

A JOINT MEMORIAL

REQUESTING THE OFFICE OF THE ATTORNEY GENERAL TO CREATE A TASK FORCE TO STUDY THE VIABILITY AND MERIT OF ALLOWING AUDIO-VIDEO TECHNOLOGY IN COURT PROCEEDINGS.

WHEREAS, advances in technology make it possible for attorneys to examine witnesses, represent clients and appear at trials and in other court proceedings utilizing an audio-videoconference format; and

WHEREAS, courts have, in some instances, allowed witnesses to testify at trials by means of a telephone; and

WHEREAS, a court appearance through videoconference technology is vastly superior to a telephonic appearance of an attorney or a witness because it allows the court and all persons involved in the trial or other courtroom proceeding to see, as well as to hear, the attorney or witness; and

WHEREAS, allowing videoconference technology to be used in courtroom settings can decrease the cost of court proceedings by decreasing the cost of expert witness testimony and attorney fees; and

WHEREAS, state and federal courts are increasingly using videoconference technology to hold proceedings in criminal cases; however, little information is available about the extent of its use, the proceedings for which it is or could be used and how it is or could be implemented; and

WHEREAS, little is known about how videoconferencing affects the behavior or perceptions of participants in a way that may violate a defendant's civil rights;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the office of the attorney general be requested to create a task force to study the viability and merit of allowing audio-video technology in court proceedings; and

BE IT FURTHER RESOLVED that the task force include a member representing municipal law enforcement, appointed by the New Mexico municipal league; a member representing county law enforcement, appointed by the New Mexico association of counties; a representative of the public defender department; appropriate advocacy groups with an interest in issues of crime or justice; and additional members as deemed necessary by the task force; and

BE IT FURTHER RESOLVED that the task force consider the impact on the quality of justice and improvements in economy and efficiency that could be achieved with the use of videoconference technology; the experience of other states regarding this practice; and the types of criminal or civil proceedings in which the use of videoconference technology may be appropriate; and

BE IT FURTHER RESOLVED that the task force report its findings and recommendations, including any recommendations

for proposed legislation, to the appropriate interim legislative committee no later than November 1, 2009; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the office of the district attorney, the New Mexico municipal league, the New Mexico association of counties, the attorney general, the administrative office of the district attorneys and the public defender department.