

1 **Rule 17.5. Hearings with contemporaneous transmission from a different location.**

2 (a) The court, in its discretion, may conduct the arraignment, bail hearing, and/or initial
3 appearance with a defendant attending by contemporaneous transmission from a different
4 location without the agreement of the parties or waiver of the defendant's attendance in person.

5 (b) For any other type of hearing, the court may conduct the hearing with a defendant attending
6 by contemporaneous transmission from a different location only if the parties agree and the
7 defendant knowingly and voluntarily waives attendance in person.

8 (c) Subject to subsection (d), ~~F~~for good cause and with appropriate safeguards the court may
9 permit testimony in open court by contemporaneous transmission from a different location if the
10 party not calling the witness waives the right to confront the witness in person.

11 (d) In misdemeanor cases, a forensic toxicologist may provide testimony by contemporaneous
12 transmission in open court from a different location subject to the safeguards set forth in Rule
13 43(b) of the Utah Rules of Civil Procedure. The court may order a forensic toxicologist to
14 appear in person on a showing of good cause by either party.

15 ~~(d)~~ (e) Nothing in this rule precludes or affects the procedures in rule 15.5.