

1 **Appendix I**

2 **Emergency Rules Related to COVID-19**

3
4 **Emergency rule 3. Use of technology for remote appearances**

5
6 **(a) Remote appearances**

7
8 Notwithstanding any other law, in order to protect the health and safety of the
9 public, including court users, both in custody and out of custody defendants,
10 witnesses, court personnel, judicial officers, and others, courts must conduct
11 ~~judicial~~ criminal proceedings and court operations as follows:

- 12
13 (1) Courts may require that ~~judicial~~ criminal proceedings and court operations be
14 conducted remotely.
15
16 (2) In criminal proceedings, courts must receive the consent of the defendant to
17 conduct the proceeding remotely and otherwise comply with emergency rule
18 5. Notwithstanding Penal Code sections 865 and 977 or any other law, the
19 court may conduct any criminal proceeding remotely. As used in this rule,
20 “consent of the defendant” means that the consent of the defendant is
21 required only for the waiver of the defendant’s appearance as provided in
22 emergency rule 5. For good cause shown, the court may require any witness
23 to personally appear in a particular proceeding.
24
25 (3) Conducting criminal proceedings remotely includes, but is not limited to, the
26 use of video, audio, and telephonic means for remote appearances; the
27 electronic exchange and authentication of documentary evidence; e-filing and
28 e-service; the use of remote interpreting; and the use of remote reporting and
29 electronic recording to make the official record of an action or proceeding.
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31 *(Subd (a) amended effective January 1, 2022.)*

32
33 **(b) Sunset of rule**

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35 This rule will remain in effect until 90 days after the Governor declares that the
36 state of emergency related to the COVID-19 pandemic is lifted, or until amended or
37 repealed by the Judicial Council.
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39 *Emergency Rule 3 amended effective January 1, 2022.*

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41 *Appendix I amended effective November 13, 2020; adopted effective April 6, 2020; previously*
42 *amended effective April 17, 2020, April 20, 2020, June 20, 2020, and August 13, 2020.*