

107TH CONGRESS  
1ST SESSION

# S. 791

To amend the Federal Rules of Criminal Procedure.

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## IN THE SENATE OF THE UNITED STATES

APRIL 26, 2001

Mr. THURMOND introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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# A BILL

To amend the Federal Rules of Criminal Procedure.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Video Teleconferencing  
5 Improvements Act of 2001”.

**6 SEC. 2. AUTHORIZATION OF VIDEO TELECONFERENCING  
7 FOR THE INITIAL APPEARANCE.**

8       Rule 5 of the Federal Rules of Criminal Procedure  
9 is amended by adding at the end the following:

10       “(d) VIDEO TELECONFERENCING.—Video teleconfer-  
11 encing may be used to conduct an appearance under this  
12 rule.”.

1 **SEC. 3. AUTHORIZATION OF VIDEO TELECONFERENCING**2 **FOR THE ARRAIGNMENT.**

3 Rule 10 of the Federal Rules of Criminal Procedure

4 is amended—

5 (1) by striking “Arraignment” and inserting

6 “(a) IN GENERAL.—Arraignment”; and

7 (2) by adding at the end the following:

8 “(b) VIDEO TELECONFERENCING.—Video teleconfer-

9 encing may be used to arraign a defendant.”.

10 **SEC. 4. AUTHORIZATION OF VIDEO TELECONFERENCING**11 **FOR CERTAIN PROCEEDINGS.**

12 Rule 43 of the Federal Rules of Criminal Procedure

13 is amended—

14 (1) in subsection (a), by striking “The” and in-  
15 serting “Except as otherwise provided in this rule,  
16 Rule 5, or Rule 10, the”;

17 (2) in subsection (c)—

18 (A) in paragraph (3), by striking “or” at  
19 the end;20 (B) in paragraph (4), by striking the pe-  
21 riod at the end and inserting “; or”; and

22 (C) by adding at the end the following:

23 “(5) when—

24 (A) the proceeding is the sentencing hear-  
25 ing; and

1                   “(B)(i) the defendant, in writing, waives  
2                   the right to be present in court; or

3                   “(ii) the court finds, for good cause shown  
4                   in exceptional circumstances and upon appro-  
5                   priate safeguards, that communication with a  
6                   defendant (who is not physically present before  
7                   the court) by video teleconferencing is an ade-  
8                   quate substitute for the physical presence of the  
9                   defendant.”.

10 **SEC. 5. EFFECTIVE DATE.**

11                  This Act, and the amendments made by this Act,  
12 shall apply to a criminal complaint filed after the date of  
13 enactment of this Act.

