

By: Hernandez

H.B. No. 459

A BILL TO BE ENTITLED

AN ACT

relating to the placement and use of video recording equipment in certain child-care facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0429 to read as follows:

Sec. 42.0429. VIDEO SURVEILLANCE OF DAY-CARE CENTER. (a)

Each day-care center shall:

(1) place video recording equipment in each area of the center occupied by children; and

(2) record each area described by Subdivision (1) any time children are present in the area.

(b) A day-care center is not required to operate video recording equipment required by this section when children are not present in the day-care center.

(c) Except as provided by Subsection (d), video recording equipment required by this section must:

(1) visually monitor all areas of the day-care center occupied by children; and

(2) record video and audio from all areas of the day-care center occupied by children.

(d) The inside of a bathroom or any area in the day-care center in which a child's clothes are changed may not be visually monitored, except for incidental coverage of a minor portion of a

1 bathroom or changing area because of the layout of the center.

2 (e) Except as provided by Subsection (f), a day-care center  
3 shall retain video recorded from video recording equipment required  
4 by this section for at least three months after the date the video  
5 is recorded.

6 (f) If a person described by Subsection (g) requests to view  
7 video recorded from video recording equipment required by this  
8 section, a day-care center shall retain the video from the date of  
9 receipt of the request until the person has viewed the video and a  
10 determination has been made as to whether the video documents an  
11 alleged incident. If the video documents an alleged incident, the  
12 center shall retain the video until the alleged incident has been  
13 resolved, including the exhaustion of all appeals.

14 (g) A video of a child recorded from video recording  
15 equipment required by this section is confidential and may not be  
16 released or viewed except as provided by this subsection or  
17 Subsection (h). A day-care center shall release a video for viewing  
18 by:

19 (1) an employee who is involved in an alleged incident  
20 that is documented by the video and has been reported to the  
21 department;

22 (2) a parent of a child who is involved in an alleged  
23 incident that is documented by the video and has been reported to  
24 the department, on request of the parent; or

25 (3) appropriate department personnel as part of an  
26 investigation of a report of alleged or suspected abuse or neglect  
27 of a child.

1       (h) A contractor or employee performing job duties relating  
2 to the installation, operation, or maintenance of video recording  
3 equipment or the retention of recorded videos who incidentally  
4 views a video is not in violation of Subsection (g).

5       (i) The executive commissioner may adopt rules to implement  
6 and administer this section.

7       SECTION 2. Notwithstanding Section 42.0429, Human  
8 Resources Code, as added by this Act, a day-care center is not  
9 required to be equipped with video recording equipment as required  
10 by that section before January 1, 2020.

11       SECTION 3. This Act takes effect September 1, 2019.