

CODE OF CRIMINAL PROCEDURE

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

Subchapter A. General Provisions

ART. 58.001. GENERAL DEFINITIONS

In this chapter:

- (1) "Name" means the legal name of a person.
- (2) "Pseudonym" means a set of initials or a fictitious name chosen by a victim to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings.
- (3) "Public servant" has the meaning assigned by Section 1.07(a), Penal Code. (Code Crim. Proc., Arts. 57.01(1), (2), (3), 57A.01(1), (2), (3), 57B.01(1), (2), (3), 57D.01(1), (2), (3).)

Chapter enacted effective Jan. 1, 2021 (HB 4173, §1.07). Section 3.01 of HB 4173 repeals former Chapter 56, among others. Section 4.01 of HB 4173 provides: "This Act is enacted under Section 43, Article III, Texas Constitution. This Act is intended as a codification only, and no substantive change in the law is intended by this Act."

Section 4.02 of HB 4173 provides: "(a) Chapter 311, Government Code (Code Construction Act), applies to the construction of each provision in the Code of Criminal Procedure that is enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), in the same manner as to a code enacted under the continuing statutory revision program, except as otherwise expressly provided by the Code of Criminal Procedure. (b) A reference in a law to a statute or a part of a statute in the Code of Criminal Procedure enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), is considered to be a reference to the part of that code that revises that statute or part of that statute."

2019 LEGISLATIVE NOTE

Note that the nonsubstantive revisions of HB 4173 did not take into account additional substantive amendments to Chapter 56 made during the 2019 session. These amendments have been included at the end of this compilation and presumably will be incorporated into the new chapters in the 2021 legislative session.

Subchapter B. Address Confidentiality Program for Certain Crime Victims

ART. 58.051. DEFINITIONS

In this subchapter:

- (1) "Applicant" means a person who applies to participate in the program.
- (2) "Family violence" has the meaning assigned by Section 71.004, Family Code.
- (3) "Family violence shelter center" has the meaning assigned by Section 51.002, Human Resources Code.
- (4) "Household" has the meaning assigned by Section 71.005, Family Code.
- (5) "Mail" means first class mail and any mail sent by a government agency. The term does not include a package, regardless of size or type of mailing.
- (6) "Participant" means an applicant who is certified for participation in the program.

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

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

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

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

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

- (A) constitutes an offense under Section 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code; and
- (B) results in a person:
 - (i) engaging in forced labor or services; or
 - (ii) otherwise becoming a victim of the offense.

ART. 58.052. ADDRESS CONFIDENTIALITY PROGRAM

(a) The attorney general shall establish an address confidentiality program, as provided by this subchapter, to assist a victim of family violence, sexual assault or abuse, stalking, or trafficking of persons in maintaining a confidential address.

(b) The attorney general shall:

- (1) designate a substitute post office box address that a participant may use in place of the participant's true residential, business, or school address;
- (2) act as agent to receive service of process and mail on behalf of the participant; and
- (3) forward to the participant mail received by the office of the attorney general on behalf of the participant.

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

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

(e) The attorney general shall adopt rules to administer the program.

ART. 58.053. AGENCY ACCEPTANCE OF SUBSTITUTE ADDRESS REQUIRED; EXEMPTIONS

(a) Except as provided by Subsection (b), a state or local agency must accept the substitute post office box address designated by the attorney general if the substitute address is presented to the agency by a participant in place of the participant's true residential, business, or school address.

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

ART. 58.054. ELIGIBILITY

To be eligible to participate in the program:

- (1) an applicant must:
 - (A) meet with a victim's assistance counselor from a state or local agency or other for-profit or nonprofit entity that is identified by the attorney general as an entity that provides shelter or civil legal services or counseling to victims of family violence, sexual assault or abuse, stalking, or trafficking of persons;
 - (B) be protected under, or be filing an application on behalf of a victim who is the applicant's child or another person in the applicant's household and who is protected under:

- (i) a temporary injunction issued under Subchapter F, Chapter 6, Family Code;
- (ii) a temporary ex parte order issued under Chapter 83, Family Code;
- (iii) an order issued under Subchapter A or B, Chapter 7B, of this code or Chapter 85, Family Code; or
- (iv) a magistrate's order for emergency protection issued under Article 17.292; or

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

(2) an applicant must:

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

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

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

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

ART. 58.055. APPLICATION

(a) An application under Article 58.054(2)(A) must contain:

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

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

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

(A) the legal counsel of record; and

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

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

(c) A state or local agency or other entity with which an application is filed under Article 58.054(2)(A) shall forward the application to the office of the attorney general.

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

(e) The attorney general shall make program information and application materials available online.

ART. 58.056. APPLICATION AND ELIGIBILITY RULES AND PROCEDURES

(a) The attorney general may establish procedures for requiring an applicant, in appropriate circumstances, to submit with the application under Article 58.054(2)(A) independent documentary evidence of family violence, sexual assault or abuse, stalking, or trafficking of persons in the form of:

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

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

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

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

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

(b) The attorney general by rule may establish additional eligibility requirements for participation in the program that are consistent with the purpose of the program as stated in Article 58.052(a).

ART. 58.057. FALSE STATEMENT ON APPLICATION

(a) An applicant who knowingly or intentionally makes a false statement in an application under Article 58.054(2)(A) is subject to prosecution under Chapter 37, Penal Code.

(b) An applicant is ineligible for, and a participant may be excluded from, participation in the program if the applicant or participant knowingly makes a false statement on an application filed under Article 58.054(2)(A).

ART. 58.058. EXCLUSION FROM PARTICIPATION IN PROGRAM; WITHDRAWAL

(a) A participant may be excluded from participation in the program if:

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

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

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

(b) A participant may withdraw from the program by notifying the attorney general in writing of the withdrawal.

ART. 58.059. CERTIFICATION OF PARTICIPATION IN PROGRAM

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

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

(c) To renew a certification under this article, a participant must satisfy the eligibility requirements under Articles 58.054 and 58.056(b) as if the participant were originally applying for participation in the program.

ART. 58.060. CONFIDENTIALITY OF PARTICIPANT INFORMATION; DESTRUCTION OF INFORMATION

(a) Information relating to a participant:

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

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

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

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

ART. 58.061. EXCEPTIONS

(a) The attorney general shall disclose a participant's true residential, business, or school address if:

(1) requested by:

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

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

(C) the Department of State Health Services or a local health authority for the purpose of making a notification described by Ar-

title 21.31 of this code, Section 54.033, Family Code, or Section 81.051, Health and Safety Code; or

(2) required by court order.

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

(1) the participant consents to the disclosure; and

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

(c) A person to whom a participant's true residential, business, or school address is disclosed under this article shall maintain the requested information in a manner that protects the confidentiality of the participant's true residential, business, or school address.

ART. 58.062. LIABILITY

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

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

Subchapter C. Confidentiality of Identifying Information of Sex Offense Victims

ART. 58.101. DEFINITION

In this subchapter, "victim" means a person who was the subject of:

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

(2) an offense that is part of the same criminal episode, as defined by Section 3.01, Penal Code, as an offense described by Subdivision (1).

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.

(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 a pseudonym form to record the name, address, telephone number, and pseudonym of a victim.

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 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 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 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.

(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 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;

(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.

(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.

ART. 58.104. COURT-ORDERED DISCLOSURE OF VICTIM INFORMATION

A court may order the disclosure of a victim's name, address, and telephone number only if the court finds that the information is essential in the trial of the defendant for the offense or the identity of the victim is in issue.

ART. 58.105. DISCLOSURE OF CERTAIN CHILD VICTIM INFORMATION PROHIBITED

Except as required or permitted by other law or by court order, a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 17 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. This article does not apply to the release or disclosure of a victim's identifying information by:

(1) the victim; or

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

ART. 58.106. DISCLOSURE OF INFORMATION OF CONFINED VICTIM

This subchapter does not prohibit the inspector general of the Texas Department of Criminal Justice from disclosing a victim's identifying information to an employee of the department or the department's ombudsperson if the victim is an inmate or state jail defendant confined in a facility operated by or under contract with the department.

ART. 58.107. OFFENSE

(a) A public servant commits an offense if the public servant:

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

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

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

(B) a person other than:

(i) the defendant;

(ii) the defendant's attorney; or

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

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

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

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

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

(B) a person other than:

(i) the defendant;

(ii) the defendant's attorney; or

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

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

(1) the victim; or

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

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

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

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

- (3) the person to whom the disclosure is made is an employee of the department or the department's ombudsperson.
- (e) An offense under this article is a Class C misdemeanor.

Subchapter D. Confidentiality of Identifying Information of Victims of Stalking

ART. 58.151. DEFINITION

In this subchapter, "victim" means a person who is the subject of:

- (1) an offense that allegedly constitutes stalking under Section 42.072, Penal Code; or
- (2) an offense that is part of the same criminal episode, as defined by Section 3.01, Penal Code, as an offense under Section 42.072, Penal Code.

ART. 58.152. 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.
- (b) The office of the attorney general shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim.

ART. 58.153. VICTIM INFORMATION CONFIDENTIAL

- (a) A victim who completes a pseudonym form and returns the form to the law enforcement agency investigating 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 completed and returned pseudonym form is confidential and may not be disclosed to any person other than the victim identified by the pseudonym form, a defendant in the case, or the defendant's attorney, except on an order of a court. The court finding required by Article 58.154 is not required to disclose the confidential pseudonym form to the victim identified by the pseudonym form, the defendant in the case, or the defendant's attorney.
- (c) If a victim completes a pseudonym form and returns the form to a law enforcement agency under Article 58.152(a), the law enforcement agency receiving 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;
 - (2) notify the attorney representing the state of the pseudonym and that the victim has elected to be designated by the pseudonym;
 - (3) provide to the victim a copy of the completed pseudonym form showing that the form was returned to the law enforcement agency; and
 - (4) maintain the form in a manner that protects the confidentiality of the information contained on the form.
- (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.

ART. 58.154. COURT-ORDERED DISCLOSURE OF VICTIM INFORMATION

A court may order the disclosure of a victim's name, address, and telephone number only if the court finds that:

- (1) the information is essential in the trial of the defendant for the offense;
- (2) the identity of the victim is in issue; or
- (3) the disclosure is in the best interest of the victim.

ART. 58.155. DISCLOSURE OF CERTAIN CHILD VICTIM INFORMATION PROHIBITED

Except as required or permitted by other law or by court order, a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 17 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. This article does not apply to the release or disclosure of a victim's identifying information by:

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

ART. 58.156. OFFENSE

- (a) A public servant commits an offense if the public servant:
- (1) has access to the name, address, or telephone number of a victim 17 years of age or older who has chosen a pseudonym under this subchapter; and
 - (2) knowingly discloses the name, address, or telephone number of the victim to:
 - (A) a person who is not assisting in the investigation or prosecution of the offense; or
 - (B) a person other than:
 - (i) the defendant;
 - (ii) the defendant's attorney; or
 - (iii) the person specified in the order of a court.
- (b) Unless the disclosure is required or permitted by other law, a public servant or other person commits an offense if the person:
- (1) has access to or obtains the name, address, or telephone number of a victim younger than 17 years of age; and
 - (2) knowingly discloses the name, address, or telephone number of the victim to:
 - (A) a person who is not assisting in the investigation or prosecution of the offense; or
 - (B) a person other than:
 - (i) the defendant;
 - (ii) the defendant's attorney; or
 - (iii) a person specified in an order of a court.
- (c) It is an affirmative defense to prosecution under Subsection (b) that the actor is:
- (1) the victim; or
 - (2) the victim's parent, conservator, or guardian, unless the victim's parent, conservator, or guardian allegedly committed the offense described by Article 58.151.
- (d) An offense under this article is a Class C misdemeanor.

ART. 58.157. EFFECT ON OTHER LAW

This subchapter does not affect:

- (1) a victim's responsibility to provide documentation of stalking under Section 92.0161, Property Code; or
- (2) a person's power or duty to disclose the documented information as provided by Subsection (j) of that section.

Subchapter E. Confidentiality of Identifying Information of Victims of Family Violence

ART. 58.201. DEFINITION

In this subchapter, "victim" means a person who is the subject of:

- (1) an offense that allegedly constitutes family violence, as defined by Section 71.004, Family Code; or
- (2) an offense that is part of the same criminal episode, as defined by Section 3.01, Penal Code, as an offense described by Subdivision (1).

**ART. 58.202. 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.

(b) The office of the attorney general shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim.

ART. 58.203. VICTIM INFORMATION CONFIDENTIAL

(a) A victim who completes a pseudonym form and returns the form to the law enforcement agency investigating 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 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 on an order of a court. The court finding required by Article 58.204 is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.

(c) If a victim completes a pseudonym form and returns the form to a law enforcement agency under Article 58.202(a), the law enforcement agency receiving 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;
- (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.

(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.

**ART. 58.204. COURT-ORDERED DISCLOSURE OF
VICTIM INFORMATION**

A court may order the disclosure of a victim's name, address, and telephone number only if the court finds that the information is essential in the trial of the defendant for the offense or the identity of the victim is in issue.

**ART. 58.205. DISCLOSURE OF CERTAIN CHILD
VICTIM INFORMATION PROHIBITED**

Except as required or permitted by other law or by court order, a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 17 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. This article does not apply to the release or disclosure of a victim's identifying information by:

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

ART. 58.206. OFFENSE

- (a) A public servant commits an offense if the public servant:
- (1) has access to the name, address, or telephone number of a victim 17 years of age or older who has chosen a pseudonym under this subchapter; and
 - (2) knowingly discloses the name, address, or telephone number of the victim to:
 - (A) a person who is not assisting in the investigation or prosecution of the offense; or

- (B) a person other than:
 - (i) the defendant;
 - (ii) the defendant's attorney; or
 - (iii) the person specified in the order of a court.
- (b) Unless the disclosure is required or permitted by other law, a public servant or other person commits an offense if the person:
 - (1) has access to or obtains the name, address, or telephone number of a victim younger than 17 years of age; and
 - (2) knowingly discloses the name, address, or telephone number of the victim to:
 - (A) a person who is not assisting in the investigation or prosecution of the offense; or
 - (B) a person other than:
 - (i) the defendant;
 - (ii) the defendant's attorney; or
 - (iii) a person specified in an order of a court.
- (c) It is an affirmative defense to prosecution under Subsection (b) that the actor is:
 - (1) the victim; or
 - (2) the victim's parent, conservator, or guardian, unless the victim's parent, conservator, or guardian allegedly committed the offense described by Article 58.201.
- (d) An offense under this article is a Class C misdemeanor.

**ART. 58.207. APPLICABILITY OF SUBCHAPTER TO
DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES**

- (a) This subchapter does not require the Department of Family and Protective Services to use a pseudonym in a department report, file, or record relating to the abuse, neglect, or exploitation of a child or adult who may also be the subject of an offense described by Article 58.201.
- (b) To the extent permitted by law, the Department of Family and Protective Services and a department employee, as necessary in performing department duties, may disclose the name of a victim who elects to use a pseudonym under this subchapter.

**ART. 58.208. APPLICABILITY OF SUBCHAPTER TO
POLITICAL SUBDIVISIONS**

- This subchapter does not require a political subdivision to use a pseudonym in a report, file, or record that:
- (1) is not intended for distribution to the public; or
 - (2) is not the subject of an open records request under Chapter 552, Government Code.

***Subchapter F. Confidentiality of Identifying
Information of Victims of Trafficking of Persons***

ART. 58.251. DEFINITION

- In this subchapter, "victim" means a person who is the subject of:
- (1) an offense under Section 20A.02, Penal Code; or
 - (2) an offense that is part of the same criminal episode, as defined by Section 3.01, Penal Code, as an offense under Section 20A.02, Penal Code.

**ART. 58.252. 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.
- (b) The office of the attorney general shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim.

ART. 58.253. VICTIM INFORMATION CONFIDENTIAL

- (a) A victim who completes a pseudonym form and returns the form to

the law enforcement agency investigating 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 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 on an order of a court. The court finding required by Article 58.254 is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.

(c) If a victim completes a pseudonym form and returns the form to a law enforcement agency under Article 58.252(a), the law enforcement agency receiving 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;

(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.

(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.

ART. 58.254. COURT-ORDERED DISCLOSURE OF VICTIM INFORMATION

A court may order the disclosure of a victim's name, address, and telephone number only if the court finds that the information is essential in the trial of the defendant for the offense or the identity of the victim is in issue.

ART. 58.255. DISCLOSURE OF CHILD VICTIM INFORMATION PROHIBITED

Except as required or permitted by other law or by court order, a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 18 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. This article does not apply to the release or disclosure of a victim's identifying information by:

(1) the victim; or

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

ART. 58.256. OFFENSE

(a) A public servant commits an offense if the public servant:

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

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

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

(B) a person other than:

(i) the defendant;

(ii) the defendant's attorney; or

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

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

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

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

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

(B) a person other than:

(i) the defendant;

(ii) the defendant's attorney; or

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

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

(1) the victim; or

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

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

Subchapter G. Sealing of Medical Records of Certain Child Victims

ART. 58.301. DEFINITIONS

In this subchapter:

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

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

ART. 58.302. SEALING OF MEDICAL RECORDS

(a) Except as provided by Subsection (c), on a motion filed by a person described by Subsection (b), the court shall seal the medical records of a child who is a victim of an offense described by Section 1, Article 38.071.

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

(1) the attorney representing the state;

(2) the defendant; or

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

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

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

ART. 58.303. ACCESS TO SEALED MEDICAL RECORDS

Medical records sealed under this subchapter are not open for inspection by any person except:

(1) on further order of the court after:

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

(B) a finding of good cause;

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

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

ART. 58.304. LIABILITY

Except on a showing of bad faith, a clerk of the court is not liable for any failure to seal medical records after the court grants a motion under this subchapter.

CHAPTER 56. RIGHTS OF CRIME VICTIMS

Repealed effective Jan. 1, 2021 (HB 4173, §3.01(2)). Now see Code of Criminal Procedure Chapters 56A, 56B, & 58.

Subchapter C. Address Confidentiality Program for Victims of Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking of Persons

ART. 56.81. DEFINITIONS

In this subchapter:

* * *

(7) “Trafficking of persons” means any conduct that constitutes an offense under Section 20A.02, 20A.03, 43.03, ~~43.031~~, 43.04, ~~43.041~~, 43.05, 43.25, 43.251, or 43.26, Penal Code, and that results in a person:

- (A) engaging in forced labor or services; or
- (B) otherwise becoming a victim of the offense.

Amendment to (7) effective Sept. 1, 2019 (SB 20, §3.07).

**CCP CHS. 56, SUB. C, CHS. 57, 57A-57D DISPOSITION CHART
TO CCP CH. 58**

<u>Old reference</u>	<u>New number</u>	<u>Old reference</u>	<u>New number</u>	<u>Old reference</u>	<u>New number</u>
56.81*	58.051	57.02		57B.02	
56.82	58.052(a)-(d)	(a)	58.102(b)	(a)	58.202(b)
56.83		(b)	58.102(a)	(b)	58.202(a)
(a)	58.054	(c)	58.103(a)	(c)	58.203(a)
(b)	58.055(a)	(d)	58.103(b)	(d)	58.203(b)
(c) S1	58.055(b)	(e)	58.103(c)	(e)	58.203(c)
(c) S2	58.057(a)	(f)	58.103(d)	(f)	58.203(d)
(d)	58.055(c)	(g)	58.104	(g)	58.204
(e)	58.056(b)	(h)	58.105	(h)	58.205
(e-1)	58.056(a)	(i)	58.106	57B.03	58.206
(f)	58.055(d)	57.03	58.107	57B.04	58.207
56.84		57A.01		57B.05	58.208
(a)	58.059(a)	(1)-(3)	58.001(1)-(3)	57C.01	58.301
(b)	58.059(b)	(4)	58.151	57C.02	
56.85	58.059(c)	57A.02		(a)-(d)	58.302(a)-(d)
56.86		(a)	58.152(b)	(e)	58.303
(a)	58.057(b)	(b)	58.152(a)	(f)	58.304
(b)	58.058(a)	(c)	58.153(a)	57D.01	
56.87	58.058(b)	(d)	58.153(b)	(1)-(3)	58.001(1)-(3)
56.88	58.060	(e)	58.153(c)	(4)	58.251
56.89	58.053	(f)	58.153(d)	57D.02	
56.90	58.061	(g)	58.154	(a)	58.252(b)
56.91	58.062	(h)	58.155	(b)	58.252(a)
56.92	58.055(e)	57A.03	58.156	(c)	58.253(a)
56.93	58.052(e)	57A.04	58.157	(d)	58.253(b)
57.01		57B.01		(e)	58.253(c)
(1)-(3)	58.001(1)-(3)	(1)-(3)	58.001(1)-(3)	(f)	58.253(d)
(4)	58.101	(4)	58.201	(g)	58.254
				(h)	58.255
				57D.03	58.256

Notes: In these charts, "S" = sentence, and "Cl" = clause.

* = Amendments made to statute in same session (2019) that are not accounted for in the nonsubstantive rewrite of HB 4173.

CCP CH. 58 SOURCE CHART FROM CHS. 56, SUB. C, CHS. 57, 57A-57D

<u>Ch. 58 reference</u>	<u>Old number</u>	<u>Ch. 58 reference</u>	<u>Old number</u>	<u>Ch. 58 reference</u>	<u>Old number</u>
58.001	57A.01(1)-(3), 57B.01(1)-(3), & 57D.01(1)-(3)	58.102	(a) 57.02(b) (b) 57.02(a)	58.203	(a) 57B.02(c) (b) 57B.02(d) (c) 57B.02(e) (d) 57B.02(f)
58.051*	56.81	58.103	(a) 57.02(c) (b) 57.02(d) (c) 57.02(e) (d) 57.02(f)	58.204	57B.02(g)
58.052	(a)-(d) 56.82(a)-(d) (e) 56.93	58.104	57.02(g)	58.205	57B.02(h)
58.053	56.89	58.105	57.02(h)	58.206	57B.03
58.054	56.83(a)	58.106	57.02(i)	58.207	57B.04
58.055	(a) 56.83(b) (b) 56.83(c) S1 (c) 56.83(d) (d) 56.83(f) (e) 56.92	58.107	57.03	58.208	57B.05
58.056	(a) 56.83(e-1) (b) 56.83(e)	58.151	57A.01(4)	58.251	57D.01(4)
58.057	(a) 56.83(c) S2 (b) 56.86(a)	58.152	(a) 57A.02(b) (b) 57A.02(a)	58.252	(a) 57D.02(b) (b) 57D.02(a)
56.058	(a) 56.86(b) (b) 56.87	58.153	(a) 57A.02(c) (b) 57A.02(d) (c) 57A.02(e) (d) 57A.02(f)	58.253	(a) 57D.02(c) (b) 57D.02(d) (c) 57D.02(e) (d) 57D.02(f)
56.059	(a) 56.84(a) (b) 56.84(b) (c) 56.85	58.154	57A.02(g)	58.254	57D.02(g)
58.060	56.88	58.155	57A.02(h)	58.255	57D.02(h)
58.061	56.90	58.156	57A.03	58.256	57D.03
58.062	56.91	58.157	57A.04	58.301	57C.01
58.101	57.01(4)	58.201	57B.01(4)	58.302	57C.02(a)-(d)
		58.202	(a) 57B.02(b) (b) 57B.02(a)	58.303	57C.02(e)
				58.304	57C.02(f)