

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 214
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recording and broadcasting courtroom proceedings can promote transparency and allow the public to evaluate the efficacy of the judicial system. To increase the public's access to the judicial branch, H.B. 214 builds upon previous policies by requiring the Texas Supreme Court (supreme court) and the Texas Court of Criminal Appeals (CCA) to make video recordings of their oral arguments, and any open meeting the courts have, and publish the recordings on their respective websites.

The supreme court is the state's highest court for civil matters, and the CCA is the state's highest court for criminal matters. The supreme court has established rules to allow for the recording and broadcasting of their proceedings. Rule 18c of the Rules of Civil Procedure allows trial courts to record and broadcast their proceedings; Rule 14 of the Rules of Appellate Procedures allows appellate courts to record and broadcast their proceedings.

Many Texas courts in both jurisdictions already record their proceedings and meetings. Since 2007, the supreme court has made video recordings of all their oral arguments, which are broadcasted live and archived on the Texas Bar's website. Additionally, the supreme court's clerk is in the process of digitalizing and publishing audio recordings of oral arguments that date back to 1979.

The Second Court of Appeals has recorded and electronically published the audio of all oral arguments since October 14, 2008. Additionally, the Eighth and Thirteenth Court of Appeals allow the public to purchase video and audio recordings of the courts' proceedings. The CCA also makes audio recordings of their oral arguments available for purchase, but does not make video recordings.

H.B. 214 requires that the supreme court and the CCA make video recordings of their oral arguments and any open meeting the court has and place it on its website. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 214 amends current law relating to a recording of certain proceedings of the Texas Supreme Court and Court of Criminal Appeals and the publication of the recordings.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 22, Government Code, by adding Section 22.303, as follows:

Sec. 22.303. RECORDING OF CERTAIN COURT PROCEEDINGS. Requires the Texas Supreme Court (supreme court) and the Texas Court of Criminal Appeals (CCA), if appropriated funds or donations are available in the amount necessary to cover the cost, to make a video recording or other electronic visual and audio recording of each oral

argument and public meeting of the court and post the recording on the court's Internet website.

SECTION 2. Provides that the supreme court and the CCA are required to implement this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, the supreme court and the CCA, if the legislature does not appropriate money specifically for that purpose, to implement this Act using other appropriations available for the purpose.

SECTION 3. Effective date: September 1, 2017.