

## CHAPTER 515

H.B. No. 593

## AN ACT

relating to law enforcement records concerning a child.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Sections 51.15(a) and (b), Family Code, are amended to read as follows:

(a) No child may be fingerprinted without the consent of the juvenile court except as provided in *Subsections* [~~Subsection~~] (f) and (i) of this section. However, if a child 15 years of age or older is referred to the juvenile court for a felony, his fingerprints may be taken and filed by a law-enforcement officer investigating the case.

(b) Except as provided in *Subsections* [~~Subsection~~] (h) and (i) of this section, no child taken into custody may be photographed without the consent of the juvenile court unless the child is transferred to criminal court for prosecution under Section 54.02 of this code.

SECTION 2. Section 51.15, Family Code, is amended by adding Subsection (i) to read as follows:

(i) *A law enforcement officer may fingerprint or photograph a child taken into custody, or detained as permitted under this title, for delinquent conduct if the officer is unable to identify the child after making a reasonable effort to do so.*

SECTION 3. Section 51.14(c), Family Code, is amended to read as follows:

(c) *Except as provided by this subsection, law-enforcement* [~~Law-enforcement~~] files and records concerning a child shall be kept separate from files and records of arrests of adults and shall be maintained on a local basis only and not sent to a central state or federal depository. *If a child has been reported as missing by a parent, guardian, or conservator of that child or a child has escaped from the custody of a juvenile detention facility, the Texas Youth Commission, or any other agency to which the child has been committed, any information or records concerning that child may be transferred to and disseminated by the Texas Crime Information Center and the National Crime Information Center.*

SECTION 4. Section 51.15(c), Family Code, is amended to read as follows:

(c) *Except as provided by this subsection, fingerprint* [~~Fingerprint~~] and photograph files or records of children shall be kept separate from those of adults, and fingerprints or photographs known to be those of a child shall be maintained on a local basis only and not sent to a central state or federal depository. *If a child has been reported as missing by a parent, guardian, or conservator of that child or a child has escaped from the custody of a juvenile detention facility, the Texas Youth Commission, or any other agency to which the child has been committed, the child's fingerprints and photograph may be sent to and indexed into the files of the Department of Public Safety and the Federal Bureau of Investigation to aid in the location and identification of the child.*

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 27, 1987, by a non-record vote. Passed by the Senate on May 21, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 17, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.