

By: Baxter

H.B. No. 1869

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the admission of certain video testimony into evidence  
3 in a proceeding regarding the abuse or neglect of a child.

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

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

7 Sec. 104.007. PRERECORDED VIDEOTAPED TESTIMONY OF CERTAIN  
8 PROFESSIONALS. (a) In this section, "professional" has the  
9 meaning assigned by Section 261.101(b).

10 (b) In a proceeding brought by the Department of Protective  
11 and Regulatory Services concerning a child who is alleged in a suit  
12 to have been abused or neglected, the court may order that the  
13 testimony of a professional be taken outside the courtroom and  
14 recorded on videotape.

15 (c) In ordering testimony to be taken as provided by  
16 Subsection (b), the court shall ensure that the method of  
17 videotaping the testimony allows:

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

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

24 (d) If the court permits the testimony of a professional

1 that is videotaped as provided by this section to be admitted during  
2 the proceeding, the professional may not be compelled to be  
3 physically present in court during the same proceeding to provide  
4 the same testimony.

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

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

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

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