



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 15, 1997

Mr. Miles K. Risley
Senior Assistant City Attorney
Legal Department
City of Victoria
P. O. Box 1758
Austin, Texas 77902-1758

OR97-0066

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102958.

The City of Victoria (the "city") received a request from a certain named individual's attorney for "all police reports, for instances when police were called to [a specific address] in the last two years." You assert that the requested information is excepted from required public disclosure pursuant to section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure information that is made confidential by law, including information made confidential by statute. You assert that the requested records that identify a juvenile offender are excepted from required public disclosure based on section 552.101 of the Government Code, in conjunction with former section 51.14 of the Family Code. The requested law enforcement records concern conduct committed by a juvenile before January 1, 1996. The release of law enforcement records of offenses committed by a juvenile before January 1, 1996, is governed by former Family Code section 51.14(d),¹ which provides, in pertinent part:

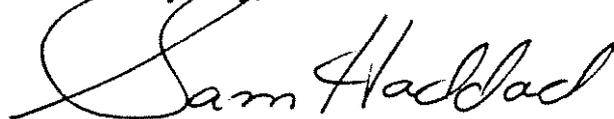
¹The Family Code was substantially amended by the Seventy-fourth Legislature including the repeal of section 51.14. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Sess. Law Serv. 2517, 2590. However, the amendments to the Family Code apply only to conduct that occurs on or after January 1, 1996. *Id.* § 106, 1995 Tex. Sess. Law Serv. at 2591. "Conduct that occurs before January 1, 1996, is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose." *Id.*

Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public.²

In Open Records Decision No. 181 (1977) at 2, this office held that former section 51.14(d) excepts police reports which identify juveniles or furnish a basis for their identification. *See also* Open Records Decision No. 394 (1983) at 4-5 (applying former Fam. Code § 51.14(d) to "police blotter" and related information). You do not indicate that the information at issue here relates to charges for which the juvenile was transferred to a criminal court for prosecution under section 54.02 of the Family Code,³ nor that article 15.27 of the Code of Criminal Procedure⁴ applies. Moreover, we do not believe any of the exceptions to former section 51.14(d) are applicable.⁵ Accordingly, we conclude that the city must withhold the requested information under section 552.101 as information deemed confidential by law.

We are resolving this matter with an informal letter ruling rather than with a published open records decision.⁶ This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Sam Haddad
Assistant Attorney General
Open Records Division

²Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 3, 1993 Tex. Gen. Laws 1850, 1852, *repealed* by Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Sess. Law Serv. 2517, 2590.

³Act of May 25, 1973, 63d Leg., R.S., ch. 544, § 1, 1973 Tex. Gen. Laws 1460, 1476-77, *amended* by Act of May 19, 1975, 64th Leg., R.S., ch. 693, §§ 15-16, 1975 Tex. Gen. Laws 2152, 2156-57 (adding subsecs. (m), (j), (k), (l)), *amended* by Act of May 8, 1987, 70th Leg., R.S., ch. 140, §§ 1-3, 1987 Tex. Gen. Laws 309 (amending subsecs. (a), (h), (j)).

⁴Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 1, 1993 Tex. Gen. Laws 1850-51.

⁵*See id.* § 3, 1993 Tex. Gen. Laws at 1852 (repealed 1995) (former Fam. Code § 51.14(d)(1), (2), (3)).

⁶Under these facts, as we resolve your request under section 552.101 in conjunction with section 51.14 of the Family Code, we need not address the confidentiality provision of section 261.201 of the Family Code.

SH/cbh

Ref: ID# 102958

Enclosures: Submitted documents

cc: Mr. Jack W. Marr
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(w/o enclosures)