

AN ACT concerning criminal law.

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

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 106D-1 and by adding Section 106D-5 as follows:

(725 ILCS 5/106D-1)

Sec. 106D-1. 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 conducted under the following:

(A) Section 104-20 of this Code (90-day hearings);

(B) Section 104-22 of this Code (trial with special provisions and assistance);

(C) Section 104-25 of this Code (discharge hearing); or

(D) Section 5-2-4 of the Unified Code of Corrections (proceedings after acquittal by reason of insanity).

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

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

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

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

(725 ILCS 5/106D-5 new)

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

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

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

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

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

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

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

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