

BILL ANALYSIS

S.B. 1930
By: Watson
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Many victims of sexual assault do not come forward to seek any redress, particularly when children are involved, because of the potential for exposure of the identity of the victim. The legislation proposed in this bill is designed to protect the confidentiality of a minor victim of sexual assault and enables that person's family the ability to pursue compensation for counseling and medical needs.

As proposed, S.B. 1930 entitles the judge, a party to the action and the attorney representing the party, and a person authorized by a written order of the court specific to that person, in a civil suit involving sexual abuse of a minor, to know the true identifying information about the plaintiff and prohibits such persons from divulging such information.

RULEMAKING AUTHORITY

Rulemaking authority of the Supreme Court of Texas is expressly restricted in SECTION 1 (Section 30.013, Civil Practice and Remedies Code) of this bill.

ANALYSIS

SECTION 1. Amends Chapter 30, Civil Practice and Remedies Code, by adding Section 30.013, as follows:

Sec. 30.013. CONFIDENTIAL IDENTITY IN ACTIONS INVOLVING SEXUAL ABUSE OF A MINOR. (a) Defines "confidential identity" and "plaintiff."

(b) Provides that this section applies only to a civil action against a defendant in which a plaintiff seeks recovery of damages or other relief based on conduct described as a felony in Section 22.011 (Sexual Assault), Penal Code; or Section 22.021 (Aggravated Sexual Assault), Penal Code.

(c) Requires the court, in an action to which this section applies, except as otherwise provided by this section, to make it known to the plaintiff as early as possible in the proceedings of the action that the plaintiff is authorized to use a confidential identity in relation to the action; to allow a plaintiff to use a confidential identity in all petitions, filings, and other documents presented to the court; to use the confidential identity in all of the court's proceedings and records relating to the action, including any appellate proceedings; and to maintain the records relating to the action in a manner that protects the confidentiality of the plaintiff.

(d) Provides that in a suit to which this section applies, only the judge; a party to the action; the attorney representing a party to the action; and a person authorized by a written order of a court specific to that person are entitled to know the true identifying information about the plaintiff.

(e) Requires the court to order that a person entitled to know the true identifying information under Subsection (d) is prohibited from divulging that information to anyone without a written order of the court. Requires a court to hold a person who violates the order in contempt.

(f) Prohibits the supreme court, notwithstanding Section 22.004 (Rules of Civil Procedure), Government Code, from amending or adopting rules in conflict with this section.

(g) Provides that a plaintiff is not required to use a confidential identity as provided by this section.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009.