

Proposal 12-01
Creates a New Supreme Court Rule
Offered by the IJC Committee on Criminal Law and Probation Administration

Supreme Court Rule_____. 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) Personal appearance may be made by means of two-way audio visual communication, including closed circuit television and computerized video, upon waiver of any right the person in custody or confinement may have to be present physically in the following proceedings:
- (1) Waiver of counsel;
 - (2) Pleas of Guilty or Stipulations Sufficient to convict;
 - (3) Admissions or Stipulations in proceedings to Revoke Probation, Conditional Discharge or Supervision;
 - (4) Hearings concerning any and all Disclosure to the Accused;
 - (5) Hearings concerning any and all Disclosure to the Prosecution;
 - (6) Advice to Defendant pursuant to Supreme Court Rule 605.

* This language tracks the text of 725 ILCS 5/106D-1