



Office of the Attorney General  
State of Texas

August 25, 1998

DAN MORALES  
ATTORNEY GENERAL

Mr. Kevin D. Pagan  
Assistant City Attorney  
City of McAllen  
P.O. Box 220  
McAllen, Texas 78505-0220

OR98-2034

Dear Mr. Pagan:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 117768.

The McAllen Police Department (the "department") received a request for the police report related to offense report 98-013945 concerning a manslaughter incident. You state that "if appropriate, the City has already released the 'front page' offense report information," but assert that the remainder of the requested information is excepted from disclosure pursuant to section 552.108 of the Government Code and section 51.14(d) of the Family Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Initially, we will address your assertion that the requested information is confidential under the Family Code because it involves juvenile conduct. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." We have previously found that section 58.007 of the Family Code does not make confidential juvenile law enforcement records concerning juvenile conduct occurring on or after January 1, 1996, that are maintained by law enforcement agencies. Open Records Decision No. 644 (1996). However, the Seventy-fifth Legislature passed House Bill 1550 which amends the Family Code. Act of June 2, 1997, H.B. 1550, 75th Leg., R.S., ch. 1086, § 20, 1997 Tex. Gen. Laws 4179, 4187. Juvenile offender records held by law enforcement agencies are now expressly confidential under section 58.007(c) of the Family Code. Notwithstanding, section 58.007(c) only applies to juvenile law enforcement records concerning conduct that occurred on or after September 1, 1997. The relevant language of amended Family Code section 58.007(c) reads as follows:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

- (1) kept separate from adult files and records; and
- (2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

Open Records Decision No. 644 (1996) continues to apply to records concerning juvenile conduct that occurred from January 1, 1996 to August 31, 1997. Section 58.007(c) of the Family Code only applies to juvenile law enforcement records concerning juvenile conduct occurring on or after September 1, 1997, that are maintained by law enforcement agencies. Juvenile law enforcement records concerning conduct that occurred before January 1, 1996, are governed by former section 51.14(d) of the Family Code, which is continued in effect for that purpose. Act of June 2, 1997, H.B. 1550, 75<sup>th</sup> Leg., R.S., ch. 1086, § 53, 1997 Tex. Gen. Laws 4179, 4199.

Here, the requested information involves juvenile conduct that occurred after September 1, 1997. Thus, the records are made confidential by amended section 58.007 of the Family Code. Accordingly, you must withhold the requested information under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code.

As we resolve your request under section 552.101, we need not specifically address your other claimed exception. We are resolving this matter with an informal letter ruling rather than with a published open records decision. 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

SH/mjc

Ref: ID# 117768

Enclosures: Submitted documents

cc: Terry Renteria  
State Farm Insurance  
P. O. Box 2378  
McAllen, Texas 78502  
(w/o enclosures)