

1-1 By: Alvarado, et al. (Senate Sponsor - Huffman) H.B. No. 1293  
1-2 (In the Senate - Received from the House May 4, 2015;  
1-3 May 5, 2015, read first time and referred to Committee on Criminal  
1-4 Justice; May 13, 2015, reported favorably by the following vote:  
1-5 Yeas 7, Nays 0; May 13, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Whitmire</u>	X		
1-9	<u>Huffman</u>	X		
1-10	<u>Burton</u>	X		
1-11	<u>Creighton</u>	X		
1-12	<u>Hinojosa</u>	X		
1-13	<u>Menéndez</u>	X		
1-14	<u>Perry</u>	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the confidentiality of identifying information of  
1-18 victims of stalking; creating a criminal offense.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Title 1, Code of Criminal Procedure, is amended  
1-21 by adding Chapter 57A to read as follows:

1-22 CHAPTER 57A. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF  
1-23 VICTIMS OF STALKING

1-24 Art. 57A.01. DEFINITIONS. In this chapter:

1-25 (1) "Name" means the legal name of a person.

1-26 (2) "Pseudonym" means a set of initials or a  
1-27 fictitious name chosen by a victim to designate the victim in all  
1-28 public files and records concerning the offense, including police  
1-29 summary reports, press releases, and records of judicial  
1-30 proceedings.

1-31 (3) "Public servant" has the meaning assigned by  
1-32 Section 1.07(a), Penal Code.

1-33 (4) "Victim" means a person who is the subject of:

1-34 (A) an offense that allegedly constitutes  
1-35 stalking under Section 42.072, Penal Code; or

1-36 (B) an offense that is part of the same criminal  
1-37 episode, as defined by Section 3.01, Penal Code, as an offense under  
1-38 Section 42.072, Penal Code.

1-39 Art. 57A.02. CONFIDENTIALITY OF FILES AND RECORDS. (a) The  
1-40 office of the attorney general shall develop and distribute to all  
1-41 law enforcement agencies of the state a pseudonym form to record the  
1-42 name, address, telephone number, and pseudonym of a victim.

1-43 (b) A victim may choose a pseudonym to be used instead of the  
1-44 victim's name to designate the victim in all public files and  
1-45 records concerning the offense, including police summary reports,  
1-46 press releases, and records of judicial proceedings. A victim who  
1-47 elects to use a pseudonym as provided by this article must complete  
1-48 a pseudonym form developed under this article and return the form to  
1-49 the law enforcement agency investigating the offense.

1-50 (c) A victim who completes and returns a pseudonym form to  
1-51 the law enforcement agency investigating the offense may not be  
1-52 required to disclose the victim's name, address, and telephone  
1-53 number in connection with the investigation or prosecution of the  
1-54 offense.

1-55 (d) A completed and returned pseudonym form is confidential  
1-56 and may not be disclosed to any person other than the victim  
1-57 identified by the pseudonym form, a defendant in the case, or the  
1-58 defendant's attorney, except on an order of a court of competent  
1-59 jurisdiction. The court finding required by Subsection (g) is not  
1-60 required to disclose the confidential pseudonym form to the victim  
1-61 identified by the pseudonym form, the defendant in the case, or the

2-1 defendant's attorney.

2-2 (e) If a victim completes and returns a pseudonym form to a  
 2-3 law enforcement agency under this article, the law enforcement  
 2-4 agency receiving the form shall:

2-5 (1) remove the victim's name and substitute the  
 2-6 pseudonym for the name on all reports, files, and records in the  
 2-7 agency's possession;

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

2-10 (3) provide to the victim a copy of the completed  
 2-11 pseudonym form showing that the form was returned to the law  
 2-12 enforcement agency; and

2-13 (4) maintain the form in a manner that protects the  
 2-14 confidentiality of the information contained on the form.

2-15 (f) An attorney for the state who receives notice that a  
 2-16 victim has elected to be designated by a pseudonym shall ensure that  
 2-17 the victim is designated by the pseudonym in all legal proceedings  
 2-18 concerning the offense.

2-19 (g) A court of competent jurisdiction may order the  
 2-20 disclosure of a victim's name, address, and telephone number only  
 2-21 if the court finds that:

2-22 (1) the information is essential in the trial of the  
 2-23 defendant for the offense;

2-24 (2) the identity of the victim is in issue; or

2-25 (3) the disclosure is in the best interest of the  
 2-26 victim.

2-27 (h) Except as required or permitted by other law or by court  
 2-28 order, a public servant or other person who has access to or obtains  
 2-29 the name, address, telephone number, or other identifying  
 2-30 information of a victim younger than 17 years of age may not release  
 2-31 or disclose the identifying information to any person who is not  
 2-32 assisting in the investigation, prosecution, or defense of the  
 2-33 case. This subsection does not apply to the release or disclosure  
 2-34 of a victim's identifying information by:

2-35 (1) the victim; or

2-36 (2) the victim's parent, conservator, or guardian,  
 2-37 unless the victim's parent, conservator, or guardian allegedly  
 2-38 committed the offense described by Article 57A.01(4).

2-39 Art. 57A.03. OFFENSE. (a) A public servant with access to  
 2-40 the name, address, or telephone number of a victim 17 years of age  
 2-41 or older who has chosen a pseudonym under this chapter commits an  
 2-42 offense if the public servant knowingly discloses the name,  
 2-43 address, or telephone number of the victim to any person who is not  
 2-44 assisting in the investigation or prosecution of the offense or to  
 2-45 any person other than the defendant, the defendant's attorney, or  
 2-46 the person specified in the order of a court of competent  
 2-47 jurisdiction.

2-48 (b) Unless the disclosure is required or permitted by other  
 2-49 law, a public servant or other person commits an offense if the  
 2-50 person:

2-51 (1) has access to or obtains the name, address, or  
 2-52 telephone number of a victim younger than 17 years of age; and

2-53 (2) knowingly discloses the name, address, or  
 2-54 telephone number of the victim to any person who is not assisting in  
 2-55 the investigation or prosecution of the offense or to any person  
 2-56 other than the defendant, the defendant's attorney, or a person  
 2-57 specified in an order of a court of competent jurisdiction.

2-58 (c) It is an affirmative defense to prosecution under  
 2-59 Subsection (b) that the actor is:

2-60 (1) the victim; or

2-61 (2) the victim's parent, conservator, or guardian,  
 2-62 unless the victim's parent, conservator, or guardian allegedly  
 2-63 committed the offense described by Article 57A.01(4).

2-64 (d) An offense under this article is a Class C misdemeanor.

2-65 Art. 57A.04. EFFECT ON OTHER LAW. This chapter does not  
 2-66 affect:

2-67 (1) a victim's responsibility to provide documentation  
 2-68 of stalking under Section 92.0161, Property Code; or

2-69 (2) a person's power or duty to disclose the documented

3-1 information as provided by Subsection (j) of that section.

3-2 SECTION 2. Section 92.0161(c-1), Property Code, is amended  
3-3 to read as follows:

3-4 (c-1) If the tenant is a victim or a parent or guardian of a  
3-5 victim of stalking under Section 42.072, Penal Code, that takes  
3-6 place during the preceding six-month period on the premises or at  
3-7 any dwelling on the premises, the tenant shall provide to the  
3-8 landlord or the landlord's agent a copy of:

3-9 (1) documentation of a protective order issued under  
3-10 Chapter 7A or Article 6.09, Code of Criminal Procedure, except for a  
3-11 temporary ex parte order; or

3-12 (2) documentation of the stalking from a provider of  
3-13 services described by Subsection (c)(1), (2), or (3) and:

3-14 (A) a law enforcement incident report~~[+]~~ or,  
3-15 [~~B~~] if a law enforcement incident report is  
3-16 unavailable, another record maintained in the ordinary course of  
3-17 business by a law enforcement agency; and

3-18 (B) if the report or record described by  
3-19 Paragraph (A) identifies the victim by means of a pseudonym, as  
3-20 defined by Article 57A.01, Code of Criminal Procedure, a copy of a  
3-21 pseudonym form completed and returned under Article 57A.02 of that  
3-22 code.

3-23 SECTION 3. Not later than October 1, 2015, the office of the  
3-24 attorney general shall develop and distribute to all law  
3-25 enforcement agencies of the state a pseudonym form to record the  
3-26 name, address, telephone number, and pseudonym of a victim as  
3-27 required by Article 57A.02, Code of Criminal Procedure, as added by  
3-28 this Act.

3-29 SECTION 4. This Act takes effect September 1, 2015.

3-30

\* \* \* \* \*