

BILL ANALYSIS

C.S.H.B. 422
By: VanDeaver
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A constituent who serves as a judge in Texas House District 1 brought attention to the growing cost and consumption of time that his court has been facing in conducting juvenile hearings in person. Temporary authorization during the COVID-19 pandemic to conduct juvenile hearings remotely resulted in a significant reduction in the time that juveniles spend in detention facilities. Additionally, by holding these hearings virtually, parties have been able to participate more easily from multiple locations, leading to cost savings associated with transportation. The success of remote hearings for juvenile cases has led to suggestions to permanently continue the practice. C.S.H.B. 422 seeks to address certain problems that courts face by providing for the authority of a juvenile court to conduct remote proceedings.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 422 amends the Family Code to authorize a juvenile court to do the following:

- conduct a hearing or other proceeding under the juvenile justice code as a remote proceeding, including through teleconferencing or videoconferencing, without the consent of the parties unless consent is required by the U.S. or Texas Constitution; and
- allow or require a party, attorney, witness, court reporter, or any other individual to participate in a remote proceeding, including a deposition, hearing, or other proceeding under that code.

C.S.H.B. 422 requires a juvenile court judge to submit to the Office of Court Administration of the Texas Judicial System (OCA) a plan for conducting remote proceedings that includes protocols for handling physical evidence and that requires an unobstructed view of any party or witness who provides testimony from a remote location.

C.S.H.B. 422 repeals Section 54.012(b), Family Code.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 422 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Unlike the substitute, the introduced provided for a juror's participation in a juvenile court remote proceeding. The substitute omits a requirement, which was present in the introduced, for OCA to provide guidance and assistance to the extent possible to a juvenile court conducting a remote proceeding involving a jury.