

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 29, 2021

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3611 by Leach (relating to remotely conducting court proceedings in this state.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend various sections of the Government Code Chapter related to remotely conducting court proceedings.

The bill would authorize a court under certain circumstances, on the court's motion or the motion of any party, (1) to conduct a hearing or other proceeding as a remote proceeding and (2) to allow or require a judge, party, attorney, witness, court reporter, juror, or any other individual to participate in a remote proceeding, including a deposition, hearing, trial, or other proceeding. The bill would define "remote proceeding" to mean a proceeding before a court in which one or more of the participants, including a judge, party, attorney, witness, court reporter, juror, or other individual, attends the proceeding remotely using technology and the Internet. The bill would permit an objection to proceeding remotely and requesting an in-person proceeding by a party to a proceeding which must be considered and granted for good cause. The bill would require the consent of the prosecutor and defendant to proceed with a remote proceeding in a contested adversarial or contested evidentiary criminal proceeding for an offense punishable by confinement. The bill would prohibit a district court, statutory county court, statutory probate court, or county court from conducting a remote jury trial unless each party to the proceeding agrees to the remote proceeding.

For remote jury trial proceedings in justice and municipal courts, the bill would require the court to consider within a certain amount of time and on the record motions or objections related to proceeding with the trial. The bill would require a court to ensure that all prospective jurors have access to the technology necessary to participate in a remote jury proceeding. Where a remote proceeding is conducted away from the court's usual location, the court would be required to provide reasonable notice to the public and an opportunity to observe the proceeding. The bill would provide that, for purposes of any law requiring notice or citation of time and place of a proceeding, notice of the remote means by which the proceeding will be conducted and the method for accessing the proceeding through that remote means constitutes notice of the place for the proceeding.

The bill would repeal Civil Practice and Remedies Code Section 30.012(b), which provides that witness testimony at trial may be conducted by electronic means only if the witness is deposed before the commencement of the trial, and Family Code Section 54.012(b), which provides that a detention hearing cannot be held using video equipment unless it provides for certain two-way communication of image and sound at the hearing.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SLE, BH