**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 14‑1‑250 SO AS TO REQUIRE THE USE OF TWO‑WAY CLOSED CIRCUIT TELEVISION OR VIDEOCONFERENCING SYSTEMS OF PERSONS CONFINED IN A LOCAL OR STATE CORRECTIONAL FACILITY OR A JUVENILE DETENTION FACILITY IN CERTAIN COURT PROCEEDINGS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The General Assembly finds that it is necessary to require participation via two‑way closed circuit television or videoconferencing systems of persons confined in a local or state correctional facility or a juvenile detention facility who are scheduled to appear in court proceedings in order to enhance efficiency and security and ensure the public’s safety while maintaining the constitutional rights of those defendants.

SECTION 2. Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14‑1‑250. (A) Persons confined to a local or state correctional facility, including a juvenile detention center, shall have their participation transmitted and recorded by a two‑way closed circuit television system or other form of videoconferencing system approved by the Supreme Court in the following court proceedings:

(1) General Sessions Court:

(a) initial court appearances;

(b) bond hearings;

(c) probation and parole revocation hearings;

(d) contested motions; and

(e) guilty pleas and sentencing proceedings;

(2) Family Court:

(a) hearings arising from the issuance of bench warrants;

(b) juvenile detention hearings;

(c) juvenile guilty pleas and sentencing proceedings; and

(d) Department of Social Services cases limited to:

(i) emergency protective custody hearings pursuant to Section 63‑7‑610;

(ii) intervention hearings;

(iii) status review hearings; and

(iv) permanency planning hearings;

(3) Summary Court:

(a) initial court appearances in capital and noncapital cases;

(b) bond hearings;

(c) contested motions;

(d) guilty pleas and sentencing proceedings on summary court offenses;

(e) preliminary hearings; and

(f) hearings arising from the issuance of bench warrants; and

(4) Any other court proceeding deemed appropriate for videoconferencing as defined by the Supreme Court by order.

(B) A two‑way closed circuit television system or other appropriate videoconferencing system as required by this section must include a video camera and display monitor present at the local or state correctional facility, or juvenile detention center, and in the courtroom.

(1) The defendant shall remain on camera at all times during the court proceeding and there must be a minimum of one camera in the courtroom continuously transmitting the proceeding to the defendant. The camera or other videoconferencing equipment must be controlled by the court and be capable of showing the judge or any other person speaking during the proceeding.

(2) A constant audio connection must be maintained to allow all parties to hear communications from the location of the defendant and the courtroom. In addition, a private telephone line, cellular telephone, or video terminal must be available for the defendant and defense counsel to communicate confidentially.

(3) A fax machine or other equipment used to transmit electronic signatures must be available at the location of the defendant and in the courtroom for the transmission of documents between the locations. The defendant may sign necessary documents and fax or electronically transmit documents with his signature and signatures transmitted have the full force and effect of an actual signature and are acceptable for purposes of binding the parties; however, the original signed copies of all documents must be filed with the court and a copy of those documents must be promptly provided to the defendant.

(4) A court reporter must be present in the courtroom throughout the proceeding in order to preserve the official record.

(5) The proceeding must be videotaped or otherwise electronically recorded and a copy of the videotape or electronic recording must be made available to the defendant and the solicitor upon written request to the court within thirty days of the proceeding. The videotape or other electronic recording may be destroyed thirty days after the proceeding.

(C) If a two‑way closed circuit television system or an appropriate videoconferencing system is unavailable for use or inoperable for any reason, a person subject to the requirements of this section may be transported to another local or state correctional facility, or juvenile detention facility, in order to meet the requirements of this section.”

SECTION 3. The Directors of the Department of Corrections and the Department of Juvenile Justice are directed to coordinate with South Carolina Court Administration on the implementation of two‑way closed circuit television systems or other appropriate videoconferencing systems in correctional facilities and courtrooms as required by the provisions of this act. South Carolina Court Administration shall implement written procedures for the use of two‑way closed circuit television or videoconferencing systems in accordance with the requirements of this act by January 1, 2013.

SECTION 4. This act takes effect upon approval by the Governor.

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