

- SUBJECT:** Offense for revealing the identity of a juvenile sex offense victim
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 6 ayes — Hinojosa, Keel, Talton, Green, Kitchen, Martinez Fischer  
0 nays  
3 absent — Dunnam, Garcia, Shields
- SENATE VOTE:** On final passage, April 2 — voice vote
- WITNESSES:** For — *Registered but did not testify:* Susan Hopkins Craven, Texans Care for Children; Ellen Sanchez, SafePlace  
  
Against — Denise Oncken, Harris County District Attorney’s Office  
  
On — Alice Bybee, Office of the Attorney General, Sexual Assault and Crisis Prevention Services Division; Livia Liu
- BACKGROUND:** Chapter 57 of the Code of Criminal Procedure requires that the names of sex offense victims be kept confidential if they fill out a form requesting that a pseudonym be used instead of their real name. The pseudonym must be used on all public reports, files, and records, including police summary reports, press releases, and records of judicial proceedings. A court with jurisdiction can order the victim’s real name, address, and telephone number disclosed only if the court finds that the information is essential in the trial of the defendant or if the victim’s identity is an issue.  
  
A public servant who reveals the real name, address, or telephone number of a victim who has chosen to be designated by a pseudonym commits a class C misdemeanor offense (punishable by a maximum fine of \$500) if the public servant discloses the information to any person who is not assisting in the investigation or prosecution of the offense or to anyone other than the defendant, the defense attorney, or a person specified by court order as being allowed to know the information.

**DIGEST:** CSSB 814 would amend the Code of Criminal Procedure to create a class C misdemeanor offense for release of the name, address, or telephone number of a sex offense victim younger than 17 to anyone other than a person assisting in the investigation, prosecution, or defense of the case or a person identified in a court order as being allowed access to the information. It would be a defense to prosecution if the person releasing the information were the victim or the victim's parent, conservator, or guardian, unless the parent, conservator, or guardian were a defendant in the case.

The bill would take effect on September 1, 2001, and would apply only to an offense committed on or after that date.

**SUPPORTERS SAY:** CSSB 814 would provide automatic protection to children under age 17 who were sex offense victims. Children who have endured the horrors of a criminal act should not face the further trauma of having their identities revealed to neighbors and acquaintances through news accounts. This bill would ensure that those who released a victim's identifying information, other than the victim or victim's parent or guardian, would be subject to a penalty.

It is unfair that sex *offenders* under age 17 have their identities protected automatically (Family Code, sec. 58.106) but child victims do not share that right. This bill would extend protection to child victims, who ought to be the state's first concern.

**OPPONENTS SAY:** This bill is unnecessary. It still would require victims to fill out an application for a pseudonym to keep their identities out of records. A penalty already exists under current law for revealing the identities of sex offense victims protected by a pseudonym, and this bill would not change that penalty.

**NOTES:** The Senate engrossed version of SB 814 would have required the law enforcement agency investigating the offense to create a pseudonym for all sex offense victims under age 17 and to use the pseudonym in place of the real name in all reports, files, and records.