

Submitter: Denice Searcy  
On Behalf Of:  
Committee: Senate Committee On Judiciary  
Measure, Appointment or Topic: HB2461  
YES on HB 2461

This act makes some new rules for a remote location testimony. Since the statute already allows for a remote testimony, which is questionable under the sixth amendment, it might strengthen its compliance with the sixth amendment if it defined what a “reliable facility” would be as in the local courthouse or law office, someplace they can’t be coached in answering questions. The sixth amendment provides that a person accused of a crime has the right to confront a witness against him or her in a criminal action. This includes the right to be present at the trial, as well as the right to cross examine the prosecution’s witnesses. The Supreme Court has ruled that the person who performed the forensic test must testify at the trial, and testimony from a different forensic analyst from the same lab generally does not satisfy the sixth amendments requirements. This suggests that remote witnessing, if it involves testimony or evidence from a witness not present in the courtroom, may not fully comply with the confrontation clause.

Remote testimony in civil cases, which may occur by telephone or video conference, has several advantages. Remote testimony is generally more efficient for litigants, saving time and resources. Parties and witnesses also save costs associated with travel, time off from work, childcare, and attorney fees. Remote testimony can also increase safety for victims and have benefits from a traumainformed perspective. HB 2461 will replace the 30-day standard with a more flexible framework.

Please vote YES on HB 2461. Thank you.