

- SUBJECT:** Using video teleconferencing to enter a criminal plea
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Talton, Dunnam, Farrar, Galloway, Hinojosa, Keel, Nixon, A. Reyna
- 0 nays
- 1 absent — Place
- SENATE VOTE:** On final passage, March 20 — 31-0
- WITNESSES:** None
- BACKGROUND :** Criminal defendants charged with felonies or misdemeanors that can carry jail time must make pleas in open court.
- DIGEST:** SB 121 would allow criminal courts to accept a plea or waiver by broadcast via closed circuit video teleconferencing if:
- the defendant and the prosecutor filed with the court written consent to the use of teleconferencing;
  - the closed circuit video teleconferencing system had a simultaneous, compressed full motion video and interactive communication of inmate and sound between the judge, the prosecutor, the defendant and the defendant's attorney;
  - upon the defendant's request, the defendant and the defendant's attorney were allowed to communicate privately without being recorded or heard by the judge or prosecutor; and
  - on a motion by the defendant or the prosecutor or in the court's discretion, the court could terminate an appearance by video teleconferencing at any time during the appearance and require an appearance in court.

Recordings of the video teleconferences would have to be made and preserved until the 120th day after the teleconference. SB 121 would require that defendants be able to obtain copies of the recording upon

payment of a reasonable amount to cover the cost of reproduction.

SB 121 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

**SUPPORTERS  
SAY:**

SB 121 would give courts more flexibility in how they handle pleas in criminal cases while still preserving all rights of the defendant and state.

Courts and local law enforcement authorities can handle hundreds of pleas in criminal cases in a month or a day in some large jurisdictions. It can be expensive and difficult to transport defendants from jails to courthouses and move them in and out of courtrooms in a safe, efficient manner. SB 121 would reduce these logistical problems as well as the costs of courts and local law enforcement agencies by allowing teleconferencing rooms to be set up at the jails for the purpose of entering pleas. SB 121 would be a natural expansion of teleconferencing from the medicine and teaching fields.

SB 121 would contain numerous safeguards to ensure that the rights of defendants were protected. The defendant would have to consent to the process and could communicate privately with the attorney, terminate the teleconference, and make an appearance in open court. A recording of the teleconference would have to be made, and defendants would have a right to a copy of the video. A written transcript of the teleconference would also be made, just as if the defendant had appeared in open court, so that all records would be appropriately preserved.

**OPPONENTS  
SAY:**

SB 121 could make the criminal justice system more impersonal and erode the gravity of making a plea in a courtroom. Making a plea in a criminal case through a video teleconference — just like attending church through a video teleconference — would be an intangible but significant change from doing it in person.