



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 13, 1998

Ms. Barbara G. Heptig
Assistant City Attorney
City of Arlington
101 W. Abram Street
Arlington, Texas 76004-0231

OR98-1655

Dear Ms. Heptig:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116447.

The Arlington Police Department received a request for information concerning case number 950126449. You claim that the requested information is excepted from required public disclosure by section 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

First, we note the submitted documents include an autopsy report. Autopsy reports prepared by a medical examiner are public records by statute. Code Crim. Proc. art. 49.25 § 11; Open Records Decision No. 529 (1989). Thus, the autopsy report must be released. Additionally, the documents contain an accident report form that appears to have been completed pursuant to chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (officer's accident report). This document must be released in accordance with section 47 of article 6701d, V.T.C.S. *Texas Daily Newspaper Ass'n, v. Morales*, No. 97-08930 (345th Dist. Ct., Travis County, Tex., Oct. 24, 1997) (second amended agreed temporary injunction). The requestor indicates, however, that the accident report has previously been released to him; thus, it does not appear that he seeks the accident report through this request.

You claim that the remaining requested records must be withheld because they involve juvenile conduct that occurred before January 1, 1996. Section 51.14(d) of the Family Code was repealed by the Seventy-fourth Legislature. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Gen. Laws 2517, 2590. Currently, section 58.007 of the Family Code provides that law enforcement records concerning a child must not be publicly disclosed. Family Code § 58.007(c). However, the most current bill which amended section 58.007(c) provides that "[c]onduct that occurs before the effective date of

this Act is covered by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose.” Act of June 2, 1997, 75th Leg., R.S., ch. 1086, § 53(b), 1997 Tex. Gen. Laws 4179, 4199.

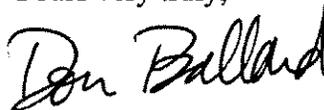
It appears and you represent that, at the time the conduct occurred here, the applicable law in effect was former Family Code section 51.14 which provides, in pertinent part:

(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.

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. Gen. Laws 2517, 2590. 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 records at issue here relate to charges for which the juvenile was transferred under section 54.02 of the Family Code to a criminal court for prosecution, or that article 15.27 of the Code of Criminal Procedure applies. Moreover, it does not appear that any of the exceptions to former section 51.14(d) apply to the requestor. *See* Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 3, 1993 Tex. Gen. Laws 1850, 1852 (repealed 1995) (formerly Fam. Code § 51.14(d)(1), (2), (3)). Accordingly, we conclude that you must withhold the requested records under section 552.101.

Because we make a determination under section 552.101, we need not address your additional argument against disclosure. 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,



Don Ballard
Assistant Attorney General
Open Records Division

Ref: ID# 116447

Enclosures: Submitted documents

cc: Mr. Steven Braden
332 W. Pipeline Road
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(w/o enclosures)