

## BILL ANALYSIS

C.S.H.B. 3259  
By: Wu  
Human Services  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Children's advocacy centers provide support in cases of child abuse and neglect and often help create video interviews of children who have been the victims of sexual violence or other similar crimes. Current law regarding the confidentiality and use of such materials refers to "audiotapes" and "videotapes." However, these types of media are now stored on disks and hard drives and not audiotapes and videotapes. Interested parties assert that this inconsistency can place a judge in a difficult situation when denying a request for the reproduction or release of these materials. C.S.H.B. 3259 seeks to address this issue by modernizing certain statutory language.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### ANALYSIS

C.S.H.B. 3259 amends the Family Code to replace references to audiotapes with references to audio recordings and references to videotaped interviews with references to video recordings of interviews in provisions relating to the release of a case record and the use, confidentiality, and ownership of certain information and records in an investigation of child abuse and neglect. The bill makes a provision requiring a court to deny a request to reproduce a video recording of an interview of a child made at a children's advocacy center under certain circumstances applicable to a request to reproduce the audio portion of such a video recording.

### EFFECTIVE DATE

September 1, 2013.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3259 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 264.0145(a), Family Code, is amended to read as follows:

(a) In this section, "case record" means those files, reports, records, communications, **audiotapes**, **video recordings** [~~videotapes~~], or working papers under the custody and control of the

#### HOUSE COMMITTEE SUBSTITUTE

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(a) In this section, "case record" means those files, reports, records, communications, **audio recordings**, **video recordings** [~~audiotapes, videotapes~~], or working papers under the custody and control of the department that are

department that are collected, developed, or used:

- (1) in a child abuse or neglect investigation; or
- (2) in providing services as a result of an investigation, including substitute care services for a child.

SECTION 2. Sections 264.408(d), (d-1), and (e), Family Code, are amended.

SECTION 3. This Act takes effect September 1, 2013.

collected, developed, or used:

- (1) in a child abuse or neglect investigation; or
- (2) in providing services as a result of an investigation, including substitute care services for a child.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.