



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1890

Introduced 2/15/2019, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

725 ILCS 5/106D-1

Amends the Code of Criminal Procedure of 1963. Provides that whenever the appearance in person in court, in either a civil or criminal proceeding, is required of anyone held in a place of custody or confinement operated by the State or any of its political subdivisions, including counties and municipalities, the chief judge of the circuit by rule may permit the personal appearance to be made by means of two-way audio-visual communication, including closed circuit television and computerized video conference at a sentencing hearing for a defendant who: (i) at the time of the proceeding was serving a sentence of imprisonment for another offense; and (ii) has agreed to enter a negotiated plea.

LRB101 07959 SLF 53015 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 106D-1 as follows:

6 (725 ILCS 5/106D-1)

7 Sec. 106D-1. Defendant's appearance by closed circuit
8 television and video conference.

9 (a) Whenever the appearance in person in court, in either a
10 civil or criminal proceeding, is required of anyone held in a
11 place of custody or confinement operated by the State or any of
12 its political subdivisions, including counties and
13 municipalities, the chief judge of the circuit by rule may
14 permit the personal appearance to be made by means of two-way
15 audio-visual communication, including closed circuit
16 television and computerized video conference, in the following
17 proceedings:

18 (1) the initial appearance before a judge on a criminal
19 complaint, at which bail will be set;

20 (2) the waiver of a preliminary hearing;

21 (3) the arraignment on an information or indictment at
22 which a plea of not guilty will be entered;

23 (4) the presentation of a jury waiver;

1 (5) any status hearing;

2 (6) any hearing conducted under the Sexually Violent
3 Persons Commitment Act at which no witness testimony will
4 be taken; ~~and~~

5 (7) at any hearing conducted under the Sexually Violent
6 Persons Commitment Act at which no witness testimony will
7 be taken; and -

8 (8) at a sentencing hearing for a defendant who: (i) at
9 the time of the proceeding was serving a sentence of
10 imprisonment for another offense; and (ii) has agreed to
11 enter a negotiated plea.

12 (b) The two-way audio-visual communication facilities must
13 provide two-way audio-visual communication between the court
14 and the place of custody or confinement, and must include a
15 secure line over which the person in custody and his or her
16 counsel, if any, may communicate.

17 (c) Nothing in this Section shall be construed to prohibit
18 other court appearances through the use of two-way audio-visual
19 communication, upon waiver of any right the person in custody
20 or confinement may have to be present physically.

21 (d) Nothing in this Section shall be construed to establish
22 a right of any person held in custody or confinement to appear
23 in court through two-way audio-visual communication or to
24 require that any governmental entity, or place of custody or
25 confinement, provide two-way audio-visual communication.

26 (Source: P.A. 95-263, eff. 8-17-07.)