

SUBJECT: Requiring public access to certain magistrate court proceedings

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, E. Morales, Schatzline

0 nays

WITNESSES: For — Thomas Downing, Advocates for Social Justice Reform; Nick Hudson, American Civil Liberties Union of Texas; Camilla Hsu, Texas Fair Defense Project (*Registered, but did not testify*: Idona Griffith; Eve Margolis; Thomas Parkinson)

Against — (*Registered, but did not testify*: David Batton, Harris County Deputies Organization FOP 39; Ray Hunt, Houston Police Officers' Union; AJ Louderback, Texas Sheriffs Regional Alliance)

On — Nicholas Chu, Justices of the Peace and Constables Association of Texas (*Registered, but did not testify*: John Wilkerson, Texas Municipal Police Association)

BACKGROUND: Some have suggested that making magistrate court proceedings more publicly accessible could help to ensure that a defendant's due process rights are respected.

DIGEST: CSHB 5277 would require magistrate court proceedings established under Code of Criminal Procedure to be made public. As soon as possible before the proceeding, the court would be required to publish the following information on its website or at the location of the proceeding:

- the manner in which the public may inquire about a specific arrested person or proceeding;
- the time, if known, and location of the proceeding; and
- the manner in which the public may access the proceeding, including the website link for the live stream or videoconference, if

applicable.

The bill would not prohibit a judge from placing reasonable limits on in-person access to the court for safety or to prevent overcrowding.

Any person, including members of the media or the attorney general, could file a petition for a writ of mandamus or application to enforce the right of the public to access a proceeding. The bill would require the petition or application to be filed in a district court in the appropriate county or, if it was filed by the attorney general, in a district court in Travis County.

The bill would require a court that, as of January 1, 2024, did not have the physical capability to provide in-person public access to such a proceeding to provide a live stream or videoconference in which the public would be able to clearly see and hear the proceeding.

The bill would take effect September 1, 2023 and would apply only to criminal proceedings that commenced on or after January 1, 2024.