

1-1 By: VanDeaver, Burns, Cain H.B. No. 422
1-2 (Senate Sponsor - Perry)
1-3 (In the Senate - Received from the House April 20, 2023;
1-4 May 2, 2023, read first time and referred to Committee on Criminal
1-5 Justice; May 17, 2023, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-7 May 17, 2023, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	<u>Whitmire</u>	X		
1-11	<u>Flores</u>	X		
1-12	<u>Bettencourt</u>	X		
1-13	<u>Hinojosa</u>	X		
1-14	<u>Huffman</u>	X		
1-15	<u>King</u>	X		
1-16	<u>Miles</u>	X		

1-17 COMMITTEE SUBSTITUTE FOR H.B. No. 422 By: Hinojosa

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to remotely conducting detention hearings in juvenile
1-21 cases.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The heading to Section 54.012, Family Code, is
1-24 amended to read as follows:

1-25 Sec. 54.012. REMOTE CONDUCT [~~INTERACTIVE VIDEO RECORDING~~]
1-26 OF DETENTION HEARING.

1-27 SECTION 2. Section 54.012, Family Code, is amended by
1-28 amending Subsection (a) and adding Subsections (a-1), (a-2), and
1-29 (e) to read as follows:

1-30 (a) A detention hearing under Section 54.01 may be conducted
1-31 as a remote proceeding [~~held using interactive video equipment~~]
1-32 if[+]

1-33 [~~(1) the child and the child's attorney agree to the~~
1-34 ~~video hearing, and~~

1-35 [~~(2)~~] the parties to the proceeding have the
1-36 opportunity to cross-examine witnesses. Consent of the parties is
1-37 not required for the detention hearing to be held in the manner
1-38 specified by this subsection unless the United States or Texas
1-39 Constitution requires consent.

1-40 (a-1) A juvenile court may allow or require a party,
1-41 attorney, witness, court reporter, or any other individual to
1-42 participate in a detention hearing conducted as a remote
1-43 proceeding.

1-44 (a-2) The judge of a juvenile court shall submit to the
1-45 Office of Court Administration of the Texas Judicial System a plan
1-46 for conducting a detention hearing as a remote proceeding under
1-47 this section. The plan must:

1-48 (1) include protocols for handling physical evidence;
1-49 and

1-50 (2) require an unobstructed view of any party or
1-51 witness who provides testimony from a remote location.

1-52 (e) In this section, "remote proceeding" means a proceeding
1-53 in which one or more of the participants, including a judge, party,
1-54 attorney, witness, court reporter, or other individual, attends the
1-55 proceeding remotely through the use of technology and the Internet,
1-56 including through teleconferencing or videoconferencing.

1-57 SECTION 3. Section 54.012(b), Family Code, is repealed.

1-58 SECTION 4. This Act takes effect September 1, 2023.

1-59 * * * * *