

1 AN ACT

2 relating to notifying an alleged perpetrator of child abuse or  
3 neglect of certain rights in an investigation by the Department of  
4 Family and Protective Services.

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

6 SECTION 1. Subchapter D, Chapter 261, Family Code, is  
7 amended by adding Section 261.3027 to read as follows:

8 Sec. 261.3027. NOTICE OF RIGHT TO RECORD INTERVIEW. (a)  
9 Before conducting an interview with an alleged perpetrator, the  
10 department shall inform the person orally and in writing that:

11 (1) the person may create an audio or video recording  
12 of the interview but may not record the interview in any other  
13 manner;

14 (2) any audio or video recording made by the person may  
15 be subject to subpoena under a court order; and

16 (3) the person may request and receive a copy of the  
17 department's current recording policy.

18 (b) The department shall document in the case file that the  
19 department provided the notice required by Subsection (a).

20 (c) The department shall provide two copies of the written  
21 notice to be signed by the person. The department shall provide one  
22 signed notice to the person and retain the other signed notice in  
23 the case file.

24 (d) An audio or video recording of the department's

1 interview with an alleged perpetrator may not be posted on an  
2 Internet website in a manner that could identify a party involved in  
3 the interview.

4 SECTION 2. Subchapter D, Chapter 261, Family Code, is  
5 amended by adding Section 261.3091 to read as follows:

6 Sec. 261.3091. NOTICE OF RIGHT TO REQUEST ADMINISTRATIVE  
7 REVIEW. (a) Before conducting an interview with an alleged  
8 perpetrator, the department shall notify the person in writing that  
9 the person may request an administrative review of the department's  
10 findings under Section 261.309. The person shall sign the written  
11 notice to acknowledge receipt of the notice.

12 (b) The department shall document in the case file that the  
13 department provided the notice required by Subsection (a).

14 SECTION 3. This Act takes effect September 1, 2021.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 135 was passed by the House on April 9, 2021, by the following vote: Yeas 144, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 135 on May 28, 2021, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 135 was passed by the Senate, with amendments, on May 20, 2021, by the following vote: Yeas 26, Nays 5.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor