

By: Leach

H.B. No. 3611

Substitute the following for H.B. No. 3611:

By: Schofield

C.S.H.B. No. 3611

A BILL TO BE ENTITLED

AN ACT

relating to remotely conducting court proceedings in this state.

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

SECTION 1. Section 21.009, Government Code, is amended by adding Subdivision (5) to read as follows:

(5) "Remote proceeding" means a proceeding before a court in which one or more of the participants, including a judge, party, attorney, witness, court reporter, juror, or other individual, attends the proceeding remotely through the use of technology and the Internet.

SECTION 2. Chapter 21, Government Code, is amended by adding Section 21.013 to read as follows:

Sec. 21.013. OPTION FOR REMOTE PROCEEDING. (a) Notwithstanding any other law and except as limited by the United States Constitution, the Texas Constitution, rules adopted by the Texas Supreme Court, or this section, a court in this state as the court determines appropriate, on the court's own motion or on the motion of any party, may:

(1) conduct a hearing or other proceeding as a remote proceeding; and

(2) allow or require a judge, party, attorney, witness, court reporter, juror, or any other individual to participate in a remote proceeding, including a deposition, hearing, trial, or other proceeding.

1        (b) A court that elects to conduct a remote proceeding must:

2                (1) provide adequate notice of the remote proceeding  
3 to the parties to the proceeding;

4                (2) allow a party to file with the court a motion  
5 objecting to the remote proceeding and requesting an in-person  
6 proceeding not later than the 10th day after the date the party  
7 receives the notice; and

8                (3) provide a method for a person described by  
9 Subsection (a)(2) to notify the court that the person is unable to  
10 participate in the remote proceeding because the person is a person  
11 with a disability, lacks the required technology, or shows other  
12 good cause and:

13                        (A) provide an alternate method for the person to  
14 participate that accommodates the disability, lack of technology,  
15 or other situation;

16                        (B) allow the person to appear in person; or

17                        (C) conduct the proceeding as an in-person  
18 proceeding.

19        (c) On the court's receipt from any party to a proceeding of  
20 a motion objecting to the conduct of the proceeding as a remote  
21 proceeding and requesting an in-person proceeding, the court shall  
22 consider the motion and grant the motion for good cause shown.

23        (d) In any contested adversarial or contested evidentiary  
24 criminal proceeding for an offense punishable by confinement, the  
25 prosecutor and defendant must each agree for the proceeding to be  
26 conducted as a remote proceeding. If the prosecutor or defendant  
27 does not agree, the proceeding may not be held as a remote

1 proceeding.

2 (e) A district court, statutory county court, statutory  
3 probate court, or county court may not conduct a jury trial as a  
4 remote proceeding unless each party to the proceeding agrees to  
5 conduct the proceeding as a remote proceeding.

6 (f) For a jury trial that is to be conducted as a remote  
7 proceeding in a justice or municipal court, the court shall  
8 consider on the record any motion or objection related to  
9 proceeding with the trial not later than the seventh day before the  
10 trial date, except that if the motion or objection is made later  
11 than the seventh day before the trial date, the court must consider  
12 the motion or objection on the record as soon as practicable.

13 (g) A court that conducts a jury trial as a remote  
14 proceeding shall ensure all prospective jurors have access to the  
15 technology necessary to participate in the remote proceeding.

16 (h) A court that conducts a remote proceeding at a location  
17 other than the location the court regularly conducts proceedings  
18 must provide to the public reasonable notice of the location of the  
19 remote proceeding and an opportunity to observe the remote  
20 proceeding.

21 (i) The Office of Court Administration of the Texas Judicial  
22 System shall provide guidance and assistance to the extent possible  
23 to a court conducting a remote proceeding.

24 (j) For purposes of any law requiring notice or citation of  
25 the time and place for a proceeding, notice of the remote means by  
26 which the proceeding will be conducted and the method for accessing  
27 the proceeding through that remote means constitutes notice of the

1 place for the proceeding.

2 SECTION 3. The following provisions are repealed:

3 (1) Section 30.012(b), Civil Practice and Remedies  
4 Code; and

5 (2) Section 54.012(b), Family Code.

6 SECTION 4. As soon as practicable after the effective date  
7 of this Act, the Texas Supreme Court shall adopt the rules necessary  
8 to implement the changes in law made by this Act. Before adopting  
9 the rules, the supreme court must consult with interested parties,  
10 including prosecutors, criminal defense attorneys, judges, and  
11 representatives from the State Bar of Texas and Disability Rights  
12 Texas.

13 SECTION 5. The Texas Legislative Council, with the  
14 assistance of the Office of Court Administration of the Texas  
15 Judicial System, shall prepare for consideration by the 88th  
16 Legislature a nonsubstantive revision of the statutes of this state  
17 as necessary to reflect the changes in law made by this Act.

18 SECTION 6. This Act takes effect September 1, 2021.