

By: Menéndez
(Frank)

S.B. No. 1543

A BILL TO BE ENTITLED

AN ACT

1
2 relating to notice requirements regarding the right to record
3 certain interviews conducted by the Department of Family and
4 Protective Services.

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

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

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

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

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

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

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

24 (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.