

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: VanDeaver, Burns, Cain

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 Section 54.012(b), Family Code, is repealed.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

ADOPTED

MAY 21 2023

H. B. No. 422  
Secretary of the Senate

By: Chris Perry

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

By: J-J. Huns

C.S. H.B. No. 422

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

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 September 1, 2023.

ADOPTED

MAY 21 2023

FLOOR AMENDMENT NO. 1

*Latey Spaw*  
Secretary of the Senate

BY:

*Chris Perry*

1 Amend C.S.H.B. No. 422 (senate committee printing) as follows:

2 In SECTION 4 of the bill, (page 1, line 58), strike "September  
3 1, 2023" and substitute "immediately if it receives a vote of two-  
4 thirds of all the members elected to each house, as provided by  
5 Section 39, Article III, Texas Constitution. If this Act does not  
6 receive the vote necessary for immediate effect, this Act takes  
7 effect September 1, 2023".

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 22, 2023**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB422** by VanDeaver (Relating to remotely conducting detention hearings in juvenile cases.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JMc, DDel, DKN, MW

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 17, 2023**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB422** by VanDeaver (Relating to remotely conducting detention hearings in juvenile cases.),  
**Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JMc, DDel, DKN, MW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 15, 2023**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB422** by VanDeaver (Relating to remotely conducting depositions, hearings, and other proceedings in juvenile cases.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
---

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JMc, DDel, DKN, MW



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**April 6, 2023**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB422** by VanDeaver (Relating to remotely conducting depositions, hearings, and other proceedings in juvenile cases.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JMc, DDel, DKN, MW

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**March 19, 2023**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB422** by VanDeaver (Relating to remotely conducting depositions, hearings, and other proceedings in juvenile cases.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JMc, DDel, MW, BH