

By: Senator(s) Smith

To: Judiciary

SENATE BILL NO. 2128
(As Passed the Senate)

1 AN ACT TO PERMIT APPEARANCE IN COURT BY MEANS OF CLOSED
2 CIRCUIT TELEVISION RATHER THAN PERSONAL, PHYSICAL APPEARANCE,
3 UNDER CERTAIN CIRCUMSTANCES; TO ENACT CERTAIN LIMITATIONS; AND FOR
4 RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE
5 OF MISSISSIPPI:

6
7 SECTION 1. (1) When the physical appearance in person in
8 court is required of any person held in a place of custody or
9 confinement operated by the state or any of its political
10 subdivisions, such personal appearance may be made by means of
11 closed circuit television from the place of custody or
12 confinement, provided that such television facilities provide
13 two-way audio-visual communication between the court and the place
14 of custody or confinement and that a full record of such
15 proceedings be made by split-screen imaging and recording of the
16 proceedings in the courtroom and the place of confinement or
17 custody in addition to such other record as may be required, in
18 the following proceedings:

19 (a) Initial appearance before a judge on a criminal
20 complaint;

21 (b) Waiver of preliminary hearing;

22 (c) Arraignment on an information or indictment where a
23 plea of not guilty is entered;

24 (d) Arraignment on an information or indictment where a
25 plea of guilty is entered upon waiver of any right such person
26 might have to be physically present;

27 (e) Any pretrial or posttrial criminal proceeding not
28 allowing the cross-examination of witnesses;

29 (f) Sentencing after conviction at trial upon waiver of
30 any right such person might have to be physically present;

31 (g) Sentencing after entry of a plea of guilty; and

32 (h) Any civil proceeding other than trial by jury.

33 (2) This section shall not prohibit other appearances via
34 closed circuit television upon waiver of any right such person
35 held in custody or confinement might have to be physically
36 present.

37 (3) Nothing contained in this section shall be construed as
38 establishing a right for any person held in custody to appear on
39 television or as requiring that a place of custody shall provide a
40 two-way audio-visual communication system.

41 SECTION 2. This act shall take effect and be in force from
42 and after July 1, 1999.