By: Zwiener H.B. No. 769

A BILL TO BE ENTITLED

AN ACT

relating to the use of videography in certain court proceedings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 21, Government Code, is amended by adding Section 21.015 to read as follows:

Sec. 21.015. USE OF VIDEOGRAPHY IN CERTAIN COURT PROCEEDINGS. (a) In this section, "videography" means software or hardware designed to record audiovisual information for wider circulation, including by livestreaming.

(b) Except as otherwise provided by this section, videography may not be used:

(1) during voir dire examination of a prospective juror;

(2) in a court proceeding involving a child under the age of 18 who was or is alleged to have been a victim of:

(A) an offense under:

(i) Section 20A.02(a)(3), (4), (7), or (8), Penal Code;

(ii) Section 20A.03, Penal Code, if the defendant engaged in conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8), Penal Code; or

(iii) Section 21.02, 21.11, 21.15, 22.011, 22.012, 22.021, 22.04, 22.041, 42.07, 42.072, 43.05, or 43.25, Penal Code;

(B) an offense involving family violence as defined by Section 71.004, Family Code; or

(C) other conduct in which evidence that would be embarrassing to the child may be offered that the court determines to be sufficiently substantial to justify a restriction;

(3) during a conference held at the judge's or justice's bench or otherwise outside the hearing of the jury; or

(4) except as provided by Subsection (c), in a court proceeding involving a person who is 18 years of age or older and who was or is alleged to have been a victim of:

(A) an offense described by Subdivision (2)(A) or (B); or

(B) other conduct in which evidence that would be embarrassing to the person may be offered that the court determines to be sufficiently substantial to justify a restriction.

(c) A victim or alleged victim described by Subsection (b)(4) may voluntarily authorize the use of videography in a court proceeding described by that subdivision. The court shall notify the victim or alleged victim of the person's right to authorize the use of videography.

(d) Subsections (b)(2) and (4) may not be interpreted as restricting the admissibility of a recorded forensic interview or other prerecording as evidence in a court proceeding.

(e) This section does not prohibit the use of videography by court staff:

(1) in a circumstance in which the court is not physically open and the use of videography is necessary to comply

with the provision of Section 13, Article I, Texas Constitution, requiring all courts to be open;

(2) if the information recorded by videography is for court operations or security purposes and is confidential except to court staff; or

(3) if the use of videography is intended only for the purposes of conducting remote court proceedings and the recordings created will not be maintained, retained, or in any way saved for later circulation.

(f) At least 72 hours before a court proceeding will be recorded using videography, the court shall provide notice of the recording by:

(1) notifying all jurors for and parties to the proceeding; and

(2) posting notice on the court's public Internet website.

SECTION 2. The change in law made by Section 21.015, Government Code, as added by this Act, applies only to a court proceeding commenced on or after the effective date of this Act. A court proceeding commenced before the effective date of this Act is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2027.