



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 27, 1997

Mr. Claud H. Drinnen  
First Assistant City Attorney  
City of Amarillo  
Legal Department  
P.O. Box 1971  
Amarillo, Texas 79105-1971

OR97-0438

Dear Mr. Drinnen:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 103993.

The Amarillo Police Department (the "department") received a request for records concerning Kenneth Eugene Cates and calls to his residence. You assert that Investigative Report 93-102518 is excepted from required public disclosure based on Government Code section 552.101.

Section 552.101 of the Government Code excepts from required public disclosure information that is made confidential by law, including information made confidential by statute. You raise former Family Code section 51.14(d), which provides in pertinent part:

(d) 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.<sup>1</sup>

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 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

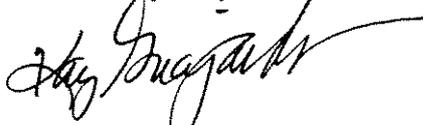
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<sup>1</sup>Act of May 22, 1993, 73d Leg., R.S., ch 461, § 3, 1993 Tex. Gen. Laws 1850, 1852, *repealed by Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Sess. Law Serv. 2517, 2590.*

here relates to charges for which the city transferred the juvenile under section 54.02 of the Family Code<sup>2</sup> to a criminal court for prosecution, nor that article 15.27 of the Code of Criminal Procedure<sup>3</sup> applies. Moreover, we do not understand any of the exceptions to former section 51.14(d) to apply here.<sup>4</sup> Accordingly, we conclude that the city must withhold the requested information from the requestor under Government Code section 552.101 as information deemed confidential by statutory law.<sup>5</sup>

We are resolving this matter with this 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 may 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,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 103993

Enclosures: Submitted documents

cc: Mr. Kurt H. King  
Corbin Mill Place  
131 S. Water Street, Suite 6  
Liberty, Missouri 64068  
(w/o enclosures)

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<sup>2</sup>Act 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)), *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)).

<sup>3</sup>Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 1, 1993 Tex. Gen. Laws 1850-51.

<sup>4</sup>*See id.* § 3, 1993 Tex. Gen. Laws at 1852 (repealed 1995) (former Fam. Code § 51.14(d)(1), (2)).

<sup>5</sup>As we conclude that the city must withhold the information from the requestor based on section 552.101, we need not address your other concerns, except to inform you that this office has recently ruled that section 58.007 of the Family Code does not make confidential juvenile law enforcement records concerning conduct occurring on or after January 1, 1996, that are maintained by law enforcement agencies. *See* Open Records Decision No. 644 (1996).