

## **BILL ANALYSIS**

Senate Research Center  
88R6844 MCF-D

H.B. 422  
By: VanDeaver et al. (Perry)  
Criminal Justice  
5/13/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

While juveniles are detained in a pre-adjudication facility, juveniles are required to appear before a court every 10 days. Historically, this has not been a problem because juveniles were often detained in facilities within the county that the case was pending. However, in recent years the state has experienced a detention bed crisis and counties have been forced to house juveniles out of county while their cases are working through the court process. The Supreme Court of Texas has extended emergency orders (orders) for Texas courts regarding court practices during the COVID-19 pandemic. Specifically, the orders have allowed juvenile detention hearings to be conducted remotely throughout the pandemic.

Stakeholders believe that the orders will likely end in the near future as the COVID-19 pandemic is coming to a close. Therefore, when the orders conclude, the law will no longer allow detention hearings to be conducted remotely. This will force counties to drive juveniles across the state to attend detention hearings, because the detention bed crisis remains a problem.

H.B. 422 will allow courts to order that juvenile court proceedings be conducted remotely. A remote hearing can be ordered without the consent of the parties unless the United States or Texas Constitution requires consent of the parties. The Office of Court Administration will review any plan to conduct remote juvenile proceedings.

H.B. 422 clearly limits the bill to allow only juvenile detention hearings to occur remotely.

H.B. 422 amends current law relating to remotely conducting depositions, hearings, and other proceedings in juvenile cases.

### **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 51, Family Code, by adding Section 51.055, as follows:

Sec. 51.055. REMOTE CONDUCT OF PROCEEDINGS. (a) Defines "remote proceeding."

(b) Authorizes a juvenile court to:

(1) conduct a hearing or other proceeding under Title 3 (Juvenile Justice Code) as a remote proceeding without the consent of the parties unless the United States or Texas Constitution requires consent; and

(2) allow or require a party, attorney, witness, court reporter, or any other individual to participate in a remote proceeding, including a deposition, hearing, or other proceeding under this title.

(c) Requires the judge of a juvenile court to submit to the Office of Court Administration of the Texas Judicial System a plan for conducting remote proceedings under this title. Requires that the plan:

(1) include protocols for handling physical evidence; and

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

SECTION 2. Amends Section 54.012(a), Family Code, to authorize a detention hearing under Section 54.01 (Detention Hearing) to be held using interactive video equipment if the parties to the proceeding have the opportunity to cross-examine witnesses. Provides that consent of the parties is not required for the detention hearing to be held in the manner specified by this subsection unless the United States or Texas Constitution requires consent. Deletes existing text authorizing a detention hearing under Section 54.01 to be held using interactive video equipment if the child and the child's attorney agree to the video hearing.

SECTION 3. Repealer: Section 54.012(b) (relating to prohibiting a detention hearing from being held using video equipment unless the video equipment for the hearing provides for a two-way communication of image and sound among the child, the court, and other parties at the hearing), Family Code.

SECTION 4. Effective date: September 1, 2023.