

PUBLIC COMMENTS

HB 890

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY ISSUES

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Hearing Date: March 29, 2021 10:00 AM

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Patrick Gendron

Chair - Juvenile Law Section of the State Bar of Texas

Bryan, TX

I have attached the Juvenile Law Section's revisions to the proposed legislation. It is very important that our revisions get incorporated into the legislation.

Our revisions represent the work of leading juvenile prosecutors, defense attorneys, judges, and agency attorneys from around the State of Texas that are leaders in Juvenile Justice in Texas.

We are OPPOSED to the legislation UNLESS the revisions that we recommend are added.

Thank you,

Patrick Gendron

Chair – Juvenile Law Section of the State Bar of Texas

H.B. No. 890

**A BILL TO BE ENTITLED  
AN ACT**

relating to remotely conducting depositions, hearings, and other proceedings in juvenile cases.

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

**SECTION 1.** Chapter 51, Family Code, is amended by adding Section 51.055 to read as follows:

**Sec. 51.055. REMOTE CONDUCT OF PROCEEDINGS.** (a) In this section, "remote proceeding" means a proceeding in which one or more of the participants, including a judge, party, attorney, witness, court reporter, juror, or other individual, attends the proceeding remotely through the use of technology and the Internet, including through teleconferencing or videoconferencing.

(b) With the exception of a jury trial, non-jury trial, or evidentiary suppression hearing held pursuant to a juvenile's rights under Article 28.01 of the Code of Criminal Procedure, a juvenile court may:

(1) conduct a hearing or other proceeding under this title as a remote proceeding [without] with the consent of the parties unless the United States or Texas Constitution requires consent; and

(2) allow or require a party, attorney, witness, court reporter, juror, or any other individual to participate in a remote proceeding, including a deposition, hearing, or other proceeding under this title.

(c) The Office of Court Administration of the Texas Judicial System shall provide guidance and assistance upon request to the extent possible to a juvenile court conducting a remote proceeding involving a jury.

(d) The judge of a juvenile court shall submit to the Office of Court Administration of the Texas Judicial System a plan for conducting remote proceedings under this title. The plan must:

(1) include protocols for handling physical evidence; and

(2) A juvenile court conducting a remote proceeding as defined in this section shall require an unobstructed view of any party or witness who provides testimony from a remote location during the proceeding.

**SECTION 2.** Section 54.012(a), Family Code, is amended to read as follows:

(a) A detention hearing under Section 54.01 may be held [using interactive video equipment] through the use of technology and the Internet, including through teleconferencing or videoconferencing if:[:

(1) the child and the child's attorney agree to the video hearing; and

Printed on: April 8, 2021 1:17 PM

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- [(2)](2) the parties to the proceeding have the opportunity to cross-exami

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(b) With the exception of a jury trial, non-jury trial, or evidentiary suppression hearing held pursuant to a juvenile's rights under Article 28.01 of the Code of Criminal Procedure, a juvenile court may:

(1) conduct a hearing or other proceeding under this title as a remote proceeding [without] with the consent of the parties unless the United States or Texas Constitution requires consent; and

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[(2)](2) the parties to the proceeding have the opportunity to cross-examine witnesses. Consent of the parties is not required for the detention hearing to be held in the manner specified by this subsection unless the United States or Texas Constitution requires consent.

(b) A detention hearing as a remote proceeding may not be held [using video equipment unless the video] unless technology equipment for the hearing provides for a two-way communication of image and sound among the child, the court, and other parties and participants at the hearing.

**SECTION 3.** Section 54.012(b), Family Code, is repealed.

**SECTION 4.** This Act takes effect