

BILL ANALYSIS

C.S.H.B. 135
By: Minjarez
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that many Texans are unaware of their right to record interactions with government agencies, particularly with respect to sensitive matters such as a Department of Family and Protective Services (DFPS) investigation into an allegation of child abuse or neglect. C.S.H.B. 135 seeks to provide accountability and transparency in child welfare investigations by requiring DFPS to inform an alleged perpetrator in such an investigation of the person's right to make an audio recording of an interview with DFPS prior to conducting the interview.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 135 amends the Family Code to require the Department of Family and Protective Services (DFPS), before conducting an interview with an alleged perpetrator of child abuse or neglect, to inform the person orally and in writing of the following:

- that the person may create an audio recording of the interview but may not record the interview in any other manner; and
- that any recording they make may be subject to subpoena under a court order.

The bill requires DFPS to document in the case file that DFPS provided that notice. The bill requires DFPS to retain two copies of the written notice to be signed by the person, with one copy to be provided to the person and the other copy retained in the case file.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 135 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does the following:

- requires DFPS to provide notice both orally and in writing;
- limits the manner in which the person may record the interview to an audio recording;

- requires DFPS to provide two copies of the written notice to be signed by the person;
and
- requires DFPS to give one of the signed copies to the person and retain the other copy.