

April 9, 2009

H 1438. VIDEOCONFERENCE TECH. IN COURT PROCEEDINGS. Filed 4/9/09. *TO PROVIDE FOR A PILOT PROGRAM TO DETERMINE THE EFFECTIVENESS OF USING VIDEOCONFERENCE TECHNOLOGY TO CONDUCT COURT PROCEEDINGS, OTHER THAN TRIALS, INVOLVING PERSONS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION AND IN LOCAL CONFINEMENT FACILITIES.*

Directs the Administrative Office of the Courts, in consultation with the Department of Correction, to conduct a pilot program in two counties and in one prison facility to test the feasibility of using videoconference or similar technology to conduct court proceedings involving defendants in the custody of the Department of Correction instead of using live appearances in court. Participating courts are permitted to conduct hearings authorized under GS 15A-511, Article 26 of Chapter 15A of the General Statutes, GS 15A-601, and GS 15A-941 by videoconference without the consent of the defendant. If a defendant voluntarily waives his or her right to appear in person, which waiver may be taken by videoconference, then the courts may also accept guilty pleas, impose sentences, conduct motions hearings, and conduct probation modification or revocation hearings by videoconference. Capital felony proceedings may not be conducted by videoconferencing equipment unless otherwise permitted by law. Requires the equipment to be used in a manner to ensure that the official conducting the proceeding and the defendant can see and hear each other and to ensure that the defendant and his or her attorney may communicate during the proceeding in a manner that preserves the defendant's right to confidential communication with counsel.

The Administrative Office of the Courts may also designate one or more counties to participate in a pilot program to test the feasibility of using videoconferencing equipment to conduct the same proceedings authorized above involving persons in the custody of local confinement facilities.

Directs the North Carolina Rural Courts Commission, in cooperation with the Department of Correction, to study the effectiveness of the use of videoconferences in the pilot program and to report its findings and recommendations by May 1, 2010, to the Chief Justice, the Secretary of Correction, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Chairs of Senate and House Appropriations Committees. Requires the study to address the costs and cost savings of implementing the pilot program on a statewide basis, as well as the quality of the transmissions and the frequency of use. Authorizes the Administrative Office of the Courts and the Department of Correction to seek grant funds to offset costs associated with the study that cannot be provided by appropriation.

Intro. by Spear.

STUDY

July 13, 2009

SL 2009-270 (H 1438). VIDEOCONFERENCE TECHNOLOGY IN COURT PROCEEDINGS. *AN ACT TO PROVIDE FOR A PILOT PROGRAM TO DETERMINE THE EFFECTIVENESS OF USING VIDEOCONFERENCE TECHNOLOGY TO CONDUCT COURT PROCEEDINGS, OTHER THAN TRIALS, INVOLVING PERSONS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION AND IN LOCAL CONFINEMENT FACILITIES.* Summarized in *Daily Bulletin* 4/9/09. Enacted July 10, 2009. Effective July 10, 2009.