

By: VanDeaver

H.B. No. 422

Substitute the following for H.B. No. 422:

By: Dutton

C.S.H.B. No. 422

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, or other individual, attends the proceeding remotely through the use of technology and the Internet, including through teleconferencing or videoconferencing.

(b) A juvenile court may:

(1) conduct a hearing or other proceeding under this title as a remote proceeding without 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, or any other individual to participate in a remote proceeding, including a deposition, hearing, or other proceeding under this title.

(c) 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 (1) include protocols for handling physical evidence;
2 and
3 (2) require an unobstructed view of any party or
4 witness who provides testimony from a remote location.

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

7 (a) A detention hearing under Section 54.01 may be held
8 using interactive video equipment if[÷

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

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

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 Section 54.012(b), Family Code, is repealed.

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