86R13641 AJZ-F

By:  Calanni H.B. No. 3845

A BILL TO BE ENTITLED

AN ACT

relating to the use of video teleconferencing for testimony of a forensic analyst in a criminal proceeding.

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

SECTION 1.  Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.076 to read as follows:

Art. 38.076.  TESTIMONY OF FORENSIC ANALYST BY VIDEO TELECONFERENCE. (a) In this article, "forensic analyst" has the meaning assigned by Section 4-a, Article 38.01.

(b)  In a proceeding in the prosecution of a criminal offense in which a forensic analyst is required to testify as a witness, any testimony of the witness may be conducted by video teleconferencing in the manner described by Subsection (c) if:

(1)  the use of video teleconferencing is approved by the court after providing notice to all parties;

(2)  the video teleconferencing is coordinated in advance to ensure proper scheduling and equipment compatibility and reliability; and

(3)  a method of electronically transmitting documents related to the proceeding is available at both the location at which the witness is testifying and in the court.

(c)  A video teleconferencing system used under this article must provide an encrypted, simultaneous, compressed full motion video and interactive communication of image and sound between the judge, the attorney representing the state, the attorney representing the defendant, and the witness.

SECTION 2.  This Act takes effect September 1, 2019.