

By: Hernandez

H.B. No. 1073

A BILL TO BE ENTITLED

AN ACT

relating to the placement and use of video recording equipment in certain child-care facilities.

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

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.04291 to read as follows:

Sec. 42.04291. VIDEO RECORDING EQUIPMENT IN DAY-CARE CENTERS. (a) This section applies only to a day-care center that provides care for children who are two years of age or younger.

(b) Each day-care center subject to this section shall:

(1) place video recording equipment in each area of the center occupied by children who are two years of age or younger; and

(2) record each area described by Subdivision (1) any time children who are two years of age or younger are present in the area.

(c) A day-care center inside of or connected to a school, office building, or other facility is only required to record areas used by the center as classrooms.

(d) A day-care center is not required to operate video recording equipment required by this section when children are not present in the day-care center.

(e) Except as provided by Subsections (f) and (g), video recording equipment required by this section must visually monitor

1 and record video in all areas of the day-care center occupied by
2 children who are two years of age or younger.

3 (f) The inside of a bathroom or any area in the day-care
4 center, other than the main instructional area of a classroom, in
5 which a child's clothes or diapers are changed may not be visually
6 monitored, except for incidental coverage of a minor portion of a
7 bathroom or changing area because of the layout of the center.

8 (g) A day-care center may temporarily stop video recording
9 in the main instructional area of a classroom while that area is
10 used by children to change clothes or by staff to change a child's
11 clothes or diaper. The day-care center shall resume recording in
12 the area once the area is no longer used for those purposes.

13 (h) Except as provided by Subsection (i), a day-care center
14 shall retain recorded video required by this section for at least 30
15 days after the date the video is recorded.

16 (i) If a person described by Subsection (j) requests to view
17 recorded video required by this section, a day-care center shall
18 retain the video from the date of the request until the person views
19 the video and a determination is made on whether the video documents
20 an alleged incident. The center shall retain a video that documents
21 an alleged incident until the alleged incident is resolved,
22 including the exhaustion of all appeals.

23 (j) A recorded video required by this section is
24 confidential and may not be released or viewed except as provided by
25 this subsection or Subsection (k). A day-care center shall release
26 a video for viewing by:

27 (1) an employee who is involved in an alleged incident

1 that is documented by the video and has been reported to the
2 commission;

3 (2) a parent of a child who is involved in an alleged
4 incident that is documented by the video and has been reported to
5 the commission, on request of the parent; or

6 (3) appropriate commission, department, or law
7 enforcement personnel as part of:

8 (A) an investigation of a report of alleged or
9 suspected abuse or neglect of a child or of a violation of a
10 licensing standard; or

11 (B) a monitoring inspection.

12 (k) A contractor or employee performing job duties relating
13 to the installation, operation, or maintenance of video recording
14 equipment or the retention of recorded videos who incidentally
15 views a video is not in violation of Subsection (j).

16 (l) The executive commissioner may adopt rules to implement
17 and administer this section.

18 SECTION 2. Notwithstanding Section 42.04291, Human
19 Resources Code, as added by this Act, a day-care center is not
20 required to be equipped with and operate video recording equipment
21 as required by that section before January 1, 2022.

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