

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT

GENERAL ORDER 16- 4

IN THE MATTER OF THE MODIFICATION)
OF LOCAL RULES OF THE 23RD JUDICIAL)
CIRCUIT OF THE STATE OF ILLINOIS TO)
PROVIDE FOR CRIMINAL DEFENDANTS')
APPEARANCE BY A TWO-WAY)
AUDIO/VIDEO COMMUNICAITON SYSTEM.)

FILED
AUG 03 2016
Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

The majority of the Circuit Judges of the 23rd Judicial Circuit having determined that the Local Rules should be amended to provide for criminal defendants' appearance in court by a two-way audio/video communication system, and the majority of the Circuit Judges of the 23rd Judicial Circuit having agreed with the entry of this Order:

THEREFORE, IT IS ORDERED THAT the Local Rules of the 23rd Judicial Circuit shall be amended by the addition of the following:

RULE 8.17

**CRIMINAL DEFENDANTS' APPEARANCE BY A
TWO-WAY AUDIO/VIDEO COMMUNICATION SYSTEM**

Whenever the appearance in person in court, in a 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.

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.

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.

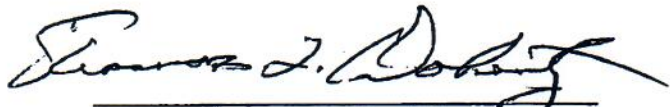
Nothing in this Section shall be construed to establish a right of any person held in custody or confinement to appear in court through two-way audio-visual communication or to require that any governmental entity, or place of custody or confinement, provide two-way audio-visual communication.

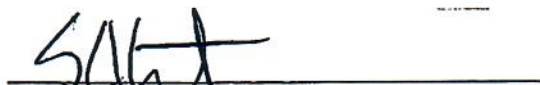
A hearing to deny bail to the defendant may not be conducted by way of the two-way audio/video communication system.

This rule shall become effective upon adoption by the Circuit Judges of the 23rd Judicial Circuit.


Dated: July 26, 2016



Melissa S. Barnhart, Circuit Judge

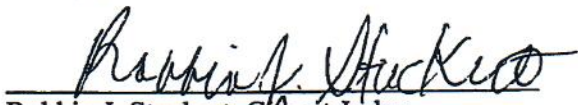

Thomas L. Doherty, Circuit Judge

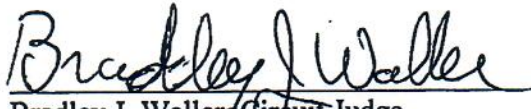

Stephen L. Krentz, Circuit Judge


Ronald G. Matekaitis, Circuit Judge


Timothy J. McCann, Circuit Judge


Robert P. Pilmer, Circuit Judge


Robbin J. Stuckert, Circuit Judge


Bradley J. Waller, Circuit Judge