

## **BILL ANALYSIS**

H.B. 2847  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

H.B. 2847 sets forth provisions relating to the use of video teleconferencing systems in certain criminal proceedings. One goal of this legislation is to maximize the use of video teleconferencing technology in legal proceedings in which an inmate is required to provide testimony so as to minimize the transportation of such an inmate to and from the legal proceedings.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2847 amends the Code of Criminal Procedure to authorize a peace officer summoned to testify before a grand jury, with the consent of the foreman of the grand jury and the attorney representing the state, to testify through the use of a closed circuit video teleconferencing system that provides an encrypted, simultaneous, compressed full motion video and interactive communication of image and sound between the peace officer, the attorney representing the state, and the grand jury. The bill requires a peace officer testifying through the use of a closed circuit video teleconferencing system, in addition to being administered the required witness oath and before being interrogated, to affirm that no person other than a person in the grand jury room is capable of hearing the peace officer's testimony and that the peace officer's testimony is not being recorded or otherwise preserved by any person at the location from which the peace officer is testifying. The bill requires testimony received from a peace officer under the bill's provisions to be recorded in the same manner as other testimony taken before the grand jury. The bill includes a person operating a video teleconferencing system for such purposes among the persons authorized to be present in a grand jury room while the grand jury is conducting proceedings, and the persons liable to a fine, imprisonment, or both for disclosing anything transpiring before a grand jury in the course of its official duties.

H.B. 2847 specifies that a court reporter or court recorder is not required to transcribe or make a separate recording of a plea taken by closed circuit video teleconferencing. The bill specifies that the loss or destruction of or failure to make a video recording of a plea entered by closed circuit video teleconferencing is not alone sufficient grounds for a defendant to withdraw the defendant's plea or to request the court to set aside a conviction or sentence based on the plea. The bill authorizes any deposition or testimony of an inmate witness in the custody of the Texas Department of Criminal Justice who is required to testify as a witness in a proceeding in the prosecution of a criminal offense to be conducted by closed circuit video teleconferencing system, rather than by electronic means in the same manner as permitted in civil cases under the Civil Practice and Remedies Code.

H.B. 2847 clarifies the exception to the requirement that a defendant entering a plea in a criminal prosecution other than a death penalty case exercise the right to waive the right of trial by jury in

person and in writing in open court for an inmate confined in a penal institution. The bill makes nonsubstantive changes.

**EFFECTIVE DATE**

September 1, 2011.