

1-1 By: Watson S.B. No. 1930
1-2 (In the Senate - Filed March 12, 2009; March 24, 2009, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 14, 2009, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 14, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the use of a confidential identity for the plaintiff in
1-9 a civil action involving sexual abuse of a minor.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 30, Civil Practice and Remedies Code, is
1-12 amended by adding Section 30.013 to read as follows:

1-13 Sec. 30.013. CONFIDENTIAL IDENTITY IN ACTIONS INVOLVING
1-14 SEXUAL ABUSE OF A MINOR. (a) In this section:

1-15 (1) "Confidential identity" means:

1-16 (A) the use of a pseudonym; and

1-17 (B) the absence of any other identifying
1-18 information, including address, telephone number, and social
1-19 security number.

1-20 (2) "Plaintiff" means:

1-21 (A) an individual younger than 18 years of age
1-22 seeking recovery of damages or other relief; and

1-23 (B) the parents or legal guardian of the
1-24 individual.

1-25 (b) This section applies only to a civil action against a
1-26 defendant in which a plaintiff seeks recovery of damages or other
1-27 relief based on conduct described as a felony in the following
1-28 sections of the Penal Code:

1-29 (1) Section 22.011 (sexual assault); or

1-30 (2) Section 22.021 (aggravated sexual assault).

1-31 (c) Except as otherwise provided by this section, in an
1-32 action to which this section applies, the court shall:

1-33 (1) make it known to the plaintiff as early as possible
1-34 in the proceedings of the action that the plaintiff may use a
1-35 confidential identity in relation to the action;

1-36 (2) allow a plaintiff to use a confidential identity
1-37 in all petitions, filings, and other documents presented to the
1-38 court;

1-39 (3) use the confidential identity in all of the court's
1-40 proceedings and records relating to the action, including any
1-41 appellate proceedings; and

1-42 (4) maintain the records relating to the action in a
1-43 manner that protects the confidentiality of the plaintiff.

1-44 (d) In a suit to which this section applies, only the
1-45 following persons are entitled to know the true identifying
1-46 information about the plaintiff:

1-47 (1) the judge;

1-48 (2) a party to the action;

1-49 (3) the attorney representing a party to the action;

1-50 and

1-51 (4) a person authorized by a written order of a court
1-52 specific to that person.

1-53 (e) The court shall order that a person entitled to know the
1-54 true identifying information under Subsection (d) may not divulge
1-55 that information to anyone without a written order of the court. A
1-56 court shall hold a person who violates the order in contempt.

1-57 (f) Notwithstanding Section 22.004, Government Code, the
1-58 supreme court may not amend or adopt rules in conflict with this
1-59 section.

1-60 (g) A plaintiff is not required to use a confidential
1-61 identity as provided by this section.

1-62 SECTION 2. This Act applies only to a cause of action
1-63 commenced on or after the effective date of this Act. An action
1-64 commenced before the effective date of this Act is governed by the

2-1 law applicable to the action as it existed immediately before the
2-2 effective date of this Act, and that law is continued in effect for
2-3 that purpose.

2-4 SECTION 3. This Act takes effect September 1, 2009.

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