

107TH CONGRESS
1ST SESSION

S. 791

To amend the Federal Rules of Criminal Procedure.

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

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 appropriate
5 safeguards, that communication with a
6 defendant (who is not physically present before
7 the court) by video teleconferencing is an adequate
8 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.

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