



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

### SB0265

Introduced 2/7/2007, by Sen. Donne E. Trotter

#### 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 under specified conditions. Provides that the two-way audio-visual communication facilities must provide two-way audio-visual communication between the court and the place of custody or confinement, and must include a secure line over which the person in custody and his or her counsel, if any, may communicate. Provides that this provision shall not be construed to prohibit other court appearances through the use of two-way audio-visual communication, upon waiver of any right the person in custody or confinement may have to be present physically. Provides that this provision shall not be construed to establish a right of any person held in custody or confinement to appear in court through two-way audio-visual communication or to require that any governmental entity, or place of custody or confinement, provide two-way audio-visual communication. Effective immediately.

LRB095 03739 RLC 23766 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; and  
2           (6) any other pre-trial or post-trial hearing at which  
3           no witness testimony will be taken.

4           (b) The two-way audio-visual communication facilities must  
5           provide two-way audio-visual communication between the court  
6           and the place of custody or confinement, and must include a  
7           secure line over which the person in custody and his or her  
8           counsel, if any, may communicate.

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

13           (d) Nothing in this Section shall be construed to establish  
14           a right of any person held in custody or confinement to appear  
15           in court through two-way audio-visual communication or to  
16           require that any governmental entity, or place of custody or  
17           confinement, provide two-way audio-visual communication.

18           ~~When a defendant's personal appearance is not required by the~~  
19           ~~Constitution of the United States or Illinois Constitution, the~~  
20           ~~court may allow the defendant to personally appear at any~~  
21           ~~pre-trial or post-trial proceeding by way of closed circuit~~  
22           ~~television when:~~

23           ~~(a) the court has authorized the use of closed circuit~~  
24           ~~television and has by rule or order set out the type of~~  
25           ~~proceedings that may be conducted by closed circuit~~  
26           ~~television; and~~

1           ~~(b) the defendant is incarcerated; and~~  
2           ~~(c) the Director of Corrections, sheriff or other~~  
3           ~~authority has certified that facilities are available for~~  
4           ~~this purpose.~~

5           (Source: 90-140, eff. 1-1-98.)

6           Section 99. Effective date. This Act takes effect upon  
7           becoming law.