



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4824

Introduced 2/18/2020, by Rep. Jennifer Gong-Gershowitz

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-602 new  
725 ILCS 5/106D-2 new  
735 ILCS 5/2-1102.5 new

Amends the Juvenile Court Act of 1987, the Code of Criminal Procedure of 1963, and the Code of Civil Procedure. Provides that the court may, upon request, allow a witness to forgo testifying in person and may allow testimony by means of two-way audio-visual communication, including closed circuit television or computerized video conference, if the court finds that there is reasonable cause to believe that the in-person testimony of the witness may result in the deportation of the witness. Provides that all two-way electronic testimony shall be conducted in accordance with rules adopted by the Illinois Supreme Court. Provides that if, for any reason, the court determines on its own motion or on the motion of any party that the conduct of two-way electronic testimony may impair the legal rights of the minor alleged to be delinquent, the defendant, or in civil cases, any party to the case, it shall not permit the two-way electronic testimony to proceed.

LRB101 16821 RLC 66219 b

1 AN ACT concerning witness testimony.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 adding Section 5-602 as follows:

6 (705 ILCS 405/5-602 new)

7 Sec. 5-602. Witness testimony by two-way audio-visual  
8 communication. The court may, upon request, allow a witness to  
9 forgo testifying in person and may allow testimony by means of  
10 two-way audio-visual communication, including closed circuit  
11 television or computerized video conference, if the court finds  
12 that there is reasonable cause to believe that the in-person  
13 testimony of the witness may result in the deportation of the  
14 witness. All two-way electronic testimony shall be conducted in  
15 accordance with rules adopted by the Illinois Supreme Court.  
16 If, for any reason, the court determines on its own motion or  
17 on the motion of any party that the conduct of two-way  
18 electronic testimony may impair the legal rights of the minor  
19 alleged to be delinquent, it shall not permit the two-way  
20 electronic testimony to proceed.

21 Section 10. The Code of Criminal Procedure of 1963 is  
22 amended by adding Section 106D-2 as follows:

1 (725 ILCS 5/106D-2 new)

2 Sec. 106D-2. Witness testimony by two-way audio-visual  
3 communication. The court may, upon request, allow a witness to  
4 forgo testifying in person and may allow testimony by means of  
5 two-way audio-visual communication, including closed circuit  
6 television or computerized video conference, if the court finds  
7 that there is reasonable cause to believe that the in-person  
8 testimony of the witness may result in the deportation of the  
9 witness. All two-way electronic testimony shall be conducted in  
10 accordance with rules adopted by the Illinois Supreme Court.  
11 If, for any reason, the court determines on its own motion or  
12 on the motion of any party that the conduct of two-way  
13 electronic testimony may impair the legal rights of the  
14 defendant, it shall not permit the two-way electronic testimony  
15 to proceed.

16 Section 15. The Code of Civil Procedure is amended by  
17 adding Section 2-1102.5 as follows:

18 (735 ILCS 5/2-1102.5 new)

19 Sec. 2-1102.5. Witness testimony by two-way audio-visual  
20 communication. The court may, upon request, allow a witness to  
21 forgo testifying in person and may allow testimony by means of  
22 two-way audio-visual communication, including closed circuit  
23 television or computerized video conference, if the court finds

1 that there is reasonable cause to believe that the in-person  
2 testimony of the witness may result in the deportation of the  
3 witness. All two-way electronic testimony shall be conducted in  
4 accordance with rules adopted by the Illinois Supreme Court.  
5 If, for any reason, the court determines on its own motion or  
6 on the motion of any party that the conduct of two-way  
7 electronic testimony may impair the legal rights of any party  
8 to the case, it shall not permit the two-way electronic  
9 testimony to proceed.