

By Mr. Caron of Springfield, petition of Paul E. Caron and James P. Jajuga that provision be made for appearances by criminal defendants by audio-video devices at pretrial or post trial proceedings. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT TO PROVIDE FOR AUDIO-VISUAL APPEARANCES BY CRIMINAL DEFENDANTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1 Chapter 278 of the General Laws, as appearing in the 1992
- 2 Official Edition, is hereby amended by inserting after section 35
- 3 the following new section:—
- 4 Section 36. Whenever the physical presence of a defendant in
- 5 court is required for pretrial and post-trial criminal proceedings,
- 6 such personal appearances may be made by means of an elec-
- 7 tronic audio-visual device from the place of custody or confine-
- 8 ment. The defendant may appear by means of an electronic
- 9 audio-visual device in the following proceedings: arraignment,
- 10 bail hearing, bail review, pretrial conference, motion to revise and
- 11 revoke sentence, and motion for a new trial. The audio-visual
- 12 device must operate so that the participants in the hearing are able
- 13 to see and hear reproductions of the voices and images of the
- 14 judge, counsel, prosecutor, and the defendant. The defendant and
- 15 his/her counsel shall be provided with the opportunity for private
- 16 conversation prior to and at any time during hearing. This provi-
- 17 sion shall not prohibit other appearances via electronic audio-
- 18 visual means upon explicit waiver of any right such persons held
- 19 in custody might have to be physically present.

By the Court of the County of ...  
I hereby certify that the within and foregoing ...  
is a true and correct copy of the original ...

THE COUNTY OF ...

IN SENATE, ...

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