

## Tex. Fam. Code § 58.008

This document is current through the 2017 Regular Session and 1st C.S., 85th Legislature

***Texas Statutes & Codes Annotated by LexisNexis® > Texas Family Code > Title 3 Juvenile Justice Code > Chapter 58 Records; Juvenile Justice Information System > Subchapter A Creation and Confidentiality of Juvenile Records***

### **Sec. 58.008. Confidentiality of Law Enforcement Records.**

- (a) This section applies only to the inspection, copying, and maintenance of a record concerning a child and to the storage of information, by electronic means or otherwise, concerning the child from which a record could be generated and does not affect the collection, dissemination, or maintenance of information as provided by Subchapter B. This section does not apply to a record relating to a child that is:
- (1) required or authorized to be maintained under the laws regulating the operation of motor vehicles in this state;
  - (2) maintained by a municipal or justice court; or
  - (3) subject to disclosure under Chapter 62, Code of Criminal Procedure.
- (b) Except as provided by Subsection (d), law enforcement records concerning a child and information concerning a child that are stored by electronic means or otherwise and from which a record could be generated may not be disclosed to the public and shall be:
- (1) if maintained on paper or microfilm, kept separate from adult records;
  - (2) if maintained electronically in the same computer system as adult records, accessible only under controls that are separate and distinct from the controls to access electronic data concerning adults; and
  - (3) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subsection (c) or Subchapter B, D, or E.
- (c) The law enforcement records of a person with a determinate sentence who is transferred to the Texas Department of Criminal Justice may be transferred to a central state or federal depository for adult records after the date of transfer and may be shared in accordance with the laws governing the adult records in the depository.
- (d) Law enforcement records concerning a child may be inspected or copied by:
- (1) a juvenile justice agency, as defined by Section 58.101;
  - (2) a criminal justice agency, as defined by Section 411.082, Government Code;
  - (3) the child; or
  - (4) the child's parent or guardian.
- (e) Before a child or a child's parent or guardian may inspect or copy a record concerning the child under Subsection (d), the custodian of the record shall redact:
- (1) any personally identifiable information about a juvenile suspect, offender, victim, or witness who is not the child; and

- (2) any information that is excepted from required disclosure under Chapter 552, Government Code, or any other law.
- (f) If a child has been reported missing by a parent, guardian, or conservator of that child, information about the child may be forwarded to and disseminated by the Texas Crime Information Center and the National Crime Information Center.

## History

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Enacted by Acts 2017, 85th Leg., ch. 746 (S.B. 1304), § 13, effective September 1, 2017.

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## Tex. Fam. Code § 261.201

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***Texas Statutes & Codes Annotated by LexisNexis® > Texas Family Code > Title 5 The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship > Subtitle E Protection of the Child > Chapter 261 Investigation of Report of Child Abuse or Neglect > Subchapter C Confidentiality and Privileged Communication***

### **Sec. 261.201. Confidentiality and Disclosure of Information.**

**(a)** Except as provided by Section 261.203, the following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

**(1)** a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

**(2)** except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

**(b)** A court may order the disclosure of information that is confidential under this section if:

**(1)** a motion has been filed with the court requesting the release of the information;

**(2)** a notice of hearing has been served on the investigating agency and all other interested parties; and

**(3)** after hearing and an in camera review of the requested information, the court determines that the disclosure of the requested information is:

**(A)** essential to the administration of justice; and

**(B)** not likely to endanger the life or safety of:

**(i)** a child who is the subject of the report of alleged or suspected abuse or neglect;

**(ii)** a person who makes a report of alleged or suspected abuse or neglect; or

**(iii)** any other person who participates in an investigation of reported abuse or neglect or who provides care for the child.

**(b-1)** On a motion of one of the parties in a contested case before an administrative law judge relating to the license or certification of a professional, as defined by Section 261.101(b), or an educator, as defined by *Section 5.001, Education Code*, the administrative law judge may order the disclosure of information that is confidential under this section that relates to the matter before the administrative law judge after a hearing for which notice is provided as required by Subsection (b)(2) and making the review and determination required by Subsection (b)(3). Before the department may release information under this subsection, the department must edit the information to protect the confidentiality of the identity of any person who makes a report of abuse or neglect.

**(c)** In addition to Subsection (b), a court, on its own motion, may order disclosure of information that is confidential under this section if:

**(1)** the order is rendered at a hearing for which all parties have been given notice;

**(2)** the court finds that disclosure of the information is:

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- (A) essential to the administration of justice; and
- (B) not likely to endanger the life or safety of:
  - (i) a child who is the subject of the report of alleged or suspected abuse or neglect;
  - (ii) a person who makes a report of alleged or suspected abuse or neglect; or
  - (iii) any other person who participates in an investigation of reported abuse or neglect or who provides care for the child; and
- (3) the order is reduced to writing or made on the record in open court.
- (d) The adoptive parents of a child who was the subject of an investigation and an adult who was the subject of an investigation as a child are entitled to examine and make copies of any report, record, working paper, or other information in the possession, custody, or control of the state that pertains to the history of the child. The department may edit the documents to protect the identity of the biological parents and any other person whose identity is confidential, unless this information is already known to the adoptive parents or is readily available through other sources, including the court records of a suit to terminate the parent-child relationship under Chapter 161.
- (e) Before placing a child who was the subject of an investigation, the department shall notify the prospective adoptive parents of their right to examine any report, record, working paper, or other information in the possession, custody, or control of the department that pertains to the history of the child.
- (f) The department shall provide prospective adoptive parents an opportunity to examine information under this section as early as practicable before placing a child.
- (f-1) The department shall provide to a relative or other individual with whom a child is placed any information the department considers necessary to ensure that the relative or other individual is prepared to meet the needs of the child. The information required by this subsection may include information related to any abuse or neglect suffered by the child.
- (g) Notwithstanding Subsection (b), the department, on request and subject to department rule, shall provide to the parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect information concerning the reported abuse or neglect that would otherwise be confidential under this section if the department has edited the information to protect the confidentiality of the identity of the person who made the report and any other person whose life or safety may be endangered by the disclosure.
- (h) This section does not apply to an investigation of child abuse or neglect in a home or facility regulated under Chapter 42, Human Resources Code.
- (i) Notwithstanding Subsection (a), the Texas Juvenile Justice Department shall release a report of alleged or suspected abuse or neglect made under this chapter if:
  - (1) the report relates to a report of abuse or neglect involving a child committed to the Texas Juvenile Justice Department during the period that the child is committed to that department; and
  - (2) the Texas Juvenile Justice Department is not prohibited by Chapter 552, Government Code, or other law from disclosing the report.
- (j) The Texas Juvenile Justice Department shall edit any report disclosed under Subsection (i) to protect the identity of:
  - (1) a child who is the subject of the report of alleged or suspected abuse or neglect;
  - (2) the person who made the report; and
  - (3) any other person whose life or safety may be endangered by the disclosure.
- (k) Notwithstanding Subsection (a), an investigating agency, other than the department or the Texas Juvenile Justice Department, on request, shall provide to the parent, managing conservator, or other legal

representative of a child who is the subject of reported abuse or neglect, or to the child if the child is at least 18 years of age, information concerning the reported abuse or neglect that would otherwise be confidential under this section. The investigating agency shall withhold information under this subsection if the parent, managing conservator, or other legal representative of the child requesting the information is alleged to have committed the abuse or neglect.

- (j) Before a child or a parent, managing conservator, or other legal representative of a child may inspect or copy a record or file concerning the child under Subsection (k), the custodian of the record or file must redact:
- (1) any personally identifiable information about a victim or witness under 18 years of age unless that victim or witness is:
    - (A) the child who is the subject of the report; or
    - (B) another child of the parent, managing conservator, or other legal representative requesting the information;
  - (2) any information that is excepted from required disclosure under Chapter 552, Government Code, or other law; and
  - (3) the identity of the person who made the report.

## History

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Enacted by Acts 1995, 74th Leg., ch. 20 (H.B. 655), § 1, effective April 20, 1995; am. Acts 1995, 74th Leg., ch. 751 (H.B. 433), § 93, effective September 1, 1995; am. Acts 1997, 75th Leg., ch. 575 (H.B. 1826), § 12, effective September 1, 1997; am. Acts 1997, 75th Leg., ch. 1022 (S.B. 359), § 69, effective September 1, 1997; am. Acts 1999, 76th Leg., ch. 1150 (H.B. 3838), § 3, effective September 1, 1999; am. Acts 1999, 76th Leg., ch. 1390 (H.B. 1622), § 22, effective September 1, 1999; am. Acts 2003, 78th Leg., ch. 68 (S.B. 579), § 2, effective September 1, 2003; am. Acts 2005, 79th Leg., ch. 268 (S.B. 6), § 1.15, effective September 1, 2005; am. Acts 2007, 80th Leg., ch. 263 (S.B. 103), § 12, effective June 8, 2007; am. Acts 2009, 81st Leg., ch. 713 (H.B. 2876), § 1, effective June 19, 2009; am. Acts 2009, 81st Leg., ch. 779 (S.B. 1050), § 1, effective September 1, 2009; am. Acts 2009, 81st Leg., ch. 1377 (S.B. 1182), § 13, effective September 1, 2009; am. Acts 2015, 84th Leg., 1 (S.B. 219), § 1.128, effective April 2, 2015; am. Acts 2015, 84th Leg., 734 (H.B. 1549), § 82, effective September 1, 2015.

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## Tex. Occ. Code § 1701.661

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*Texas Statutes & Codes Annotated by LexisNexis® > Occupations Code > Title 10 Occupations Related to Law Enforcement and Security > Chapter 1701 Law Enforcement Officers [Expires September 1, 2021] > Subchapter N Body Worn Camera Program [Expires September 1, 2021]*

### **Sec. 1701.661. [Expires September 1, 2021] Release of Information Recorded by Body Worn Camera.**

- (a) A member of the public is required to provide the following information when submitting a written request to a law enforcement agency for information recorded by a body worn camera:
- (1) the date and approximate time of the recording;
  - (2) the specific location where the recording occurred; and
  - (3) the name of one or more persons known to be a subject of the recording.
- (b) A failure to provide all of the information required by Subsection (a) to be part of a request for recorded information does not preclude the requestor from making a future request for the same recorded information.
- (c) Except as provided by Subsection (d), information recorded by a body worn camera and held by a law enforcement agency under this subchapter is not subject to the requirements of Section 552.021, Government Code.
- (d) Information that is or could be used as evidence in a criminal prosecution is subject to the requirements of Section 552.021, Government Code.
- (e) A law enforcement agency may:
- (1) seek to withhold information subject to Subsection (d) in accordance with procedures provided by Section 552.301, Government Code;
  - (2) assert any exceptions to disclosure in Chapter 552, Government Code, or other law; or
  - (3) release information requested in accordance with Subsection (a) after the agency redacts any information made confidential under Chapter 552, Government Code, or other law.
- (f) A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.
- (g) The attorney general shall set a proposed fee to be charged to members of the public who seek to obtain a copy of a recording under this section. The fee amount must be sufficient to cover the cost of reviewing and making the recording. A law enforcement agency may provide a copy without charge or at a reduced charge if the agency determines that waiver or reduction of the charge is in the public interest.
- (h) A recording is confidential and excepted from the requirements of Chapter 552, Government Code, if the recording:
- (1) was not required to be made under this subchapter or another law or under a policy adopted by the appropriate law enforcement agency; and

(2) does not relate to a law enforcement purpose.

## History

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Enacted by Acts 2015, 84th Leg., 1134 (S.B. 158), § 1, effective September 1, 2015.

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## Tex. Occ. Code § 1701.660

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***Texas Statutes & Codes Annotated by LexisNexis® > Occupations Code > Title 10 Occupations Related to Law Enforcement and Security > Chapter 1701 Law Enforcement Officers [Expires September 1, 2021] > Subchapter N Body Worn Camera Program [Expires September 1, 2021]***

### **Sec. 1701.660. [Expires September 1, 2021] Recordings As Evidence.**

- (a) Except as provided by Subsection (b), a recording created with a body worn camera and documenting an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted, destroyed, or released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded.
- (b) A law enforcement agency may release to the public a recording described by Subsection (a) if the law enforcement agency determines that the release furthers a law enforcement purpose.
- (c) This section does not affect the authority of a law enforcement agency to withhold under Section 552.108, Government Code, information related to a closed criminal investigation that did not result in a conviction or a grant of deferred adjudication community supervision.

### **History**

Enacted by Acts 2015, 84th Leg., 1134 (S.B. 158), § 1, effective September 1, 2015.

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