

By: Bucy, Moody, Cain

H.B. No. 5277

A BILL TO BE ENTITLED

AN ACT

relating to public access to criminal proceedings.

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

SECTION 1. Article 1.24, Code of Criminal Procedure, is amended to read as follows:

Art. 1.24. PUBLIC TRIAL. The proceedings, including a proceeding under Article 15.17, and trials in all courts shall be public.

SECTION 2. Chapter 15, Code of Criminal Procedure, is amended by adding Article 15.1705 to read as follows:

Art. 15.1705. REQUIREMENTS FOR CERTAIN PROCEEDINGS CONDUCTED BEFORE MAGISTRATE. (a) For each proceeding conducted under Article 15.17, as soon as practicable before the proceeding the court shall publish the following information on its Internet website or at the location where the proceeding will be held:

(1) the manner in which the public may inquire about a specific arrested person or proceeding;

(2) the time, if known, and location of the proceeding; and

(3) the manner in which the public may access the proceeding, including the Internet website link for the live stream or videoconference, if applicable.

(b) A court that as of January 1, 2024, does not have the physical capability, or is located in a secured facility without

1 the physical capability, to provide in-person public access to a
2 proceeding under Article 15.17 may provide public access by live
3 stream or videoconference. A live stream or videoconference must
4 allow members of the public to clearly see and hear the proceeding.

5 (c) This article may not be construed as prohibiting a judge
6 from placing reasonable limits on in-person access to the court for
7 safety or to prevent overcrowding.

8 (d) Any person, including a member of the media, or the
9 attorney general may file a petition for a writ of mandamus or apply
10 for other appropriate equitable relief to enforce the right of the
11 public to access a proceeding in accordance with this article. The
12 petition or application must be filed in:

13 (1) a district court in the county in which the court
14 conducting the applicable proceeding is located; or

15 (2) if filed by the attorney general, a district court
16 in Travis County.

17 SECTION 3. The change in law made by this Act applies only
18 to a criminal proceeding that commences on or after January 1, 2024.
19 A criminal proceeding that commenced before January 1, 2024, is
20 governed by the law in effect immediately before the effective date
21 of this Act, and the former law is continued in effect for that
22 purpose.

23 SECTION 4. This Act takes effect September 1, 2023.