

RULES OF THE CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
STATE OF ILLINOIS

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CHIEF JUDGE'S OFFICE

RULE 6.2

Authorization of Appearance by Way of Closed Circuit Television in Criminal Cases

Pursuant to Article 106D of the **Code of Criminal Procedure** of 1963 (725 ILCS 5/106D), whenever a defendant is required to appear in court within the First Judicial Circuit and that person is held in custody or confinement in a facility operated by the State of Illinois (or any of its political subdivisions), that person may personally appear in court within the First Judicial Circuit by means of closed circuit television or other two-way audio-visual communication as long as the Judge and the defendant can hear and see each other simultaneously.

- A. If defense counsel is not physically present with defendant at the place of custody or confinement, a private, separate, and secure telephone line between the person in custody and counsel shall be established. This private and secure line need not be provided if counsel is physically present with the defendant in custody or confinement, if no counsel has been appointed, or no counsel has entered an appearance.
- B. The following types of criminal proceedings may be conducted by closed circuit television, without the defendant's personal appearance in Court:
 - 1. The initial appearance before a judge on a criminal complaint, at which bail will be set;
 - 2. First appearances in Felony, Misdemeanor, Traffic, Violation of Probation cases. In any first appearance conducted by closed circuit television, the defendant shall be provided a copy of the charge(s) against him by jail personnel;
 - 3. The waiver of a preliminary hearing;
 - 4. The arraignment on an information or indictment at which a plea of not guilty will be entered;
 - 5. The presentation of a jury waiver;
 - 6. Any setting or status hearing;
 - 7. Any hearing on a motion to continue;

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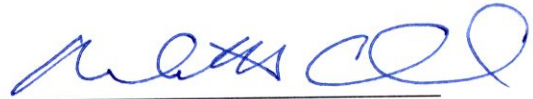
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Stuart Hall
CLERK OF THE CIRCUIT COURT

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8. Any hearing conducted under the Sexually Violent Persons Commitment Act at which no witness testimony will be taken;
 9. Any other proceeding where the Defendant's presence is not required by the Constitution of the United States, or by the Constitution of the State of Illinois.
- C. The following types of proceeding may be conducted by closed circuit television **upon waiver of the defendant**:
1. Taking of a plea of guilty.
- D. The following types of proceeding may not be conducted by closed circuit television:
1. Trials and evidentiary hearings, unless defendant has been removed from the courtroom by order of the trial judge.
 2. Return of a jury verdict, unless defendant has been removed from the courtroom by order of the trial judge.
 3. Any other proceedings where the defendant's presence is required by the Constitution of the United States or by the Constitution of the State of Illinois.
- E. Nothing in this Rule shall be construed to prohibit any other court appearances through the use of closed circuit television by any person in custody or confinement upon his/her waiver of any constitutional right to be physically present, provided such waiver is made on the record each time such defendant participates through two-way audio-visual communication, and further that the defendant has been admonished of his/her rights pursuant to Supreme Court Rule 402 by the judge presiding.
- F. Nothing in this Rule shall be construed to establish a right of any person held in custody or confinement to appear in court through closed circuit television.
- G. Nothing in this Rule shall prohibit any judge from requiring anyone held in custody or confinement to appear in person in the courtroom, and not by closed circuit television. Such required in-person appearance in the courtroom may be either on a case by case basis, or may be pursuant to a judge's continuing general order.

ENTERED: 9-25, 2009


Mark H. Clarke
Chief Judge, First Judicial Circuit