

GENERAL ORDER 06-04

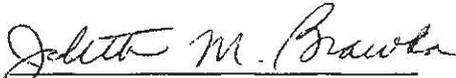
In order to provide a safe and secure environment conducive to performing court business;

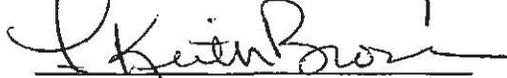
IT IS HEREBY ORDERED that by a majority vote of the Circuit Judges of the Sixteenth Judicial Circuit, the attached Article 1.32 of the Local Rules regarding Telecommunications and Electronic and Photographic Devices is adopted in and for Kane County.

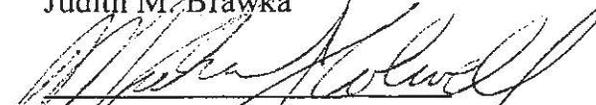
IT IS FURTHER ORDERED that this Rule may be adopted by DeKalb and Kendall Counties upon the written order of the Presiding Judge of the county.

Enter this 10th day of January, 2006.

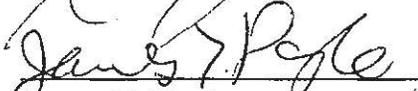

Donald C. Hudson, Chief Judge


Judith M. Brawka

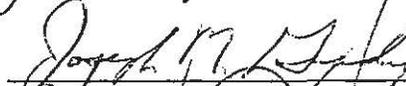

F. Keith Brown


Michael J. Colwell

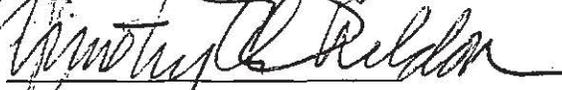

Philip L. DiMarzio


James T. Doyle


Donald J. Fabian


Joseph M. Grady

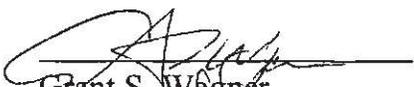

Kurt P. Klein

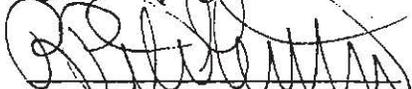

Timothy Q. Sheldon


Robbin J. Stuckert


Robert B. Spence


James M. Wilson


Grant S. Wegner


R. Peter Grometer

FILED
2006 FEB 14
CLERK OF COURT
KANE COUNTY
PA 42

PROPOSED LOCAL RULE

1.32 TELECOMMUNICATIONS and ELECTRONIC and PHOTOGRAPHIC DEVICES

(a) Definitions:

1. For the purpose of this rule, the use of any of the terms “photographs, audio or video recordings, televising or broadcasting” includes the audio or video transmissions or recordings made by cameras, telephones, personal data assistants, laptop computers, and any other wired or wireless data transmission or recording devices.
2. For the purpose of this rule, the use of the term “immediate surrounding area” includes the private and public hallways connecting to any courtroom, rooms immediately adjacent to said hallways and to the courtroom, jury assembly/deliberation rooms, judges chambers, and access elevators and stairs.

(b) Prohibited Usage

1. Except as provided in this rule, it is prohibited to take, transmit, record, televise, or broadcast any photograph or audio or video recording of any judicial proceeding or in connection with any judicial proceeding from within any courtroom or from its immediate surrounding area.
2. Unless granted leave by specific court order, it is prohibited to transmit or receive audible wireless communications within any courtroom while court is in session.
3. Personal hand-held micro-cassette recorders or dictating devices shall not be used within any courtroom, but may be used in the public areas, hallways or conference rooms adjacent to said hallways, provided that such use is in accordance with this rule and applicable state and federal laws, and such use does not interfere with the intended uses of said premises or disrupt any court proceeding. Any such personal hand-held micro-cassette recorder or dictating device brought into a courtroom or judge’s chambers must be turned to the “off” position.

(c) Permissive Usage

1. While court is in session, the silent transmission or receipt of wireless communication messages or data on electronic devices which does not invoke the transmission, recording, televising, or broadcasting of court proceedings is permitted, so long as such silent transmission or receipt does not disrupt any courtroom or conflict with the intended uses of the courtroom or the immediate surrounding area. Otherwise, any electronic devices brought into a courtroom must be turned to the “off” mode.
2. Within any court facility, photographs and audio and video recordings, including broadcasting or televising, of events and activities not related to a pending case or of judicial personnel or of the facilities, may be

authorized by any judge with the permission of the Chief Judge for educational, instructional, informational or ceremonial purposes, provided that court is not in session during such photographing, audio or video recording, broadcasting, or televising. Such events and activities may include: weddings, bar association activities, induction ceremonies, award ceremonies, dedication ceremonies, mock trials, seminars, speeches, demonstrations, training sessions, journalistic undertakings, public awareness activities, and similar events and activities.

3. Tape recording by an official or court-authorized court reporter in the exercise of court reporter duties and for the professional use of the court reporter only is permitted.

(d) Further Discretionary Usage

1. When required in the interests of justice in any pending case, or as reasonable accommodation when appropriate, a judge may issue, on motion of any party or person or on the court's own motion, a written order further regulating the taking of photographs, audio or video recordings, or broadcasting by radio, television or other electronic means, or the usage of any electronic devices, within the courtroom or its immediate surrounding area.

(e) Penalties and Enforcement:

- 1) Violation of this rule may subject any violator to criminal contempt of court proceedings.
- 2) Violation of this rule may result in the turnover of any offending device at the direction of the Court until any related proceedings are concluded.
- 3) Any tape, photograph, film, disk, or other format produced in violation of this rule shall be subject to erasure at the violator's sole expense and/or forfeiture without compensation.

- (f)** This Rule 1.32 shall not be applied in such a way as to limit any judge's use of electronic devices in the course of execution of professional duties, nor in such a way as to conflict with any Supreme Court Rule or any Order of the Illinois Supreme Court or with any state or federal laws. *See: S. Cr. Rule 63, MR No. 2634 In re: Photographing, Broadcasting, and Televising Proceedings in the Courts of Illinois; 725 ILCS 5/106D.*

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(c) Permissive Usage

1. While court is in session, the silent transmission or receipt of wireless communication messages or data on electronic hand-held devices which does not invoke the transmission, recording, televising, or broadcasting of court proceedings is permitted, so long as such silent transmission or receipt does not disrupt any courtroom or conflict interfere with the intended uses of the courtroom or the immediate surrounding area. Otherwise, any electronic devices brought into a courtroom must be turned to the "off" mode.
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