

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SECOND AMENDED GENERAL ORDER 22-02**

August 29, 2022

IN RE: COVID-19 PUBLIC EMERGENCY

The purpose of this Order is to continue the authorization of video and telephone conferences in accordance with the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). Information contained in previous General Orders regarding filing options for pro se litigants can be found on the district court’s public web page. This Second Amended General Order supersedes Amended General Order 22-02.

WHEREAS the Governor of the State of Illinois has declared a public health emergency in response to the spread of the coronavirus disease 2019 (“COVID-19”); and,

WHEREAS, the Centers for Disease Control and Prevention (CDC) and other public health authorities have advised public and private entities to take precautions to reduce the spread of the virus; the United States District Court for the Central District of Illinois recognizes the need to take measures to effectuate these goals, while also continuing to fulfill its mission and keep both its civil and criminal court functions operating.

NOW THEREFORE, the Court hereby enters Second Amended General Order 22-02, to remain in effect until November 25, 2022.

On March 27, 2020, the President of the United States signed into law the CARES Act. Pub. L. No. 116-136, 134 Stat. 281 (2020). Section 15002(b) of the CARES Act provides for video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for certain criminal proceedings, if the Judicial Conference of the United States finds that emergency conditions caused by the COVID-19 outbreak will materially affect the functioning of either the federal courts generally or a particular district court, and the chief judge of a court covered by that finding authorizes video teleconferencing, or telephone conferencing if video conferencing is not reasonably available. Additional case-by-case findings are required of the presiding judge relative to felony pleas and sentencings. On February 22, 2022, the President extended the COVID-19 national emergency beyond March 1, 2022.

On March 29, 2020, the Judicial Conference found, pursuant to the CARES Act, that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. §§ 1601–1651) with respect to COVID-19 have materially affected and will materially affect the functioning of the federal courts generally. DIR20-049 Mar. 29, 2020. That finding remains in effect. FSO Memo Mar. 21, 2022. As Chief, I find that emergency conditions caused by the COVID-19 outbreak continue to materially affect the functions of court in the Central District of Illinois and accordingly authorize the continued use of video conferencing, or telephone conferencing if video conferencing is not reasonably available.

Therefore, the Court, on its own motion, continues to **AUTHORIZE** the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for the following criminal proceedings, as specified in the CARES Act:

- Detention hearings under 18 U.S.C. § 3142;
- Initial appearances under Federal Rule of Criminal Procedure 5;
- Preliminary hearings under Federal Rule of Criminal Procedure 5.1;
- Waivers of Indictment under Federal Rule of Criminal Procedure 7(b);
- Arraignments under Federal Rule of Criminal Procedure 10;
- Probation and supervised revocation proceedings under Federal Rule of Criminal Procedure 32.1;
- Pretrial release revocation proceedings under 18 U.S.C. § 3148;
- Appearances under Federal Rule of Criminal Procedure 40;
- Misdemeanor pleas and sentencings under Federal Rule of Criminal Procedure 43(b)(2);
- Proceedings under 18 U.S.C. § 403 (commonly known as the “Federal Juvenile Delinquency Act”), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings

The video conferencing or telephone conferencing authorized above may only take place with the consent of the defendant, or the juvenile, after consulting with counsel.

Further, if a felony plea under Federal Rule of Criminal Procedure 11 or a felony sentencing under Federal Rule of Criminal Procedure 32 cannot be conducted in person without seriously jeopardizing public health and safety, in accordance with the CARES Act, these proceedings are authorized to be conducted by video conference, or by telephone

conference if video conference is not reasonably available, if the district judge in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice.

Information detailing how to access any audio and/or video feed of court proceedings will be posted in the notice of setting on a case-by-case basis, and general information will be published on the district court's public web page, www.ilcd.uscourts.gov. The minutes of the proceeding will reflect when video conferencing and/or telephone conferencing is utilized.

This Court, in accordance with Section 15002(b)(3)(B) of the CARES Act, will continue to review the findings and authorizations made in this Order no later than ninety (90) days after this and any subsequent renewal.

Entered for the Court: August 29, 2022.



Hon. Sara Darrow,
Chief U.S. District Judge