



November 16, 1999

Lieutenant C.E. Cox
Administrative Services
County of Bell
P.O. Box 749
Belton, Texas 76513

OR99-3280

Dear Lieutenant Cox:

You have asked whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 129551.

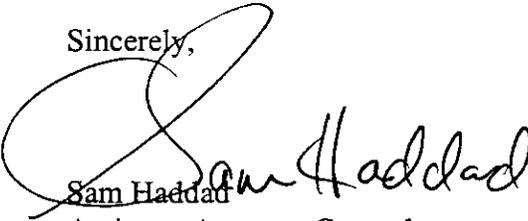
The Bell County Sheriff's Office (the "sheriff's office") received a request for the "complete file" concerning the death of the requestor's son. In response to the request, you submit to this office for review a copy of the information at issue. You state that most of the "case file" consisting of 112 pages has been released to the requestor. However, you assert that the submitted 12 pages are excepted from required public disclosure pursuant to section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Although you assert that section 58.007(c) of the Family Code makes the requested information confidential, we find that section 58.007(c) is inapplicable to the information at issue. Prior to its repeal by the Seventy-fourth Legislature, section 51.14(d) of the Family Code provided for the confidentiality of juvenile law enforcement records. Law enforcement records pertaining to conduct occurring before January 1, 1996 are governed by the former section 51.14(d), which was continued in effect for that purpose. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Gen. Laws 2517, 2591 (Vernon). This office concluded in 1996 that section 58.007 of the Family Code, as enacted by the Seventy-fourth Legislature, does not make confidential juvenile law enforcement records relating to conduct that occurred on or after January 1, 1996. Open Records Decision No. 644 (1996). The Seventy-fifth Legislature, however, amended section 58.007 to once again make juvenile law enforcement

records confidential, effective September 1, 1997. Act of June 2, 1997, 75th Leg., R.S., ch. 1086, 1997 Tex. Sess. Law Serv. 4179, 4187 (Vernon).¹ It chose not to make this most recent amendment retroactive in application. Consequently, law enforcement records pertaining to juvenile conduct that occurred between January 1, 1996 and September 1, 1997, are not subject to the confidentiality provisions of either the former section 51.14(d) or the current section 58.007(c) of the Family Code. The submitted information appears to involve juvenile conduct that occurred from September through November 1996; therefore, the information is not confidential under either section 51.14(d) or 58.007(c). Therefore, the submitted information may not be withheld under section 552.101 in conjunction with 58.007(c) of the Family Code.

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.

Sincerely,



Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 129551

encl. Submitted documents

cc: Ms. Doris Fowler
3706 Goodwin Avenue #130
Austin, Texas 78701
(w/o enclosures)

¹The Seventy-sixth Legislature also amended section 58.007(c). Act of May 26, 1999, 76th Leg., R.S., ch. 815, § 1, 1999 Tex. Sess. Law Serv. 3448 (Vernon) (to be codified as an amendment to Fam. Code § 58.007). The current amendments have no impact on the discussion here.