

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

01/08/2019

Clerk of the
Appellate Courts

IN RE AMENDMENTS TO THE TENNESSEE RULES
OF CRIMINAL PROCEDURE

No. ADM2018-01575

ORDER

The Court adopts the attached amendment effective July 1, 2019, subject to approval by resolution of the General Assembly. The rule amended is as follows:

RULE 43 PRESENCE OF THE DEFENDANT

The text of the amendment is set out in the attached Appendix.

IT IS SO ORDERED.

FOR THE COURT:



JEFFREY S. BIVINS
CHIEF JUSTICE

APPENDIX I

***PROPOSED AMENDMENTS TO THE TENNESSEE
RULES OF CRIMINAL PROCEDURE***

(new text indicated by underlining; deleted text indicated by overstriking)

TENNESSEE RULES OF CRIMINAL PROCEDURE

RULE 43

PRESENCE OF THE DEFENDANT.

[add underlined language to Rule 43(e)(2) and delete strikethrough language, and add new Advisory Commission Comment (2019 Amendment) set out below]

(e) Initial Appearance – Audio-Visual Devices.

* * * *

(2) the judge or magistrate and the defendant are able to view and communicate with each other simultaneously and to be heard in the courtroom by members of the public or, if the judge or magistrate is not in a location accessible to the public at the time of the initial appearance, the audio-visual communication is contemporaneously accessible to the public; and,

* * * *

Advisory Commission Comment [2019]

Rule 43(e) contemplates that contemporaneous public access to initial appearances may be achieved through a monitor placed in a room open to the public, such as the lobby of a detention facility, or by other electronic means, such as live streaming accessible to public internet users.