telephone  
6 number in connection with the investigation or prosecution of the  
7 offense.

8 (b) A completed and returned pseudonym form is confidential  
9 and may not be disclosed to any person other than a defendant in the  
10 case or the defendant's attorney, except on an order of a court.  
11 The court finding required by Article 58.204 is not required to  
12 disclose the confidential pseudonym form to the defendant in the  
13 case or to the defendant's attorney.

14 (c) If a victim completes a pseudonym form and returns the  
15 form to a law enforcement agency under Article 58.202(a), the law  
16 enforcement agency receiving the form shall:

17 (1) remove the victim's name and substitute the  
18 pseudonym for the name on all reports, files, and records in the  
19 agency's possession;

20 (2) notify the attorney representing the state of the  
21 pseudonym and that the victim has elected to be designated by the  
22 pseudonym; and

23 (3) maintain the form in a manner that protects the  
24 confidentiality of the information contained on the form.

25 (d) An attorney representing the state who receives notice  
26 that a victim has elected to be designated by a pseudonym shall  
27 ensure that the victim is designated by the pseudonym in all legal  
28 proceedings concerning the offense. (Code Crim. Proc.,  
29 Arts. 57B.02(c), (d), (e), (f).)

30 Source Law

31 (c) A victim who completes and returns a  
32 pseudonym form to the law enforcement agency  
33 investigating the offense may not be required to  
34 disclose the victim's name, address, and telephone  
35 number in connection with the investigation or  
36 prosecution of the offense.

37 (d) A completed and returned pseudonym form is

1 confidential and may not be disclosed to any person  
2 other than a defendant in the case or the defendant's  
3 attorney, except on an order of a court of competent  
4 jurisdiction. The court finding required by  
5 Subsection (g) is not required to disclose the  
6 confidential pseudonym form to the defendant in the  
7 case or to the defendant's attorney.

8 (e) If a victim completes and returns a  
9 pseudonym form to a law enforcement agency under this  
10 article, the law enforcement agency receiving the form  
11 shall:

12 (1) remove the victim's name and  
13 substitute the pseudonym for the name on all reports,  
14 files, and records in the agency's possession;

15 (2) notify the attorney for the state of  
16 the pseudonym and that the victim has elected to be  
17 designated by the pseudonym; and

18 (3) maintain the form in a manner that  
19 protects the confidentiality of the information  
20 contained on the form.

21 (f) An attorney for the state who receives  
22 notice that a victim has elected to be designated by a  
23 pseudonym shall ensure that the victim is designated  
24 by the pseudonym in all legal proceedings concerning  
25 the offense.

#### 26 Revisor's Note

27 Article 57B.02(e), Code of Criminal Procedure,  
28 refers to a victim who completes and returns a  
29 pseudonym form to a law enforcement agency under "this  
30 article," meaning Article 57B.02, Code of Criminal  
31 Procedure. The provision of Article 57B.02 relating  
32 to a victim who completes and returns a pseudonym form  
33 to a law enforcement agency is Article 57B.02(b),  
34 revised in this chapter as Article 58.202(a), and the  
35 revised law is drafted accordingly.

#### 36 Revised Law

37 Art. 58.204. COURT-ORDERED DISCLOSURE OF VICTIM  
38 INFORMATION. A court may order the disclosure of a victim's name,  
39 address, and telephone number only if the court finds that the  
40 information is essential in the trial of the defendant for the  
41 offense or the identity of the victim is in issue. (Code Crim.  
42 Proc., Art. 57B.02(g).)

#### 43 Source Law

44 (g) A court of competent jurisdiction may order  
45 the disclosure of a victim's name, address, and  
46 telephone number only if the court finds that the  
47 information is essential in the trial of the defendant  
48 for the offense or the identity of the victim is in  
49 issue.

1 Revised Law

2 Art. 58.205. DISCLOSURE OF CERTAIN CHILD VICTIM INFORMATION  
3 PROHIBITED. Except as required or permitted by other law or by  
4 court order, a public servant or other person who has access to or  
5 obtains the name, address, telephone number, or other identifying  
6 information of a victim younger than 17 years of age may not release  
7 or disclose the identifying information to any person who is not  
8 assisting in the investigation, prosecution, or defense of the  
9 case. This article does not apply to the release or disclosure of a  
10 victim's identifying information by:

11 (1) the victim; or

12 (2) the victim's parent, conservator, or guardian,  
13 unless the victim's parent, conservator, or guardian allegedly  
14 committed the offense described by Article 58.201. (Code  
15 Crim. Proc., Art. 57B.02(h).)

16 Source Law

17 (h) Except as required or permitted by other law  
18 or by court order, a public servant or other person who  
19 has access to or obtains the name, address, telephone  
20 number, or other identifying information of a victim  
21 younger than 17 years of age may not release or  
22 disclose the identifying information to any person who  
23 is not assisting in the investigation, prosecution, or  
24 defense of the case. This subsection does not apply to  
25 the release or disclosure of a victim's identifying  
26 information by:

27 (1) the victim; or

28 (2) the victim's parent, conservator, or  
29 guardian, unless the victim's parent, conservator, or  
30 guardian allegedly committed the offense described by  
31 Article 57B.01(4).

32 Revised Law

33 Art. 58.206. OFFENSE. (a) A public servant commits an  
34 offense if the public servant:

35 (1) has access to the name, address, or telephone  
36 number of a victim 17 years of age or older who has chosen a  
37 pseudonym under this subchapter; and

38 (2) knowingly discloses the name, address, or  
39 telephone number of the victim to:

40 (A) a person who is not assisting in the  
41 investigation or prosecution of the offense; or

1 (B) a person other than:  
2 (i) the defendant;  
3 (ii) the defendant's attorney; or  
4 (iii) the person specified in the order of a  
5 court.

6 (b) Unless the disclosure is required or permitted by other  
7 law, a public servant or other person commits an offense if the  
8 person:

9 (1) has access to or obtains the name, address, or  
10 telephone number of a victim younger than 17 years of age; and

11 (2) knowingly discloses the name, address, or  
12 telephone number of the victim to:

13 (A) a person who is not assisting in the  
14 investigation or prosecution of the offense; or

15 (B) a person other than:  
16 (i) the defendant;  
17 (ii) the defendant's attorney; or  
18 (iii) a person specified in an order of a  
19 court.

20 (c) It is an affirmative defense to prosecution under  
21 Subsection (b) that the actor is:

22 (1) the victim; or  
23 (2) the victim's parent, conservator, or guardian,  
24 unless the victim's parent, conservator, or guardian allegedly  
25 committed the offense described by Article 58.201.

26 (d) An offense under this article is a Class C misdemeanor.  
27 (Code Crim. Proc., Art. 57B.03.)

28 Source Law

29 Art. 57B.03. OFFENSE. (a) A public servant  
30 with access to the name, address, or telephone number  
31 of a victim 17 years of age or older who has chosen a  
32 pseudonym under this chapter commits an offense if the  
33 public servant knowingly discloses the name, address,  
34 or telephone number of the victim to any person who is  
35 not assisting in the investigation or prosecution of  
36 the offense or to any person other than the defendant,  
37 the defendant's attorney, or the person specified in  
38 the order of a court of competent jurisdiction.

39 (b) Unless the disclosure is required or

1 permitted by other law, a public servant or other  
2 person commits an offense if the person:

3 (1) has access to or obtains the name,  
4 address, or telephone number of a victim younger than  
5 17 years of age; and

6 (2) knowingly discloses the name, address,  
7 or telephone number of the victim to any person who is  
8 not assisting in the investigation or prosecution of  
9 the offense or to any person other than the defendant,  
10 the defendant's attorney, or a person specified in an  
11 order of a court of competent jurisdiction.

12 (c) It is an affirmative defense to prosecution  
13 under Subsection (b) that the actor is:

14 (1) the victim; or

15 (2) the victim's parent, conservator, or  
16 guardian, unless the victim's parent, conservator, or  
17 guardian allegedly committed the offense described by  
18 Article 57B.01(4).

19 (d) An offense under this article is a Class C  
20 misdemeanor.

### 21 Revised Law

22 Art. 58.207. APPLICABILITY OF SUBCHAPTER TO DEPARTMENT OF  
23 FAMILY AND PROTECTIVE SERVICES. (a) This subchapter does not  
24 require the Department of Family and Protective Services to use a  
25 pseudonym in a department report, file, or record relating to the  
26 abuse, neglect, or exploitation of a child or adult who may also be  
27 the subject of an offense described by Article 58.201.

28 (b) To the extent permitted by law, the Department of Family  
29 and Protective Services and a department employee, as necessary in  
30 performing department duties, may disclose the name of a victim who  
31 elects to use a pseudonym under this subchapter. (Code  
32 Crim. Proc., Art. 57B.04.)

### 33 Source Law

34 Art. 57B.04. APPLICABILITY OF CHAPTER TO  
35 DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. Nothing  
36 in this chapter requires the Department of Family and  
37 Protective Services to use a pseudonym in a department  
38 report, file, or record relating to the abuse,  
39 neglect, or exploitation of a child or adult who may  
40 also be the subject of an offense described by Article  
41 57B.01(4). To the extent permitted by law, the  
42 Department of Family and Protective Services and a  
43 department employee, as necessary in performing  
44 department duties, may disclose the name of a victim  
45 who elects to use a pseudonym under this chapter.

### 46 Revised Law

47 Art. 58.208. APPLICABILITY OF SUBCHAPTER TO POLITICAL  
48 SUBDIVISIONS. This subchapter does not require a political  
49 subdivision to use a pseudonym in a report, file, or record that:

1 (1) is not intended for distribution to the public; or  
2 (2) is not the subject of an open records request under  
3 Chapter 552, Government Code. (Code Crim. Proc., Art. 57B.05.)

4 Source Law

5 Art. 57B.05. APPLICABILITY OF CHAPTER TO  
6 POLITICAL SUBDIVISIONS. Nothing in this chapter  
7 requires a political subdivision to use a pseudonym in  
8 a report, file, or record that is not:

9 (1) intended for distribution to the  
10 public; or  
11 (2) the subject of an open records request  
12 under Chapter 552, Government Code.

13 SUBCHAPTER F. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF  
14 VICTIMS OF TRAFFICKING OF PERSONS

15 Revised Law

16 Art. 58.251. DEFINITION. In this subchapter, "victim"  
17 means a person who is the subject of:

18 (1) an offense under Section 20A.02, Penal Code; or  
19 (2) an offense that is part of the same criminal  
20 episode, as defined by Section 3.01, Penal Code, as an offense under  
21 Section 20A.02, Penal Code. (Code Crim. Proc., Art. 57D.01(4).)

22 Source Law

23 (4) "Victim" means a person who is the  
24 subject of:

25 (A) an offense under Section 20A.02,  
26 Penal Code; or  
27 (B) an offense that is part of the  
28 same criminal episode, as defined by Section 3.01,  
29 Penal Code, as an offense under Section 20A.02, Penal  
30 Code.

31 Revised Law

32 Art. 58.252. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a)  
33 A victim may choose a pseudonym to be used instead of the victim's  
34 name to designate the victim in all public files and records  
35 concerning the offense, including police summary reports, press  
36 releases, and records of judicial proceedings. A victim who elects  
37 to use a pseudonym as provided by this subchapter must complete a  
38 pseudonym form developed under Subsection (b) and return the form  
39 to the law enforcement agency investigating the offense.

40 (b) The office of the attorney general shall develop and  
41 distribute to all law enforcement agencies of the state a pseudonym



1 form to record the name, address, telephone number, and pseudonym  
2 of a victim. (Code Crim. Proc., Arts. 57D.02(a), (b).)

3 Source Law

4 Art. 57D.02. CONFIDENTIALITY OF FILES AND  
5 RECORDS. (a) The office of the attorney general shall  
6 develop and distribute to all law enforcement agencies  
7 of the state a pseudonym form to record the name,  
8 address, telephone number, and pseudonym of a victim.

9 (b) A victim may choose a pseudonym to be used  
10 instead of the victim's name to designate the victim in  
11 all public files and records concerning the offense,  
12 including police summary reports, press releases, and  
13 records of judicial proceedings. A victim who elects  
14 to use a pseudonym as provided by this article must  
15 complete a pseudonym form developed under this article  
16 and return the form to the law enforcement agency  
17 investigating the offense.

18 Revisor's Note

19 (1) Article 57D.02(b), Code of Criminal  
20 Procedure, refers to a victim who elects to use a  
21 pseudonym as provided by "this article," meaning  
22 Article 57D.02, Code of Criminal Procedure. The  
23 provisions of Article 57D.02 relating to a victim who  
24 elects to use a pseudonym are revised in this  
25 subchapter, and the revised law is drafted  
26 accordingly.

27 (2) Article 57D.02(b), Code of Criminal  
28 Procedure, refers to a pseudonym form developed under  
29 "this article," meaning Article 57D.02, Code of  
30 Criminal Procedure. The provision of Article 57D.02  
31 relating to the development of a pseudonym form is  
32 Article 57D.02(a), revised in this chapter as Article  
33 58.252(b), and the revised law is drafted accordingly.

34 Revised Law

35 Art. 58.253. VICTIM INFORMATION CONFIDENTIAL. (a) A  
36 victim who completes a pseudonym form and returns the form to the  
37 law enforcement agency investigating the offense may not be  
38 required to disclose the victim's name, address, and telephone  
39 number in connection with the investigation or prosecution of the  
40 offense.

1 (b) A completed and returned pseudonym form is confidential  
2 and may not be disclosed to any person other than a defendant in the  
3 case or the defendant's attorney, except on an order of a court.  
4 The court finding required by Article 58.254 is not required to  
5 disclose the confidential pseudonym form to the defendant in the  
6 case or to the defendant's attorney.

7 (c) If a victim completes a pseudonym form and returns the  
8 form to a law enforcement agency under Article 58.252(a), the law  
9 enforcement agency receiving the form shall:

10 (1) remove the victim's name and substitute the  
11 pseudonym for the name on all reports, files, and records in the  
12 agency's possession;

13 (2) notify the attorney representing the state of the  
14 pseudonym and that the victim has elected to be designated by the  
15 pseudonym; and

16 (3) maintain the form in a manner that protects the  
17 confidentiality of the information contained on the form.

18 (d) An attorney representing the state who receives notice  
19 that a victim has elected to be designated by a pseudonym shall  
20 ensure that the victim is designated by the pseudonym in all legal  
21 proceedings concerning the offense. (Code Crim. Proc.,  
22 Arts. 57D.02(c), (d), (e), (f).)

23 Source Law

24 (c) A victim who completes and returns a  
25 pseudonym form to the law enforcement agency  
26 investigating the offense may not be required to  
27 disclose the victim's name, address, and telephone  
28 number in connection with the investigation or  
29 prosecution of the offense.

30 (d) A completed and returned pseudonym form is  
31 confidential and may not be disclosed to any person  
32 other than a defendant in the case or the defendant's  
33 attorney, except on an order of a court of competent  
34 jurisdiction. The court finding required by  
35 Subsection (g) is not required to disclose the  
36 confidential pseudonym form to the defendant in the  
37 case or to the defendant's attorney.

38 (e) If a victim completes and returns a  
39 pseudonym form to a law enforcement agency under this  
40 article, the law enforcement agency receiving the form  
41 shall:

42 (1) remove the victim's name and  
43 substitute the pseudonym for the name on all reports,  
44 files, and records in the agency's possession;

1 (2) notify the attorney for the state of  
2 the pseudonym and that the victim has elected to be  
3 designated by the pseudonym; and

4 (3) maintain the form in a manner that  
5 protects the confidentiality of the information  
6 contained on the form.

7 (f) An attorney for the state who receives  
8 notice that a victim has elected to be designated by a  
9 pseudonym shall ensure that the victim is designated  
10 by the pseudonym in all legal proceedings concerning  
11 the offense.

12 Revisor's Note

13 Article 57D.02(e), Code of Criminal Procedure,  
14 refers to a victim who completes and returns a  
15 pseudonym form to a law enforcement agency under "this  
16 article," meaning Article 57D.02, Code of Criminal  
17 Procedure. The provision of Article 57D.02 relating  
18 to a victim who completes and returns a pseudonym form  
19 to a law enforcement agency is Article 57D.02(b),  
20 revised in this chapter as Article 58.252(a), and the  
21 revised law is drafted accordingly.

22 Revised Law

23 Art. 58.254. COURT-ORDERED DISCLOSURE OF VICTIM  
24 INFORMATION. A court may order the disclosure of a victim's name,  
25 address, and telephone number only if the court finds that the  
26 information is essential in the trial of the defendant for the  
27 offense or the identity of the victim is in issue. (Code Crim.  
28 Proc., Art. 57D.02(g).)

29 Source Law

30 (g) A court of competent jurisdiction may order  
31 the disclosure of a victim's name, address, and  
32 telephone number only if the court finds that the  
33 information is essential in the trial of the defendant  
34 for the offense or the identity of the victim is in  
35 issue.

36 Revised Law

37 Art. 58.255. DISCLOSURE OF CHILD VICTIM INFORMATION  
38 PROHIBITED. Except as required or permitted by other law or by  
39 court order, a public servant or other person who has access to or  
40 obtains the name, address, telephone number, or other identifying  
41 information of a victim younger than 18 years of age may not release  
42 or disclose the identifying information to any person who is not

1 assisting in the investigation, prosecution, or defense of the  
2 case. This article does not apply to the release or disclosure of a  
3 victim's identifying information by:

- 4 (1) the victim; or
- 5 (2) the victim's parent, conservator, or guardian,  
6 unless the victim's parent, conservator, or guardian allegedly  
7 committed the offense described by Article 58.251. (Code Crim.  
8 Proc., Art. 57D.02(h).)

9 Source Law

10 (h) Except as required or permitted by other law  
11 or by court order, a public servant or other person who  
12 has access to or obtains the name, address, telephone  
13 number, or other identifying information of a victim  
14 younger than 18 years of age may not release or  
15 disclose the identifying information to any person who  
16 is not assisting in the investigation, prosecution, or  
17 defense of the case. This subsection does not apply to  
18 the release or disclosure of a victim's identifying  
19 information by:

- 20 (1) the victim; or
- 21 (2) the victim's parent, conservator, or  
22 guardian, unless the victim's parent, conservator, or  
23 guardian allegedly committed the offense described by  
24 Article 57D.01(4).

25 Revised Law

26 Art. 58.256. OFFENSE. (a) A public servant commits an  
27 offense if the public servant:

28 (1) has access to the name, address, or telephone  
29 number of a victim 18 years of age or older who has chosen a  
30 pseudonym under this subchapter; and

31 (2) knowingly discloses the name, address, or  
32 telephone number of the victim to:

33 (A) a person who is not assisting in the  
34 investigation or prosecution of the offense; or

35 (B) a person other than:

36 (i) the defendant;

37 (ii) the defendant's attorney; or

38 (iii) the person specified in the order of a  
39 court.

40 (b) Unless the disclosure is required or permitted by other  
41 law, a public servant or other person commits an offense if the

1 person:

2 (1) has access to or obtains the name, address, or  
3 telephone number of a victim younger than 18 years of age; and

4 (2) knowingly discloses the name, address, or  
5 telephone number of the victim to:

6 (A) a person who is not assisting in the  
7 investigation or prosecution of the offense; or

8 (B) a person other than:

9 (i) the defendant;

10 (ii) the defendant's attorney; or

11 (iii) a person specified in an order of a  
12 court.

13 (c) It is an affirmative defense to prosecution under  
14 Subsection (b) that the actor is:

15 (1) the victim; or

16 (2) the victim's parent, conservator, or guardian,  
17 unless the victim's parent, conservator, or guardian allegedly  
18 committed the offense described by Article 58.251.

19 (d) An offense under this article is a Class C misdemeanor.

20 (Code Crim. Proc., Art. 57D.03.)

21 Source Law

22 Art. 57D.03. OFFENSE. (a) A public servant  
23 with access to the name, address, or telephone number  
24 of a victim 18 years of age or older who has chosen a  
25 pseudonym under this chapter commits an offense if the  
26 public servant knowingly discloses the name, address,  
27 or telephone number of the victim to any person who is  
28 not assisting in the investigation or prosecution of  
29 the offense or to any person other than the defendant,  
30 the defendant's attorney, or the person specified in  
31 the order of a court of competent jurisdiction.

32 (b) Unless the disclosure is required or  
33 permitted by other law, a public servant or other  
34 person commits an offense if the person:

35 (1) has access to or obtains the name,  
36 address, or telephone number of a victim younger than  
37 18 years of age; and

38 (2) knowingly discloses the name, address,  
39 or telephone number of the victim to any person who is  
40 not assisting in the investigation or prosecution of  
41 the offense or to any person other than the defendant,  
42 the defendant's attorney, or a person specified in an  
43 order of a court of competent jurisdiction.

44 (c) It is an affirmative defense to prosecution  
45 under Subsection (b) that the actor is:

46 (1) the victim; or

1 (2) the victim's parent, conservator, or  
2 guardian, unless the victim's parent, conservator, or  
3 guardian allegedly committed the offense described by  
4 Article 57D.01(4).

5 (d) An offense under this article is a Class C  
6 misdemeanor.

7 SUBCHAPTER G. SEALING OF MEDICAL RECORDS OF CERTAIN CHILD VICTIMS

8 Revised Law

9 Art. 58.301. DEFINITIONS. In this subchapter:

10 (1) "Child" means a person who is younger than 18 years  
11 of age.

12 (2) "Medical records" means any information used or  
13 generated by health care providers, including records relating to  
14 emergency room treatment, rehabilitation therapy, or counseling.

15 (Code Crim. Proc., Art. 57C.01.)

16 Source Law

17 Art. 57C.01. DEFINITIONS. In this chapter:

18 (1) "Child" means a person who is younger  
19 than 18 years of age.

20 (2) "Medical records" means any  
21 information used or generated by health care  
22 providers, including records relating to emergency  
23 room treatment, rehabilitation therapy, or  
24 counseling.

25 Revised Law

26 Art. 58.302. SEALING OF MEDICAL RECORDS. (a) Except as  
27 provided by Subsection (c), on a motion filed by a person described  
28 by Subsection (b), the court shall seal the medical records of a  
29 child who is a victim of an offense described by Section 1, Article  
30 38.071.

31 (b) A motion under this article may be filed on the court's  
32 own motion or by:

33 (1) the attorney representing the state;

34 (2) the defendant; or

35 (3) the parent or guardian of the victim or, if the  
36 victim is no longer a child, the victim.

37 (c) The court is not required to seal the records described  
38 by this article on a finding of good cause after a hearing held  
39 under Subsection (d).

40 (d) The court shall grant the motion without a hearing

1 unless the motion is contested not later than the seventh day after  
2 the date the motion is filed. (Code Crim. Proc., Arts. 57C.02(a),  
3 (b), (c), (d).)

4 Source Law

5 Art. 57C.02. SEALING OF RECORDS. (a) Except as  
6 provided by Subsection (c), on a motion filed by a  
7 person described by Subsection (b), the court shall  
8 seal the medical records of a child who is a victim of  
9 an offense described by Section 1, Article 38.071.

10 (b) A motion under this article may be filed on  
11 the court's own motion or by:

12 (1) the attorney representing the state;

13 (2) the defendant; or

14 (3) the parent or guardian of the victim  
15 or, if the victim is no longer a child, the victim.

16 (c) The court is not required to seal the  
17 records described by this article on a finding of good  
18 cause after a hearing held under Subsection (d).

19 (d) The court shall grant the motion without a  
20 hearing unless the motion is contested not later than  
21 the seventh day after the date the motion is filed.

22 Revisor's Note

23 (1) Article 57C.02(b), Code of Criminal  
24 Procedure, refers to the filing of a motion under "this  
25 article," meaning Article 57C.02, Code of Criminal  
26 Procedure. The provisions of Article 57C.02 relating  
27 to a motion filed under that article are revised in  
28 this chapter as Article 58.302, and the revised law is  
29 drafted accordingly.

30 (2) Article 57C.02(c), Code of Criminal  
31 Procedure, refers to records described by "this  
32 article," meaning Article 57C.02, Code of Criminal  
33 Procedure. The provisions of Article 57C.02  
34 describing records are revised in this chapter as  
35 Article 58.302, and the revised law is drafted  
36 accordingly.

37 Revised Law

38 Art. 58.303. ACCESS TO SEALED MEDICAL RECORDS. Medical  
39 records sealed under this subchapter are not open for inspection by  
40 any person except:

41 (1) on further order of the court after:

42 (A) notice to a parent or guardian of the victim

1 whose information is sealed or, if the victim is no longer a child,  
2 notice to the victim; and

3 (B) a finding of good cause;

4 (2) in connection with a criminal or civil proceeding  
5 as otherwise provided by law; or

6 (3) on request of a parent or legal guardian of the  
7 victim whose information is sealed or, if the victim is no longer a  
8 child, on request of the victim. (Code Crim. Proc., Art.  
9 57C.02(e).)

10 Source Law

11 (e) Medical records sealed under this chapter  
12 are not open for inspection by any person except:

13 (1) on further order of the court after:

14 (A) notice to a parent or guardian of  
15 the victim whose information is sealed or, if the  
16 victim is no longer a child, notice to the victim; and

17 (B) a finding of good cause;

18 (2) in connection with a criminal or civil  
19 proceeding as otherwise provided by law; or

20 (3) on request of a parent or legal  
21 guardian of the victim whose information is being  
22 sealed or, if the victim is no longer a child, on  
23 request of the victim.

24 Revised Law

25 Art. 58.304. LIABILITY. Except on a showing of bad faith, a  
26 clerk of the court is not liable for any failure to seal medical  
27 records after the court grants a motion under this subchapter.  
28 (Code Crim. Proc., Art. 57C.02(f).)

29 Source Law

30 (f) A clerk of court is not liable for any  
31 failure to seal medical records after a motion under  
32 this chapter is granted, except on a showing of bad  
33 faith.