

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 and by adding Section
6 106D-5 as follows:

7 (725 ILCS 5/106D-1)

8 Sec. 106D-1. Defendant's appearance by closed circuit
9 television and video conference.

10 (a) Whenever the appearance in person in court, in either
11 a civil or criminal proceeding, is required of anyone held in a
12 place of custody or confinement operated by the State or any of
13 its political subdivisions, including counties and
14 municipalities, the chief judge of the circuit by rule may
15 permit the personal appearance to be made by means of two-way
16 audio-visual communication, including closed circuit
17 television and computerized video conference, in the following
18 proceedings:

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

21 (2) the waiver of a preliminary hearing;

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

- 1 (4) the presentation of a jury waiver;
- 2 (5) any status hearing;
- 3 (6) any hearing conducted under the Sexually Violent
4 Persons Commitment Act at which no witness testimony will
5 be taken; and
- 6 (7) at any hearing ~~conducted under the Sexually~~
7 ~~Violent Persons Commitment Act~~ at which no witness
8 testimony will be taken conducted under the following:
- 9 (A) Section 104-20 of this Code (90-day hearings);
- 10 (B) Section 104-22 of this Code (trial with
11 special provisions and assistance);
- 12 (C) Section 104-25 of this Code (discharge
13 hearing); or
- 14 (D) Section 5-2-4 of the Unified Code of
15 Corrections (proceedings after acquittal by reason of
16 insanity).

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

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

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

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

8 (725 ILCS 5/106D-5 new)

9 Sec. 106D-5. Pilot project; reporting.

10 (a) Subject to appropriation, the Department of Human
11 Services and the Administrative Office of the Illinois Courts
12 shall implement a pilot project between the circuit courts in
13 2 counties and Department of Human Services facilities
14 treating persons unfit to stand trial or not guilty by reason
15 of insanity.

16 (b) The purpose of the pilot project is to determine the
17 feasibility and desirability of using video conference
18 technology for hearings involving persons who are unfit to
19 stand trial and persons who have been determined not guilty by
20 reason of insanity. The Department of Human Services and the
21 Administrative Office of the Illinois Courts shall review the
22 video conference technology and develop guidelines for the
23 specific technology, means of private conferencing between the
24 defendant and his or her attorney during the hearings, and any
25 specific determinations that are not suitable for video

1 conference hearings. The Department of Human Services and the
2 Administrative Office of the Illinois Courts shall submit a
3 joint report to the General Assembly 6 months after the pilot
4 project between the 2 counties and Department facilities has
5 been operational for at least 2 years. Individual defendants,
6 State's Attorneys, defense attorneys, and other personnel may
7 submit comments to be considered in preparing the joint
8 report. Presiding judges may submit comments to either the
9 Department of Human Services or to the Administrative Office
10 of the Illinois Courts. All comments submitted only to the
11 Administrative Office of the Illinois Courts shall be
12 confidential and also may contain the reporting judge's
13 observations, comments, or recommendations. The reports shall:

14 (1) evaluate the effectiveness of the video conference
15 hearing process; and

16 (2) make recommendations concerning the implementation
17 of video conference hearings in all counties.

18 (c) The Department of Human Services shall provide all
19 necessary administrative support for the pilot project.

20 Section 99. Effective date. This Act takes effect July 1,
21 2021.