

RULE CHANGE 2022(10)
COLORADO RULES OF CRIMINAL PROCEDURE

Rule 43. Presence of the Defendant

(a) – (d) [NO CHANGE]

(e) **Presence of the Defendant by Interactive Audiovisual Device or Interactive Audio Device.**

(1) – (2) [NO CHANGE]

(3) The consent of the defendant shall be required prior to conducting any of the following types of proceedings by the use of an interactive audiovisual device or an interactive audio device pursuant to this subsection (e):

- (I) Entry of guilty plea;
- (II) [Trial to the court;](#)
- (~~III~~) Sentencing hearings;
- (~~IV~~~~H~~) Probation and deferred sentence revocation hearings;
- (~~V~~) Preliminary hearings;
- (~~VI~~) Pre-trial motions hearings;
- (~~VII~~) Hearings to modify bail;
- (~~VIII~~) Restitution hearings; and
- (~~IX~~~~VIII~~) Crim. P. 35(b) and (c) hearings.

(4) – (5) [NO CHANGE]

COMMENT [NO CHANGE]

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- (IX) Crim. P. 35(b) and (c) hearings.

(4) – (5) [NO CHANGE]

COMMENT [NO CHANGE]

Amended and Adopted by the Court, En Banc, June 28, 2022, and effective July 1, 2022.

By the Court:

**Carlos A. Samour, Jr.
Justice, Colorado Supreme Court**