

By: Menéndez

S.B. No. 1543

A BILL TO BE ENTITLED

AN ACT

relating to notice requirements regarding the right to record certain interviews conducted by the Department of Family and Protective Services.

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

SECTION 1. Subchapter B, Chapter 40, Human Resources Code, is amended by adding Section 40.045 to read as follows:

Sec. 40.045. NOTICE REGARDING RECORDING OF INVESTIGATIVE INTERVIEWS. (a) This section applies to all investigations conducted by the department, including investigations conducted by the adult protective services division and the child protective services division.

(b) Except as provided by Subsection (c), before a department employee conducts an interview as part of a department investigation, the employee shall:

(1) orally notify the person who is the subject of the interview that the person has the right to record the interview using an audio recording device; and

(2) obtain written verification from the person who is the subject of the interview that the department employee provided the notice required by Subdivision (1).

(c) A department employee is not required to provide the notice described by Subsection (b) to:

(1) an alleged victim of self-neglect; or

1 (2) a person who the department employee suspects is
2 incapacitated.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2019.