



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

March 15, 1977

The Honorable Selden N. Snedeker Opinion No. H-956
Criminal District Attorney
Cameron County Re: Fingerprinting of
Brownsville, Texas 78520 juveniles.

Dear Mr. Snedeker:

You have requested our opinion regarding whether a law enforcement agency may fingerprint a child for identification purposes. Section 51.15 of the Family Code provides, in pertinent part:

(a) No child may be fingerprinted without the consent of the juvenile court except as provided in Subsection (f) of this section. However, if a child 15 years of age or older is referred to the juvenile court for a felony, his fingerprints may be taken and filed by a law-enforcement officer investigating the case.

Subsection (f) permits a law enforcement officer to take a child's fingerprints "[i]f latent fingerprints are found during the investigation of an offense, and a law-enforcement officer has reasonable cause to believe that they are those of a particular child. . . ."

Prior to its 1975 amendment, subsection (a) provided:

No child may be fingerprinted in the investigation of a crime except as provided in Subsection (f) of this section
(Emphasis added).

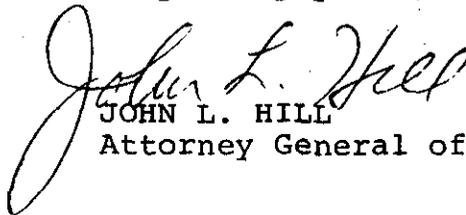
In our opinion, the deletion of the phrase "in the investigation of a crime" from the 1975 amendment to section 51.15(a) conclusively indicates that a law enforcement agency may fingerprint a child only in the specified circumstances.

A child may be fingerprinted in only three instances: if the juvenile court grants its approval; if subsection (f) is applicable; or if the child is "15 years of age or older [and] is referred to the juvenile court for a felony." Thus, it is our opinion that, unless one of the statutory exceptions is applicable, section 51.15 of the Family Code prohibits a law enforcement agency from fingerprinting a child.

S U M M A R Y

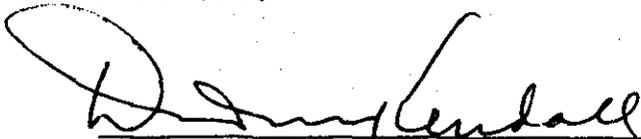
Unless one of the stated exceptions is applicable, section 51.15 of the Family Code prohibits a law enforcement agency from fingerprinting a child.

Very truly yours,

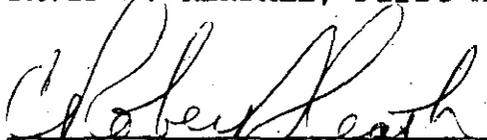


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APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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