

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations- includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board -in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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Remote Video Court Appearance Act

Summary

The Remote Video Court Appearances Act allows the court to dispense with the personal appearance of a defendant, except an appearance at a hearing or trial, and conduct an electronic appearance by means of a fully interactive audio-visual system. This bill also allows this method to be used in parole hearings.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Title.} This act shall be known and may be cited as the **Remote Video Court Appearance Act**.

Section 2. {Definitions.} The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(A) "Fully interactive audio-visual system" means an electronic system for the transmission and receiving of broadcast-quality audio and visual signals, encompassing encoded signals, frequency domain multiplexing or other suitable means to preclude the unauthorized reception and decoding of the signals by commercially available television receivers, channel converters, or commercially available receiving devices.

(B) "Electronic appearance" means an appearance in which various participants, including the defendant, are not present in the court, but in which, by means of an independent audio-visual system.

(1) all of the participants are simultaneously able to see and hear reproductions of the voices and images of the judge, counsel, defendant, police officer, and any other appropriate participant; and

(2) counsel is present with the defendant, or if the defendant waives the presence of counsel on the record, the defendant and their counsel are able to see and hear each other and engage in private conversation via a private telephone line.

Section 3. {Policy and rules.}

(A) Notwithstanding any other provision of law and except as provided in Section 4 of this article, the court, in its discretion, may dispense with the personal appearance of the defendant, except an appearance at a hearing or trial, and conduct an electronic appearance in connection with a criminal action pending provided that the chief administrator of the courts has authorized use of electronic appearance and the defendant, after consultation with counsel, consents on the record. Such consent shall be required at the commencement of each electronic appearance to such electronic appearance.

(B) If, for any reason, the court determines on its own motion or on the motion of any party that the conduct of an electronic appearance may impair the legal rights of the defendant, it shall not permit the electronic appearance to proceed. If, for any other articulated reason, either party requests at any time during the electronic appearance that such appearance be terminated, the court shall grant such request and adjourn the proceeding to a date certain. Upon the adjourned date the proceeding shall be recommenced from the point at which the request for termination of the electronic appearance had been granted.

(C) The electronic appearance shall be conducted in accordance with rules issued by the chief administrator of the courts.

(D) When the defendant makes an electronic appearance, the court stenographer shall record any statements in the same manner as if the defendant had made a personal appearance. No electronic recording of any electronic appearance may be made, viewed or inspected except as may be authorized by the rules issued by the chief administrator of the courts.

Section 4. {Conditions and limitations.} Electronic appearances shall have the following conditions and limitations:

(A) The defendant may not enter a plea of guilty to, or be sentenced upon a conviction of, a felony.

(B) The defendant may not enter a plea of not responsible by reason of mental disease or defect.

(C) The defendant may not be committed to the state department of mental hygiene.

(D) The defendant may not enter a plea of guilty to a misdemeanor conditioned upon a promise of incarceration unless such incarceration will be imposed only in the event that the defendant fails to comply with a term or condition imposed under the original sentence.

(E) A defendant who has been convicted of a misdemeanor may not be sentenced to a period of incarceration which exceeds the time the defendant has already served when sentence is imposed.

Section 5. {Approval by the chief administrator of the courts.} The appropriate administrative judge shall submit to the chief administrator of the courts a written proposal for the use of electronic appearance in their jurisdiction. If the chief administrator of the courts approves the proposal, installation of an independent audio-visual system may begin.

Section 6. {Parole hearings.}

(A) Notwithstanding any other provision of law, the department may install, maintain, and operate an independent audio-visual system in each correctional institution of the department that has committed persons eligible for parole and at the principal office of the Prisoner Review Board for the purpose of the conduct of parole hearings by the Prisoner Review Board by means of electronic appearance.

(B) If the person under consideration for parole is in the custody of the department, at least three members of the Prisoner Review Board shall interview the person by means of an independent audio-visual system.

Section 7. {Severability clause.}

Section 8. {Repealer clause.}

← **Were your laws repealed?**

Section 9. {Effective date.}

ALEC's Sourcebook of American State Legislation 1995

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