

1-1 By: Capriglione (Senate Sponsor - Hagenbuch) H.B. No. 2348
1-2 (In the Senate - Received from the House May 15, 2025;
1-3 May 15, 2025, read first time and referred to Committee on Criminal
1-4 Justice; May 23, 2025, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 23, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Flores	X		
1-9	Parker	X		
1-10	Hagenbuch	X		
1-11	Hinojosa of Hidalgo	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the video recording of a deposition taken of the
1-18 testimony of certain elderly or disabled persons in a criminal
1-19 case.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Article 39.025, Code of Criminal Procedure, is
1-22 amended by adding Subsection (b-1) to read as follows:

1-23 (b-1) On the motion of either party, the court may order the
1-24 attorney representing the state to take the deposition of an
1-25 elderly or disabled person by video recording. The person
1-26 operating the video recording device must be available to testify
1-27 regarding the authenticity of the video recording and the taking of
1-28 the deposition in order for the video recording to be admissible.

1-29 SECTION 2. Article 39.12, Code of Criminal Procedure, is
1-30 amended to read as follows:

1-31 Art. 39.12. PREDICATE TO READ OR PUBLISH DEPOSITION. (a) A
1-32 written or recorded deposition [Depositions] taken under Article
1-33 39.02, 39.025, or 39.026 in a criminal action may [actions shall]
1-34 not be read or published unless oath be made that the witness
1-35 resides out of the state; or that since the deposition was taken,
1-36 the witness has died; or that the witness has removed beyond the
1-37 limits of the state; or that the witness has been prevented from
1-38 attending the court through the act or agency of the defendant; or
1-39 by the act or agency of any person whose object was to deprive the
1-40 state or the defendant of the benefit of the testimony; or that by
1-41 reason of age or bodily infirmity, the witness cannot attend; or
1-42 that the witness is a Medicaid or Medicare recipient or a caregiver
1-43 or guardian of the recipient, and the recipient's Medicaid or
1-44 Medicare account was charged for a product or service that was not
1-45 provided or rendered to the recipient.

1-46 (b) When the deposition is sought to be used by the state,
1-47 the oath may be made by any credible person. When the deposition is
1-48 sought to be used by the defendant, the oath shall be made by the
1-49 defendant in person.

1-50 SECTION 3. The change in law made by this Act applies only
1-51 to a criminal proceeding that commences on or after the effective
1-52 date of this Act. A criminal proceeding that commences before the
1-53 effective date of this Act is governed by the law in effect on the
1-54 date the proceeding commenced, and the former law is continued in
1-55 effect for that purpose.

1-56 SECTION 4. This Act takes effect September 1, 2025.

1-57 * * * * *