

By: Herrero

H.B. No. 3817

Substitute the following for H.B. No. 3817:

By: Moody

C.S.H.B. No. 3817

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a court requiring a defendant confined in a penal
3 institution to appear by videoconference for certain pretrial
4 proceedings.

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

6 SECTION 1. Chapter 1, Code of Criminal Procedure, is
7 amended by adding Article 1.027 to read as follows:

8 Art. 1.027. PRESENCE BY VIDEOCONFERENCE. (a) In this
9 article, "pretrial proceeding" means a pretrial hearing, including
10 an arraignment, other than a hearing or arraignment at which:

11 (1) a plea of guilty or nolo contendere is entered; or

12 (2) evidence, including sworn testimony, is received
13 by the court.

14 (b) Notwithstanding any other provision of this code, a
15 court may require a defendant without the defendant's consent to
16 appear, for any pretrial proceeding related to the prosecution of a
17 criminal offense, by videoconference in the manner described by
18 Article 27.18 if the defendant is confined in a penal institution at
19 the time of the proceeding.

20 (c) If, on a motion from the defendant or attorney
21 representing the state or on the court's own motion, the court
22 determines that the defendant's circumstances require the
23 defendant's physical presence in the courtroom for a pretrial
24 proceeding, the court shall continue the proceeding until the

1 defendant is physically present in the courtroom.

2 SECTION 2. The change in law made by this Act applies only
3 to a criminal proceeding that commences on or after the effective
4 date of this Act. A criminal proceeding that commenced before the
5 effective date of this Act is governed by the law in effect on the
6 date the proceeding commenced, and the former law is continued in
7 effect for that purpose.

8 SECTION 3. This Act takes effect September 1, 2023.