

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

1 proceeding.

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

6 (1) include protocols for handling physical evidence;
7 and

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

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

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 Section 54.012(b), Family Code, is repealed.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 422 was passed by the House on April 20, 2023, by the following vote: Yeas 143, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 422 on May 25, 2023, by the following vote: Yeas 127, Nays 3, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 422 was passed by the Senate, with amendments, on May 21, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor