

RULE CHANGES – 8/30/02

ARTICLE 30: GENERAL

30.05 DEFENDANT'S APPEARANCE BY A TWO-WAY AUDIO/VIDEO COMMUNICATION SYSTEM

A criminal defendant may appear in court at pre-trial and post-trial proceedings by way of a two-way audio/video communication system, so long as the following conditions are met:

1. The Defendant is incarcerated; and
2. The Director of Corrections, Sheriff, or other authority has certified that facilities, including a secure line over which the defendant and the defense attorney may communicate, are available for this purpose; and
3. The court appearance is for one or more of the following purposes:
 - A. Bail Hearing at which Bail is set;
 - B. Arraignment;
 - C. Presentation of a Jury Waiver;
 - D. Status Hearing;
 - E. Hearing on a Motion for a Continuance;
 - F. Setting for Hearing of any Pre-trial or Post-trial Motion
 - G. Any non-critical stage of the proceedings at which no witness testimony will be taken.

To protect the defendant's underlying constitutional rights, a criminal defendant shall be physically present in court during witness confrontation, the presentation of a defense and impaneling of a jury, unless these rights have been lawfully waived.

This Rule is drafted under the authority of 725 ILCS 5/106D-1, 725 ILCS 5/109-1, and *People v. Willie E. Lindsey*, Docket No. 89138, Filed 6/20/02.