

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	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	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.

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