

1-1 By: Baxter, et al. (Senate Sponsor - Williams) H.B. No. 1869
1-2 (In the Senate - Received from the House May 9, 2003;
1-3 May 13, 2003, read first time and referred to Committee on Health
1-4 and Human Services; May 24, 2003, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 7, Nays
1-6 0; May 24, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1869 By: Janek

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the admission of certain video testimony into evidence
1-11 in a proceeding regarding the abuse or neglect of a child.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 104, Family Code, is amended by adding
1-14 Section 104.007 to read as follows:

1-15 Sec. 104.007. VIDEO TESTIMONY OF CERTAIN PROFESSIONALS.

1-16 (a) In this section, "professional" has the meaning assigned by
1-17 Section 261.101(b).

1-18 (b) In a proceeding brought by the Department of Protective
1-19 and Regulatory Services concerning a child who is alleged in a suit
1-20 to have been abused or neglected, the court may order, with the
1-21 agreement of the state's counsel and the defendant's counsel, that
1-22 the testimony of a professional be taken outside the courtroom by
1-23 videoconference.

1-24 (c) In ordering testimony to be taken as provided by
1-25 Subsection (b), the court shall ensure that the videoconference
1-26 testimony allows:

1-27 (1) the parties and attorneys involved in the
1-28 proceeding to be able to see and hear the professional as the
1-29 professional testifies; and

1-30 (2) the professional to be able to see and hear the
1-31 parties and attorneys examining the professional while the
1-32 professional is testifying.

1-33 (d) If the court permits the testimony of a professional by
1-34 videoconference as provided by this section to be admitted during
1-35 the proceeding, the professional may not be compelled to be
1-36 physically present in court during the same proceeding to provide
1-37 the same testimony unless ordered by the court.

1-38 SECTION 2. (a) This Act takes effect September 1, 2003.

1-39 (b) The change in law made by this Act applies to testimony
1-40 taken on or after the effective date of this Act in a proceeding in a
1-41 suit affecting the parent-child relationship involving an
1-42 allegation of the abuse or neglect of a child regardless of whether:

1-43 (1) the allegation was made before, on, or after the
1-44 effective date of this Act; or

1-45 (2) the suit commenced before, on, or after the
1-46 effective date of this Act.

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