

By: Carter

H.B. No. 976

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a warrant or summons by a magistrate.

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

SECTION 1. Article 15.03, Code of Criminal Procedure, is amended by adding Subsections (c), (d), (e), and (f) to read as follows:

(c) For purposes of Subdivision 2, Subsection (a), a person may appear before the magistrate in person or the person's image may be presented to the magistrate through an electronic broadcast system.

(d) A recording of the communication between the person and the magistrate must be made if the person's image is presented through an electronic broadcast system under Subsection (c). The recording must be preserved until the earlier of:

(1) the date on which any pretrial hearing relating to the offense ends;

(2) the 91st day after the date on which the recording was made if the defendant is charged with a misdemeanor; or

(3) the 120th day after the date on which the recording was made if the defendant is charged with a felony.

(e) The counsel for the defendant may obtain a copy of the recording on payment of an amount reasonably necessary to cover the costs of reproducing the recording.

(f) In this article, "electronic broadcast system" means a

1 two-way electronic communication of image and sound between a  
2 person and magistrate and includes secure Internet  
3 videoconferencing.

4       SECTION 2. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2011.