

By: Smith

To: Judiciary

SENATE BILL NO. 2378

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

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

20 (b) Waiver of preliminary hearing;

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

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

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

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

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

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

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

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

40 SECTION 2. This act shall take effect and be in force from
41 and after July 1, 2000.