

By: Senator(s) Smith

To: Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2167

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.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

26 (e) Any pretrial or post-trial criminal proceeding not
27 allowing the cross-examination of witnesses;

- 28 (f) Sentencing after conviction at trial;
29 (g) Sentencing after entry of a plea of guilty; and
30 (h) Any civil proceeding other than trial by jury.

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

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

39 SECTION 2. This act shall take effect and be in force from
40 and after July 1, 2001.