

By: Carona

S.B. No. 414

A BILL TO BE ENTITLED

AN ACT

1
2 relating to conducting by electronic means a hearing to determine a
3 defendant's ability to discharge certain fines and court costs.

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

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

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

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

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

23 SECTION 3. The change in law made by this Act applies only
24 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.