



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5673

Introduced 2/9/2010, by Rep. Ronald A. Wait

SYNOPSIS AS INTRODUCED:

725 ILCS 5/106D-1

Amends the Code of Criminal Procedure of 1963. Provides that when the chief judge of the circuit permits closed-circuit testimony by rule and communication facilities for such purpose are available, the court shall, whenever practicable, order that the defendant's appearance in status and certain other proceedings be made by means of two-way audio-visual communications, unless the court finds that the interest of justice or efficiency, or both, requires the defendant to personally appear.

LRB096 18869 RLC 34256 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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.

8 (a-5) When the chief judge of the circuit permits
9 closed-circuit testimony by rule pursuant to subsection (a) of
10 this Section and communication facilities as described in
11 subsection (a) of this Section are available, the court shall,
12 whenever practicable, order that the defendant's appearance in
13 proceedings enumerated in clauses (1) through (7) of subsection
14 (a) be made by means of two-way audio-visual communications,
15 unless the court finds that the interest of justice or
16 efficiency, or both, requires the defendant to personally
17 appear.

18 (b) The two-way audio-visual communication facilities must
19 provide two-way audio-visual communication between the court
20 and the place of custody or confinement, and must include a
21 secure line over which the person in custody and his or her
22 counsel, if any, may communicate.

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

1 (d) Nothing in this Section shall be construed to establish
2 a right of any person held in custody or confinement to appear
3 in court through two-way audio-visual communication or to
4 require that any governmental entity, or place of custody or
5 confinement, provide two-way audio-visual communication.

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