

House Bill 135
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 recording of the interview but may not record the interview in any other manner; and

(2) any audio 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.

No equivalent provision.

SENATE VERSION (IE)

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; [FA1(1)]

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

(3) the person may request and receive a copy of the department's current recording policy. [FA1(2)]

(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 in a manner that could identify a party involved in the interview. [FA1(3)]

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

CONFERENCE

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CONFERENCE

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 2. This Act takes effect September 1, 2021.

SECTION 3. Same as House version.