

By: Senator(s) Smith

To: Judiciary

SENATE BILL NO. 2489

1 AN ACT TO PERMIT APPEARANCE OF INMATES IN THE CUSTODY OF THE
2 DEPARTMENT OF CORRECTIONS BY MEANS OF CLOSED CIRCUIT TELEVISION,
3 INTERNET OR OTHER ELECTRONIC MEANS FOR DISCIPLINARY HEARINGS OR
4 COURT APPEARANCES; TO PERMIT APPEARANCE IN COURT BY MEANS OF
5 CLOSED CIRCUIT TELEVISION RATHER THAN PERSONAL, PHYSICAL
6 APPEARANCE, UNDER CERTAIN CIRCUMSTANCES; TO ENACT CERTAIN
7 LIMITATIONS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) When the physical appearance of an inmate in
10 the custody of the Department of Corrections is required for a
11 disciplinary hearing or court appearance, such appearance may be
12 made by means of closed circuit television, internet
13 tele-conference or other electronic means.

14 (2) When the physical appearance in person in court is
15 required of any person who is represented by counsel and held in a
16 place of custody or confinement operated by the state or any of
17 its political subdivisions, upon waiver of any right such person
18 may have to be physically present, such personal appearance may be
19 made by means of closed circuit television from the place of
20 custody or confinement, provided that such television facilities
21 provide two-way audio-visual communication between the court and
22 the place of custody or confinement and that a full record of such
23 proceedings be made by split-screen imaging and recording of the
24 proceedings in the courtroom and the place of confinement or
25 custody in addition to such other record as may be required, in
26 the following proceedings:

- 27 (a) Initial appearance before a judge on a criminal
28 complaint;
- 29 (b) Waiver of preliminary hearing;



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

32 (d) Arraignment on an information or indictment where a
33 plea of guilty is entered;

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

36 (f) Sentencing after conviction at trial;

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

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

39 (3) This section shall not prohibit other appearances via
40 closed circuit television upon waiver of any right such person
41 held in custody or confinement might have to be physically
42 present.

43 (4) Nothing contained in this section shall be construed as
44 establishing a right for any person held in custody to appear on
45 television or as requiring that a place of custody shall provide a
46 two-way audio-visual communication system.

47 **SECTION 2.** This act shall take effect and be in force from
48 and after July 1, 2003.

