

By: Watson

S.B. No. 1930

A BILL TO BE ENTITLED

AN ACT

relating to the use of a confidential identity for the plaintiff in a civil action involving sexual abuse of a minor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 30, Civil Practice and Remedies Code, is amended by adding Section 30.013 to read as follows:

Sec. 30.013. CONFIDENTIAL IDENTITY IN ACTIONS INVOLVING SEXUAL ABUSE OF A MINOR. (a) In this section:

(1) "Confidential identity" means:

(A) the use of a pseudonym; and

(B) the absence of any other identifying information, including address, telephone number, and social security number.

(2) "Plaintiff" means:

(A) an individual younger than 18 years of age seeking recovery of damages or other relief; and

(B) the parents or legal guardian of the individual.

(b) 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 the following sections of the Penal Code:

(1) Section 22.011 (sexual assault); or

(2) Section 22.021 (aggravated sexual assault).

1       (c) Except as otherwise provided by this section, in an  
2 action to which this section applies, the court shall:

3           (1) make it known to the plaintiff as early as possible  
4 in the proceedings of the action that the plaintiff may use a  
5 confidential identity in relation to the action;

6           (2) allow a plaintiff to use a confidential identity  
7 in all petitions, filings, and other documents presented to the  
8 court;

9           (3) use the confidential identity in all of the court's  
10 proceedings and records relating to the action, including any  
11 appellate proceedings; and

12           (4) maintain the records relating to the action in a  
13 manner that protects the confidentiality of the plaintiff.

14       (d) In a suit to which this section applies, only the  
15 following persons are entitled to know the true identifying  
16 information about the plaintiff:

17           (1) the judge;

18           (2) a party to the action;

19           (3) the attorney representing a party to the action;

20 and

21           (4) a person authorized by a written order of a court  
22 specific to that person.

23       (e) The court shall order that a person entitled to know the  
24 true identifying information under Subsection (d) may not divulge  
25 that information to anyone without a written order of the court. A  
26 court shall hold a person who violates the order in contempt.

27       (f) Notwithstanding Section 22.004, Government Code, the

1 supreme court may not amend or adopt rules in conflict with this  
2 section.

3 (g) A plaintiff is not required to use a confidential  
4 identity as provided by this section.

5 SECTION 2. This Act applies only to a cause of action  
6 commenced on or after the effective date of this Act. An action  
7 commenced before the effective date of this Act is governed by the  
8 law applicable to the action as it existed immediately before the  
9 effective date of this Act, and that law is continued in effect for  
10 that purpose.

11 SECTION 3. This Act takes effect September 1, 2009.