

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

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	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.

2-1 SECTION 4. Chapter 39, Code of Criminal Procedure, is  
 2-2 amended by adding Articles 39.152 and 39.153 to read as follows:

2-3 Art. 39.152. DISCOVERY OF EVIDENCE DEPICTING INVASIVE  
 2-4 VISUAL RECORDING OF PERSON 14 YEARS OF AGE OR OLDER. (a) In the  
 2-5 manner provided by this article, a court shall allow discovery of  
 2-6 property or material that constitutes or contains a visual image,  
 2-7 as described by Section 21.15(b), Penal Code, of a child 14 years of  
 2-8 age or older and that was seized by law enforcement based on a  
 2-9 reasonable suspicion that an offense under that subsection has been  
 2-10 committed.

2-11 (b) The court shall enter a protective order that prohibits  
 2-12 copying or dissemination of property or material described by  
 2-13 Subsection (a) that is produced to the defendant or the defendant's  
 2-14 attorney under Article 39.14.

2-15 (c) Any property or material described by Subsection (a)  
 2-16 that is produced under Article 39.14 and not offered as and admitted  
 2-17 to evidence must either be returned to the state or destroyed at the  
 2-18 time of the final disposition of the case.

2-19 Art. 39.153. DISCOVERY OF PROPERTY OR MATERIAL FROM  
 2-20 FORENSIC MEDICAL EXAMINATION PERFORMED ON VICTIM OF SEXUAL ASSAULT  
 2-21 OR OTHER SEX OFFENSE. (a) In the manner provided by this article, a  
 2-22 court shall allow discovery of property or material that  
 2-23 constitutes or contains a visual image or a recording that was made  
 2-24 as part of a forensic medical examination.

2-25 (b) The court shall enter a protective order that prohibits  
 2-26 copying or dissemination of property or material described by  
 2-27 Subsection (a) that is produced to the defendant or the defendant's  
 2-28 attorney under Article 39.14.

2-29 (c) Any property or material described by Subsection (a)  
 2-30 that is produced under Article 39.14 and not offered as and admitted  
 2-31 to evidence must either be returned to the state or destroyed at the  
 2-32 time of the final disposition of the case.

2-33 SECTION 5. Article 58.102, Code of Criminal Procedure, is  
 2-34 amended to read as follows:

2-35 Art. 58.102. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a)  
 2-36 A victim may choose a pseudonym to be used instead of the victim's  
 2-37 name to designate the victim in all public files and records  
 2-38 concerning the offense, including police summary reports, press  
 2-39 releases, and records of judicial proceedings. A victim who elects  
 2-40 to use a pseudonym as provided by this subchapter must complete a  
 2-41 pseudonym form developed under Subsection (b) and return the form  
 2-42 to the law enforcement agency investigating the offense or to the  
 2-43 office of the attorney representing the state prosecuting the  
 2-44 offense.

2-45 (b) The Sexual Assault Prevention and Crisis Services  
 2-46 Program of the office of the attorney general shall develop and  
 2-47 distribute to all law enforcement agencies of the state and to each  
 2-48 office of the attorney representing the state a pseudonym form to  
 2-49 record the name, address, telephone number, and pseudonym of a  
 2-50 victim.

2-51 SECTION 6. Article 58.103, Code of Criminal Procedure, is  
 2-52 amended to read as follows:

2-53 Art. 58.103. VICTIM INFORMATION CONFIDENTIAL. (a) A  
 2-54 victim who completes a pseudonym form and returns the form to the  
 2-55 law enforcement agency investigating the offense or to the office  
 2-56 of the attorney representing the state prosecuting the offense may  
 2-57 not be required to disclose the victim's name, address, and  
 2-58 telephone number in connection with the investigation or  
 2-59 prosecution of the offense.

2-60 (b) A law enforcement agency or an office of the attorney  
 2-61 representing the state receiving a pseudonym form under Subsection  
 2-62 (a) shall send a copy of the form to each other agency or office  
 2-63 investigating or prosecuting the offense.

2-64 (c) A completed and returned pseudonym form is confidential  
 2-65 and may not be disclosed to any person other than a defendant in the  
 2-66 case or the defendant's attorney, except as provided by Subsection  
 2-67 (b) or by [on an] order of a court. The court finding required by  
 2-68 Article 58.104 is not required to disclose the confidential  
 2-69 pseudonym form to the defendant in the case or to the defendant's

3-1 attorney.

3-2 (d) ~~A [(c) If a victim completes a pseudonym form and~~  
3-3 ~~returns the form to a law enforcement agency under Article~~  
3-4 ~~58.102(a), the]~~ law enforcement agency receiving the form or a copy  
3-5 of the form shall:

3-6 (1) remove the victim's name and substitute the  
3-7 pseudonym for the name on all reports, files, and records in the  
3-8 agency's possession; and

3-9 (2) ~~[notify the attorney representing the state of the~~  
3-10 ~~pseudonym and that the victim has elected to be designated by the~~  
3-11 ~~pseudonym; and~~

3-12 ~~[(3)]~~ maintain the form in a manner that protects the  
3-13 confidentiality of the information contained on the form.

3-14 (e) An office of the attorney representing the state  
3-15 receiving the form or a copy of the form shall:

3-16 (1) remove the victim's name and substitute the  
3-17 pseudonym for the name on all reports, files, and records in the  
3-18 office's possession;

3-19 (2) maintain the form in a manner that protects the  
3-20 confidentiality of the information contained on the form; and

3-21 (3) ~~[(d) An attorney representing the state who~~  
3-22 ~~receives notice that a victim has elected to be designated by a~~  
3-23 ~~pseudonym shall]~~ ensure that the victim is designated by the  
3-24 pseudonym in all legal proceedings concerning the offense.

3-25 SECTION 7. Chapter 21, Government Code, is amended by  
3-26 adding Section 21.014 to read as follows:

3-27 Sec. 21.014. ELECTRONIC TRANSMISSION OF COURT PROCEEDINGS  
3-28 IN CERTAIN CASES PROHIBITED. (a) This section applies to the  
3-29 following:

3-30 (1) criminal or civil court proceedings relating to an  
3-31 offense under:

3-32 (A) Section 21.02, 21.11, 21.15, 22.011, 22.012,  
3-33 or 22.021, Penal Code;

3-34 (B) Section 20A.02(a)(3), (4), (7), or (8), Penal  
3-35 Code; or

3-36 (C) Section 20A.03, Penal Code, if the offense is  
3-37 based partly or wholly on conduct that constitutes an offense  
3-38 described by Paragraph (B); and

3-39 (2) court proceedings relating to:

3-40 (A) a protective order under Chapter 7B, Code of  
3-41 Criminal Procedure;

3-42 (B) a magistrate's order for emergency  
3-43 protection issued under Article 17.292, Code of Criminal Procedure;

3-44 (C) a protective order issued under Section  
3-45 6.504, Family Code; or

3-46 (D) a protective order issued under Chapter 85,  
3-47 Family Code.

3-48 (b) A court may not allow the electronic transmission or  
3-49 broadcasting of court proceedings described by Subsection (a) in  
3-50 which evidence or testimony is offered that depicts or describes  
3-51 acts of a sexual nature unless the court provides notice to and  
3-52 receives express consent for the transmission or broadcasting from:

3-53 (1) the victim or the parent, conservator, or guardian  
3-54 of the victim, as applicable;

3-55 (2) the attorney representing the state; and

3-56 (3) the defendant.

3-57 SECTION 8. Articles 38.435 and 38.451, Code of Criminal  
3-58 Procedure, as amended by this Act, and Articles 39.152 and 39.153,  
3-59 Code of Criminal Procedure, and Section 21.014, Government Code, as  
3-60 added by this Act, apply only to a court hearing or proceeding that  
3-61 commences on or after the effective date of this Act. A court  
3-62 hearing or proceeding that commences before the effective date of  
3-63 this Act is governed by the law in effect on the date the hearing or  
3-64 proceeding commenced, and the former law is continued in effect for  
3-65 that purpose.

3-66 SECTION 9. This Act takes effect September 1, 2025.

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