

House Bill 422
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
<p>SECTION 1. Chapter 51, Family Code, is amended by adding Section 51.055 to read as follows:</p> <p><u>Sec. 51.055. REMOTE CONDUCT OF PROCEEDINGS.</u></p> <p><u>(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.</u></p> <p><u>(b) A juvenile court may:</u></p> <p><u>(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</u></p> <p><u>(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.</u></p> <p><u>(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:</u></p> <p><u>(1) include protocols for handling physical evidence; and</u></p> <p><u>(2) require an unobstructed view of any party or witness who provides testimony from a remote location.</u></p>	<p>No equivalent provision.</p>	
<p>No equivalent provision.</p>	<p>SECTION 1. The heading to Section 54.012, Family Code, is amended to read as follows:</p> <p>Sec. 54.012. <u>REMOTE CONDUCT</u> [INTERACTIVE VIDEO RECORDING] OF DETENTION HEARING.</p>	

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HOUSE VERSION

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

(a) A detention hearing under Section 54.01 may be 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.

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 Section 54.012(b), Family Code, is repealed.

SENATE VERSION (IE)

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. Same as House version.

CONFERENCE

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SENATE VERSION (IE)

CONFERENCE

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023. [FA1]