By:  VanDeaver, Burns, Cain H.B. No. 422

     (Senate Sponsor - Perry)

(In the Senate - Received from the House April 20, 2023; May 2, 2023, read first time and referred to Committee on Criminal Justice; May 17, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 0; May 17, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Flores          X

Bettencourt     X

Hinojosa        X

Huffman         X

King            X

Miles           X

COMMITTEE SUBSTITUTE FOR H.B. No. 422 By:  Hinojosa

A BILL TO BE ENTITLED

AN ACT

relating to remotely conducting detention hearings in juvenile cases.

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

SECTION 1.  The heading to Section 54.012, Family Code, is amended to read as follows:

Sec. 54.012.  REMOTE CONDUCT [~~INTERACTIVE VIDEO RECORDING~~] OF DETENTION HEARING.

SECTION 2.  Section 54.012, Family Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (e) to read as follows:

(a)  A detention hearing under Section 54.01 may be conducted as a remote proceeding [~~held using interactive video equipment~~] if[~~:~~

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

[~~(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.

(a-1)  A juvenile court may allow or require a party, attorney, witness, court reporter, or any other individual to participate in a detention hearing conducted as a remote proceeding.

(a-2)  The judge of a juvenile court shall submit to the Office of Court Administration of the Texas Judicial System a plan for conducting a detention hearing as a remote proceeding under this section.  The plan must:

(1)  include protocols for handling physical evidence; and

(2)  require an unobstructed view of any party or witness who provides testimony from a remote location.

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

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  Section 54.012(b), Family Code, is repealed.

SECTION 4.  This Act takes effect September 1, 2023.

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