

By: Zaffirini

S.B. No. 690

A BILL TO BE ENTITLED

AN ACT

relating to remotely conducting court proceedings in this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. REMOTE PROCEEDINGS

SECTION 1.001. Section 21.009, Government Code, is amended by adding Subdivision (5) to read as follows:

(5) "Remote proceeding" means a proceeding before a court in which one or more of the participants, including a judge, party, attorney, witness, court reporter, juror, or other individual, attends the proceeding remotely through the use of technology and the Internet.

SECTION 1.002. Chapter 21, Government Code, is amended by adding Section 21.013 to read as follows:

Sec. 21.013. OPTION FOR REMOTE PROCEEDING. (a) Notwithstanding any other law, a court in this state on the court's own motion or on the motion of any party may:

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

(2) allow or require a judge, party, attorney, witness, court reporter, juror, or any other individual to participate in a remote proceeding, including a deposition,

1 Constitution or Texas Constitution requires the consent of the
2 parties for the proceeding to be conducted as a remote proceeding,
3 the prosecutor and defendant must each consent for the proceeding
4 to be conducted as a remote proceeding. If the prosecutor or
5 defendant does not consent, the proceeding may not be held as a
6 remote proceeding.

7 (c) For a jury trial that is to be conducted as a remote
8 proceeding, a court shall:

9 (1) consider on the record any motion or objection
10 related to proceeding with the trial not later than the seventh day
11 before the trial date, except that if the motion or objection is
12 made later than the seventh day before the trial date, the court
13 must consider the motion or objection on the record as soon as
14 practicable; and

15 (2) ensure all prospective jurors have access to the
16 technology necessary to participate in the remote proceeding.

17 (d) If a remote proceeding is conducted away from the
18 court's usual location, the court must provide reasonable notice to
19 the public and an opportunity to observe the proceeding.

20 (e) The Office of Court Administration of the Texas Judicial
21 System shall provide guidance and assistance to the extent possible
22 to a court conducting a remote proceeding.

23 (f) For purposes of any law requiring notice or citation of
24 the time and place for a proceeding, notice of the remote means by
25 which the proceeding will be conducted and the method for accessing

ARTICLE 2. CONFORMING CHANGES

SECTION 2.001. Section 30.012(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) Subject ~~[With the agreement of the parties, and subject]~~ to Section 21.013, Government Code ~~[Subsection (b)]~~, a trial judge may order that a hearing of a preliminary matter or witness testimony at trial may 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.

SECTION 2.002. Article 27.18(a), Code of Criminal Procedure, is amended to read as follows:

(a) Subject to Section 21.013, Government Code, and notwithstanding ~~[Notwithstanding]~~ any provision of this code requiring that a plea or a waiver of a defendant's right be made in open court, a court may accept the plea or waiver by videoconference to the court if:

(1) ~~[the defendant and the attorney representing the state file with the court written consent to the use of videoconference;~~

~~[(2)]~~ the videoconference provides for a simultaneous, compressed full motion video, and interactive communication of image and sound between the judge, the attorney representing the state, the defendant, and the defendant's

Also available as part of the eCourse

[Conducting the “Zoom Trial” and Other Socially-Distanced Proceedings](#)

First appeared as part of the conference materials for the
44th Annual Page Keeton Civil Litigation Conference session

"Remote Proceedings: What's the New Normal, and What Comes Next?"