



Sen. Laura M. Murphy

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10000SB2557sam001

LRB100 18132 SLF 37206 a

1 AMENDMENT TO SENATE BILL 2557

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2557 by replacing  
3 everything after the enacting clause with the following:

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

1 proceedings:

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

4 (2) the waiver of a preliminary hearing;

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

7 (4) the presentation of a jury waiver;

8 (5) any status hearing;

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

12 (7) at any hearing conducted under the Sexually Violent  
13 Persons Commitment Act at which no witness testimony will  
14 be taken; and-

15 (8) at a sentencing hearing for a defendant who: (i) at  
16 the time of the proceeding was serving a sentence of  
17 imprisonment for another offense; and (ii) has agreed to  
18 enter a negotiated plea.

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

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

1 or confinement may have to be present physically.

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

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