**Interim Report II of the Activities of the Criminal Rules Committee 2020**

Following the October 2020 meeting, the committee worked via email on proposed changes to Crim. P. 43.

By a vote of 12-1, the committee voted to propose amending rule 43 as follows on November 4, 2020. It was adopted by the court on November 16, 2020:

**Rule 43. Presence of the Defendant**

**(a) – (e) [NO CHANGE]**

**(f) Public Health Crisis Exception.**

If the court finds that a public health crisis exists, it may, in its discretion and with the defendant’s oral or written consent, allow the defendant and counsel to appear by an interactive audiovisual device or by audio device for any proceeding that does not involve a jury. The defendant’s oral or written consent is not necessary for arraignments or for proceedings listed in subsections (e)(2)(I), (II), (III), (V), (VI), (VII), and (VIII) of this rule. During any interactive audiovisual or audio proceeding under this subsection (f), the court must allow counsel the opportunity to confer with the defendant confidentially when necessary.  An interactive audiovisual or audio proceeding under this subsection (f) shall be conducted in a courtroom open to the public or in a manner that allows members of the public (including victims) to hear or watch and, where appropriate, participate in the proceeding.  Use of an interactive audiovisual device under this subsection (f) must comply with subsection (e)(1) of this rule.

**Comment [NO CHANGE]**