

1-1 By: Paxton S.B. No. 836
1-2 (In the Senate - Filed January 17, 2025; February 13, 2025,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 31, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 31, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Flores	X			
1-10	Parker	X			
1-11	Hagenbuch	X			
1-12	Hinojosa of Hidalgo	X			
1-13	Huffman	X			
1-14	King	X			
1-15	Miles	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 836 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to victims of sex offenses, sex-based human trafficking
1-20 offenses, or acts of a sexual nature and to the confidentiality of
1-21 or restrictions on the availability of certain property, material,
1-22 or information regarding those victims, offenses, or acts.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-24 SECTION 1. Article 38.435, Code of Criminal Procedure, is
1-25 amended to read as follows:

1-26 Art. 38.435. PROHIBITED USE OF EVIDENCE FROM FORENSIC
1-27 MEDICAL EXAMINATION PERFORMED ON VICTIM OF SEXUAL ASSAULT OR OTHER
1-28 SEX OFFENSE; PLACEMENT UNDER SEAL. (a) Evidence collected during a
1-29 forensic medical examination conducted under Subchapter G, Chapter
1-30 56A, may not be used to investigate or prosecute a misdemeanor
1-31 offense, or an offense under Subchapter D, Chapter 481, Health and
1-32 Safety Code, alleged to have been committed by the victim from whom
1-33 the evidence was collected.

1-34 (b) During the course of a criminal hearing or proceeding,
1-35 the court may not make available or allow to be made available for
1-36 copying or dissemination to the public any property or material
1-37 related to or derived from evidence described by Subsection (a),
1-38 including a visual image or a recording made as part of the
1-39 examination.

1-40 (c) The court shall place property or material described by
1-41 Subsection (a) under seal of the court on the conclusion of the
1-42 hearing or proceeding.

1-43 (d) A court that places under seal property or material
1-44 described by Subsection (a) may issue an order lifting the seal on a
1-45 finding that the order is in the best interest of the public.

1-46 SECTION 2. The heading to Article 38.451, Code of Criminal
1-47 Procedure, is amended to read as follows:

1-48 Art. 38.451. EVIDENCE DEPICTING INVASIVE VISUAL RECORDING
1-49 ~~[OF CHILD]~~.

1-50 SECTION 3. Article 38.451(a), Code of Criminal Procedure,
1-51 is amended to read as follows:

1-52 (a) During the course of a criminal hearing or proceeding
1-53 concerning an offense under Section 21.15, Penal Code, ~~[that was~~
1-54 ~~committed against a child younger than 14 years of age,~~ the court
1-55 may ~~[shall]~~ not make available or allow to be made available for
1-56 ~~[the]~~ copying or dissemination to the public property or material
1-57 that constitutes or contains a visual image, as described by
1-58 Section 21.15(b), Penal Code, ~~[of a child younger than 14 years of~~
1-59 ~~age]~~ and that was seized by law enforcement based on a reasonable
1-60 suspicion that an offense under that subsection has been committed.

SECTION 4. Chapter 39, Code of Criminal Procedure, is amended by adding Articles 39.152 and 39.153 to read as follows:

Art. 39.152. DISCOVERY OF EVIDENCE DEPICTING INVASIVE VISUAL RECORDING OF PERSON 14 YEARS OF AGE OR OLDER. (a) In the manner provided by this article, a court shall allow discovery of property or material that constitutes or contains a visual image, as described by Section 21.15(b), Penal Code, of a child 14 years of age or older and that was seized by law enforcement based on a reasonable suspicion that an offense under that subsection has been committed.

(b) The court shall enter a protective order that prohibits copying or dissemination of property or material described by Subsection (a) that is produced to the defendant or the defendant's attorney under Article 39.14.

(c) Any property or material described by Subsection (a) that is produced under Article 39.14 and not offered as and admitted to evidence must either be returned to the state or destroyed at the time of the final disposition of the case.

Art. 39.153. DISCOVERY OF PROPERTY OR MATERIAL FROM FORENSIC MEDICAL EXAMINATION PERFORMED ON VICTIM OF SEXUAL ASSAULT OR OTHER SEX OFFENSE. (a) In the manner provided by this article, a court shall allow discovery of property or material that constitutes or contains a visual image or a recording that was made as part of a forensic medical examination.

(b) The court shall enter a protective order that prohibits copying or dissemination of property or material described by Subsection (a) that is produced to the defendant or the defendant's attorney under Article 39.14.

(c) Any property or material described by Subsection (a) that is produced under Article 39.14 and not offered as and admitted to evidence must either be returned to the state or destroyed at the time of the final disposition of the case.

SECTION 5. Article 58.102, Code of Criminal Procedure, is amended to read as follows:

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

(b) The Sexual Assault Prevention and Crisis Services Program of the office of the attorney general shall develop and distribute to all law enforcement agencies of the state and to each office of the attorney representing the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim.

SECTION 6. Article 58.103, Code of Criminal Procedure, is amended to read as follows:

Art. 58.103. VICTIM INFORMATION CONFIDENTIAL. (a) A victim who completes a pseudonym form and returns the form to the law enforcement agency investigating the offense or to the office of the attorney representing the state prosecuting the offense may not be required to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense.

(b) A law enforcement agency or an office of the attorney representing the state receiving a pseudonym form under Subsection (a) shall send a copy of the form to each other agency or office investigating or prosecuting the offense.

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

attorney.

~~(d) A [(c) If a victim completes a pseudonym form and returns the form to a law enforcement agency under Article 58.102(a), the] law enforcement agency receiving the form or a copy of the form shall:~~

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

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

~~[(3)] maintain the form in a manner that protects the confidentiality of the information contained on the form.~~

(e) An office of the attorney representing the state receiving the form or a copy of the form shall:

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

(2) maintain the form in a manner that protects the confidentiality of the information contained on the form; and

(3) [(d) An attorney representing the state who receives notice that a victim has elected to be designated by a pseudonym shall] ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense.

SECTION 7. Chapter 21, Government Code, is amended by adding Section 21.014 to read as follows:

Sec. 21.014. ELECTRONIC TRANSMISSION OF COURT PROCEEDINGS IN CERTAIN CASES PROHIBITED. (a) This section applies to the following:

(1) criminal or civil court proceedings relating to an offense under:

(A) Section 21.02, 21.11, 21.15, 22.011, 22.012, or 22.021, Penal Code;

(B) Section 20A.02(a)(3), (4), (7), or (8), Penal Code; or

(C) Section 20A.03, Penal Code, if the offense is based partly or wholly on conduct that constitutes an offense described by Paragraph (B); and

(2) court proceedings relating to:

(A) a protective order under Chapter 7B, Code of Criminal Procedure;

(B) a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure;

(C) a protective order issued under Section 6.504, Family Code; or

(D) a protective order issued under Chapter 85, Family Code.

(b) A court may not allow the electronic transmission or broadcasting of court proceedings described by Subsection (a) in which evidence or testimony is offered that depicts or describes acts of a sexual nature unless the court provides notice to and receives express consent for the transmission or broadcasting from:

(1) the victim or the parent, conservator, or guardian of the victim, as applicable;

(2) the attorney representing the state; and

(3) the defendant.

SECTION 8. Articles 38.435 and 38.451, Code of Criminal Procedure, as amended by this Act, and Articles 39.152 and 39.153, Code of Criminal Procedure, and Section 21.014, Government Code, as added by this Act, apply only to a court hearing or proceeding that commences on or after the effective date of this Act. A court hearing or proceeding that commences before the effective date of this Act is governed by the law in effect on the date the hearing or proceeding commenced, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2025.

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