

BILL ANALYSIS

Senate Research Center

H.B. 176
By: Luna, Vilma (West, Royce)
Jurisprudence
5-8-2001
Committee Report (Amended)

DIGEST AND PURPOSE

Currently, telecommunications technology may only be used in criminal trials. For example, some counties are conducting arraignments through the use of closed-circuit telecommunications, as provided by state law. State law also permits closed-circuit television to be used in court cases in which the victim is a child. The rapidly growing changes in electronic communication technology can help expedite trial proceedings in a timely and efficient manner. H.B. 176 extends the use of electronic communication technology for certain civil proceedings subject to the order of a judge.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 30, Civil Practice and Remedies Code, by adding Section 30.012, as follows:

Sec. 30.012. USE OF COMMUNICATION EQUIPMENT IN CERTAIN PROCEEDINGS. Authorizes a trial judge, with the agreement of the parties and subject to this section, to order that a hearing of a preliminary matter or witness testimony at trial is to be conducted by electronic means, including satellite transmission, closed-circuit television transmission, or any other method of two-way electronic communication that is available to the parties, approved by the court, and capable of visually and audibly recording the proceedings. Authorizes witness testimony at trial to be conducted by electronic means only if the witness is deposed before the commencement of the trial. Requires a court that allows a transmission made under this section to consider it accurate and include it in the record of the case, unless the court determines otherwise. Provides that a party to a transmission made under this section that is not in court: is required to provide at the party's own expense any equipment that is compatible with the equipment used in court; and is authorized to record the proceedings at the party's own expense. Authorizes a copy of a proceeding videotaped by a court under this section to be obtained from the clerk of the court on payment of a reasonable amount to cover the cost of producing the copy. Requires expenses incurred by a court in conducting a proceeding or recording a transmission under this section to be assessed and collected as court costs.

SECTION 2. Amends Chapter 38, Code of Criminal Procedure, by adding Article 38.073, as follows:

Art. 38.073. TESTIMONY OF INMATE WITNESSES. Authorizes any deposition or testimony of the inmate witness to be conducted by electronic means, in the same manner as permitted in civil cases under Section 30.012, Civil Practice and Remedies Code, in a proceeding in the prosecution of a criminal offense in which an inmate in the custody of the Texas Department of Criminal Justice is required to testify as a witness.

SECTION 3. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from As Filed version in SECTION 1 to require the agreement of the parties in a court case before certain communications equipment can be used during a court proceeding.