

SENATE BILL NO. 187

INTRODUCED BY C. FRIEDEL

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING REMOTE APPEARANCES BY COUNSEL IN CRIMINAL AND CERTAIN CIVIL HEARINGS; AND PROVIDING DEFINITIONS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Remote appearance by counsel -- definitions.** (1) A court presiding

over matters in Title 46 or civil matters when at least one party is represented by counsel assigned pursuant to 47-1-104(4) shall establish a consistent, predictable process for attorneys to appear remotely in the court.

(2) A court may order an attorney to appear in person for a nonsubstantive hearing if the court finds good cause and issues an order at least 5 business days before the hearing.

(3) As used in this section, the following definitions apply:

(a) "Appear remotely" means to participate in a hearing through the use of two-way electronic audio-video communication that allows:

(i) all of the participants to be heard in the courtroom by all present and allows the party speaking to be seen; and

(ii) a defendant or person represented by counsel assigned pursuant to 47-1-104(4) to see and communicate privately with the defendant's or person's attorney.

(b) "Nonsubstantive hearing" means a court event in which the substantive outcome of the matter will not be decided during the event, including:

- (i) arraignments and initial appearances;
- (ii) bond and bail hearings;
- (iii) status hearings, conferences, or court check-ins;
- (iv) hearings for the purpose of scheduling;
- (v) omnibus hearings;
- (vi) calendar calls; and

1           (vii)     any hearing in which substantive arguments or testimony will not be heard.

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3           NEW SECTION. Section 2. Assigned counsel may appear remotely. As provided in [section 1], an  
4 attorney assigned under 47-1-104 to any civil matter may appear remotely for any nonsubstantive hearing.

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6           NEW SECTION. Section 3. Codification instruction. (1) [Section 1] is intended to be codified as  
7 an integral part of Title 3, chapter 1, part 3, and the provisions of Title 3, chapter 1, part 3, apply to [section 1].

8           (2) [Section 2] is intended to be codified as an integral part of Title 47, chapter 1, part 2, and the  
9 provisions of Title 47, chapter 1, part 2, apply to [section 2].

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