

By: Carona

S.B. No. 414

A BILL TO BE ENTITLED

AN ACT

relating to conducting by electronic means a hearing to determine a defendant's ability to discharge certain fines and court costs.

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

SECTION 1. Article 43.03, Code of Criminal Procedure, is amended by adding Subsection (f) to read as follows:

(f) For purposes of a hearing described by Subsection (d), a defendant may be brought before the court in person or by means of an electronic broadcast system through which an image of the defendant is presented to the court. For purposes of this subsection, "electronic broadcast system" means a two-way electronic communication of image and sound between the defendant and the court and includes secure Internet videoconferencing.

SECTION 2. Article 45.046, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) For purposes of a hearing described by Subsection (a), a defendant may be brought before the court in person or by means of an electronic broadcast system through which an image of the defendant is presented to the court. For purposes of this subsection, "electronic broadcast system" means a two-way electronic communication of image and sound between the defendant and the court and includes secure Internet videoconferencing.

SECTION 3. The change in law made by this Act applies only to a hearing held under Article 43.03 or 45.046, Code of Criminal

1 Procedure, on or after the effective date of this Act. A hearing  
2 held under Article 43.03 or 45.046, Code of Criminal Procedure,  
3 before the effective date of this Act is governed by the law in  
4 effect at the time of the hearing, and the former law is continued  
5 in effect for that purpose.

6 SECTION 4. This Act takes effect September 1, 2009.