

By: Calanni

H.B. No. 3845

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the use of video teleconferencing for testimony of a  
3 forensic analyst in a criminal proceeding.

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

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

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

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

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

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

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

22 (c) A video teleconferencing system used under this article  
23 must provide an encrypted, simultaneous, compressed full motion  
24 video and interactive communication of image and sound between the

1 judge, the attorney representing the state, the attorney  
2 representing the defendant, and the witness.

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