

1-1 By: Carona S.B. No. 414
1-2 (In the Senate - Filed January 6, 2009; February 17, 2009,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 28, 2009, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 28, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to conducting by electronic means a hearing to determine a
1-9 defendant's ability to discharge certain fines and court costs.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 43.03, Code of Criminal Procedure, is
1-12 amended by adding Subsection (f) to read as follows:

1-13 (f) For purposes of a hearing described by Subsection (d), a
1-14 defendant may be brought before the court in person or by means of
1-15 an electronic broadcast system through which an image of the
1-16 defendant is presented to the court. For purposes of this
1-17 subsection, "electronic broadcast system" means a two-way
1-18 electronic communication of image and sound between the defendant
1-19 and the court and includes secure Internet videoconferencing.

1-20 SECTION 2. Article 45.046, Code of Criminal Procedure, is
1-21 amended by adding Subsection (c) to read as follows:

1-22 (c) For purposes of a hearing described by Subsection (a), a
1-23 defendant may be brought before the court in person or by means of
1-24 an electronic broadcast system through which an image of the
1-25 defendant is presented to the court. For purposes of this
1-26 subsection, "electronic broadcast system" means a two-way
1-27 electronic communication of image and sound between the defendant
1-28 and the court and includes secure Internet videoconferencing.

1-29 SECTION 3. The change in law made by this Act applies only
1-30 to a hearing held under Article 43.03 or 45.046, Code of Criminal
1-31 Procedure, on or after the effective date of this Act. A hearing
1-32 held under Article 43.03 or 45.046, Code of Criminal Procedure,
1-33 before the effective date of this Act is governed by the law in
1-34 effect at the time of the hearing, and the former law is continued
1-35 in effect for that purpose.

1-36 SECTION 4. This Act takes effect September 1, 2009.

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