

AN ACT

relating to the admission of certain video testimony into evidence in a proceeding regarding the abuse or neglect of a child.

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

SECTION 1. Chapter 104, Family Code, is amended by adding Section 104.007 to read as follows:

Sec. 104.007. VIDEO TESTIMONY OF CERTAIN PROFESSIONALS.

(a) In this section, "professional" has the meaning assigned by Section 261.101(b).

(b) In a proceeding brought by the Department of Protective and Regulatory Services concerning a child who is alleged in a suit to have been abused or neglected, the court may order, with the agreement of the state's counsel and the defendant's counsel, that the testimony of a professional be taken outside the courtroom by videoconference.

(c) In ordering testimony to be taken as provided by Subsection (b), the court shall ensure that the videoconference testimony allows:

(1) the parties and attorneys involved in the proceeding to be able to see and hear the professional as the professional testifies; and

(2) the professional to be able to see and hear the parties and attorneys examining the professional while the professional is testifying.

1           (d) If the court permits the testimony of a professional by  
2 videoconference as provided by this section to be admitted during  
3 the proceeding, the professional may not be compelled to be  
4 physically present in court during the same proceeding to provide  
5 the same testimony unless ordered by the court.

6           SECTION 2. (a) This Act takes effect September 1, 2003.

7           (b) The change in law made by this Act applies to testimony  
8 taken on or after the effective date of this Act in a proceeding in a  
9 suit affecting the parent-child relationship involving an  
10 allegation of the abuse or neglect of a child regardless of whether:

11                   (1) the allegation was made before, on, or after the  
12 effective date of this Act; or

13                   (2) the suit commenced before, on, or after the  
14 effective date of this Act.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1869 was passed by the House on May 8, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1869 on May 30, 2003, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 1869 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor