

**PROPOSED AMENDMENTS TO THE
UNIFORM RULES OF SUPERIOR COURT,
APPROVED FOR FIRST READING, JANUARY 22, 2015**

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Rule 28. Jail Census

The sheriff ~~or court administrator~~ of each county shall furnish to the chief judge, or designee, ~~and~~ the district attorney, the chief probation officer, and the circuit public defender or its equivalent, at least monthly ~~once a week~~, a list of all prisoners in the county jail or held elsewhere at the sheriff's direction. Such lists shall include, as to each prisoner:

- (A) The prisoner's name;
- (B) The date of arrest;
- (C) The offense charged, or other reason for being held;
- (D) The amount of bond;
- (E) Whether or not the prisoner is represented by counsel, and if so, the name of such counsel;
and
- (F) If not represented by counsel, whether such confined person desires appointed counsel.

Rule 33.8. Defendant to be informed.

The judge should not accept a plea of guilty or nolo contendere from a defendant without first:

(A) Determining on the record that the defendant understands the nature of the charge(s);

(B) Informing the defendant on the record that by entering a plea of guilty or nolo contendere one waives:

(1) the right to trial by jury;

(2) the presumption of innocence;

(3) the right to confront witnesses against oneself;

(4) the right to subpoena witnesses;

(5) the right to testify and to offer other evidence;

(6) the right to assistance of counsel during trial;

(7) the right not to incriminate oneself; and that by pleading not guilty or remaining silent and not entering a plea, one obtains a jury trial; ~~and~~

(C) Where a defendant is not represented by counsel, the judge must inform the defendant of his right to be assisted by counsel in entering the plea, as well as at trial, and that the defendant is knowingly and voluntarily waiving that right; and

~~(C)~~ (D) Informing the defendant on the record:

(1) of the terms of any negotiated plea;

(2) that a plea of guilty may have an impact on his or her immigration status if the defendant is not a citizen of the United States:

(3) the maximum possible sentence on the charge, including that possible from consecutive sentences and enhanced sentences where provided by law; and/or,

(4) of the mandatory minimum sentence, if any, on the charge. This information may be developed by questions from the judge, the ~~district attorney~~ prosecuting attorney or the defense attorney or a combination of any of these.

Rule 48 Unauthorized Recording of Court Proceedings Prohibited

Except as provided under Rule 22, no unauthorized persons shall make any audio, video, photographic, or electronic recording of a court proceeding using any device unless expressly permitted by the court. Any such request must be submitted in writing to the court at least 24 hours prior to the proceeding, with notice to all parties. A violation of this rule may result in confiscation of the recording, removal of the violator from the courtroom, and subject the violator to contempt.