

1-1 By: Carter, et al. (Senate Sponsor - Carona) H.B. No. 976
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 May 2, 2011, read first time and referred to Committee on Criminal
1-4 Justice; May 12, 2011, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 12, 2011, sent to printer.)

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

1-8 relating to the issuance of a warrant or summons by a magistrate.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Article 15.03, Code of Criminal Procedure, is
1-11 amended by adding Subsections (c), (d), (e), and (f) to read as
1-12 follows:

1-13 (c) For purposes of Subdivision 2, Subsection (a), a person
1-14 may appear before the magistrate in person or the person's image may
1-15 be presented to the magistrate through an electronic broadcast
1-16 system.

1-17 (d) A recording of the communication between the person and
1-18 the magistrate must be made if the person's image is presented
1-19 through an electronic broadcast system under Subsection (c). If
1-20 the defendant is charged with the offense, the recording must be
1-21 preserved until:

1-22 (1) the defendant is acquitted of the offense; or

1-23 (2) all appeals relating to the offense have been
1-24 exhausted.

1-25 (e) The counsel for the defendant may obtain a copy of the
1-26 recording on payment of an amount reasonably necessary to cover the
1-27 costs of reproducing the recording.

1-28 (f) In this article, "electronic broadcast system" means a
1-29 two-way electronic communication of image and sound between a
1-30 person and magistrate and includes secure Internet
1-31 videoconferencing.

1-32 SECTION 2. This Act takes effect immediately if it receives
1-33 a vote of two-thirds of all the members elected to each house, as
1-34 provided by Section 39, Article III, Texas Constitution. If this
1-35 Act does not receive the vote necessary for immediate effect, this
1-36 Act takes effect September 1, 2011.

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