

THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following: Requests for Opinions, Opinions, and Open Records Decisions.

An index to the full text of these documents is available on the Attorney General's website at <https://www.texas.attorneygeneral.gov/attorney-general-opinions>. For information about pending requests for opinions, telephone (512) 463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

Requests for Opinions

RQ-0575-KP

Requestor:

Mr. Eric Burnett
Board President
Nueces River Authority
539 South Highway 83
Uvalde, Texas 78801

Re: Interpretation of the recusal standard under Texas Government Code § 572.058(a) (RQ-0575 KP)

Briefs requested by January 31, 2025

RQ-0576-KP

Requestor:

Ms. Gloria Meraz
Director and Librarian
Texas State Library Archives Commission
Post Office Box 12927
Austin, Texas 78711-2927

Re: Whether juvenile criminal case records constitute permanent records under Chapter 58 of the Family Code (RQ-0576-KP)

Briefs requested by February 21, 2025

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202500292
Justin Gordon
General Counsel
Office of the Attorney General
Filed: January 28, 2025



Opinions

Opinion No. KP-0477

The Honorable Donna Campbell, M.D.
Chair, Senate Committee on Nominations

Texas State Senate

Post Office Box 12068
Austin, Texas 78711-2068

Re: Whether electronic notice captured by a QR code on a traffic violation card satisfies the notice requirements of Transportation Code sections 543.003 and 543.004 (RQ-0552-KP)

S U M M A R Y

A court could conclude that providing an alleged violator with a card containing the time of appearance, place of appearance, and citation number along with a QR code, which serves as an electronic link to access the complete citation for certain misdemeanor traffic violations, satisfies the requirements of Transportation Code sections 543.003 and 543.004 as well as related provisions.

Opinion No. KP-0478

The Honorable Phil Sorrells
Tarrant County Criminal District Attorney
401 West Belknap
Fort Worth, Texas 76196

Re: Applicability of article 39.14 of the Code of Criminal Procedure to third-party records in the possession of the local juvenile justice agency and used in support of its social history report to the juvenile court (RQ-0532-KP)

S U M M A R Y

At a disposition hearing conducted under Family Code section 54.04, a juvenile court may consider a social history report prepared by a juvenile probation officer. A local juvenile probation department is not "the state" for purposes of Code of Criminal Procedure article 39.14 and not subject to disclosure duties on that basis. Code of Criminal Procedure article 2A.209 does not require a local juvenile probation department to disclose documents used to prepare social history reports to the prosecution. Determining whether such documents must be disclosed under *Brady v. Maryland* is a fact-specific inquiry that cannot be addressed in an Attorney General opinion.

Family Code subsection 54.04(b) requires that a child's attorney be given access to documents appended to a social history report. Subsection 54.04(b) does not apply to documents that are not considered by a juvenile court at the disposition hearing. A child's attorney may subpoena confidential or privileged documents used to prepare a social history report pursuant to Code of Criminal Procedure article 24.02.

Such documents are subject to mandatory in-camera review before disclosure if favorable to the child and otherwise to permissive in-camera review in relation to deciding a motion to quash.

Opinion No. KP-0479

Ms. Cindy Havelka

Fayette County Auditor

143 North Main Street, Suite A

La Grange, Texas 78945

Re: Authority of a sheriff to contract with other local governments and private entities for the off-duty work of sheriff deputies in certain circumstances (RQ-0538-KP)

S U M M A R Y

Only the commissioners court may generally contract for the authorized provision of law enforcement services involving county business.

Texas law recognizes the practice of law enforcement officers providing private-security services, outside of that provided to a county, for direct compensation.

The status of a school district as a political subdivision does not affect its statutory authority to directly contract for private-security services by a law enforcement officer.

No statute conditions the provision of private-security services on the presence of a mass gathering of people.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202500293

Justin Gordon

General Counsel

Office of the Attorney General

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