



With the consent of both the Commonwealth's attorney and the defendant, the following proceedings **may** take place via AVC

- Guilty plea;
- Sentencing;
- Evidentiary hearing, not including trial;
- Probation revocation hearing;
- Conditional discharge revocation hearing;
- Diversion revocation hearing; and
- Contempt hearing, except a direct contempt hearing.

For any of the above hearings the defendant's attorney must be physically present with the defendant at the jail or detention facility unless safety concerns exist, be in the courtroom and be present with the defendant via AVC, or attend remotely via an AVC link provided by the court.

In addition to the public audio-video communication which shall be visible and audible to persons present at the proceedings, the defendant and his or her attorney must be provided a secure and private line of communication.

The defendant may be required to appear in person if the judge determines it is necessary to protect the rights of the defendant. Coordination with the jail or detention facility housing the prisoner for AVC must be completed no later than 4 p.m. at least two days prior to the scheduled appearance in order to provide transport if necessary.

The Chief District Court Judge of each district shall determine if the provisions of HB 551 shall be applied to juvenile court matters. If the juvenile matter is transferred to circuit court, then the provisions of HB 551 would apply.

**The fiscal impact of HB 551 on local governments is indeterminable but could be a significant cost to smaller jails that don't currently have AVC ability.** Additionally, the fiber optic infrastructure needed may not be available to all areas of Kentucky. There will be cost savings realized for not transporting defendants including necessary security cost related to the transporting as well as courthouse security related to defendant attendance. Whether or not this savings will be enough to cover AVC expense is not known.

AVC may expedite the court proceedings due to the logistics of not having to move defendants within the courthouse and courtroom and being able to immediately hear the next case.

The County Attorneys Association and the Kentucky Jailers Association have been contacted for input. As of the date of this Local Government Mandate Statement, a response has not been received. Once received, this statement will be amended accordingly.

**Part III: Differences to Local Government Mandate Statement from Prior Versions**

Part II refers to HB 551 as introduced.

**Data Source(s):** LRC Staff

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