By:  Minjarez, Canales, Sherman, Sr. H.B. No. 135

     (Senate Sponsor - Miles)

(In the Senate - Received from the House April 12, 2021; April 13, 2021, read first time and referred to Committee on Health & Human Services; May 13, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 1; May 13, 2021, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco            X

Buckingham        X

Campbell          X

Hall                  X

Miles             X

Powell            X

Seliger           X

COMMITTEE SUBSTITUTE FOR H.B. No. 135 By:  Perry

A BILL TO BE ENTITLED

AN ACT

relating to notifying an alleged perpetrator of child abuse or neglect of certain rights in an investigation by the Department of Family and Protective Services; creating a criminal offense.

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

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

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

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

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

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

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

(d)  An audio or video recording of the department's interview with an alleged perpetrator may not be posted on an Internet website. A person who violates this subsection commits an offense. An offense under this subsection is a Class C misdemeanor.

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

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

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

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

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