

AN ACT concerning criminal law.

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

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

(725 ILCS 5/106D-1)

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

(a) 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, in the following proceedings:

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

(2) the waiver of a preliminary hearing;

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

(4) the presentation of a jury waiver;

(5) any status hearing;

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

(7) at any hearing conducted under the Sexually Violent Persons Commitment Act at which no witness testimony will be taken.

(b) 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.

(c) Nothing in this Section shall 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.

(d) Nothing in this Section shall 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.

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

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

~~(b) the defendant is incarcerated; and~~

~~(c) the Director of Corrections, sheriff or other authority has certified that facilities are available for this purpose.~~

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

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