

BILL ANALYSIS

H.B. 1447
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the COVID-19 pandemic, the Texas Supreme Court issued emergency orders temporarily authorizing, and in some cases requiring, remote participation in court proceedings. There have been calls to extend this authorization permanently, as remote participation has facilitated easier access to elderly individuals, individuals with disabilities, and individuals with mobility and transportation challenges. H.B. 1447 seeks to address this issue by authorizing a court to use remote technology in conducting probate and guardianship proceedings.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1447 amends the Estates Code to provide for the use of remote technology, including teleconference and videoconference technology, in a probate or guardianship proceeding by establishing that a proceeding conducted through remote technology is considered to be conducted in open court, that testimony provided through remote technology is considered to be taken in open court, and that a decision, order, decree, or judgment rendered through remote technology is considered to be rendered in open court.

H.B. 1447 requires a court that conducts a probate or guardianship proceeding through remote technology to ensure the public maintains access to the proceeding, to establish guidelines regarding the conduct of proceedings through remote technology, and to make those guidelines readily available to the applicable parties and the public. The bill applies to a probate or guardianship proceeding that is pending on or commenced on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2021.