



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on August 21, 2015

Title

Trial Courts: Permanent Authorization for Remote Video Proceedings and Implementation of Rule 4.105 in Traffic Infraction Cases

Agenda Item Type

Action Required

Effective Date

September 1, 2015

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rule 4.220; revise forms TR-500-INFO, TR-505, and TR-510

Date of Report

August 11, 2015

Recommended by

Traffic Advisory Committee
Hon. Mark S. Borrell, Chair
Court Technology Advisory Committee
Hon. Terence L. Bruiniers, Chair

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Executive Summary

The Traffic Advisory Committee and the Court Technology Advisory Committee recommend amending rule 4.220 of the California Rules of Court, which authorizes trial courts to establish remote video pilot projects in cases involving traffic infraction violations, and revising corresponding forms to convert the rule into a standing rule of court and to implement new rule 4.105. To comply with rule 4.105, the effective date of all changes is September 1, 2015.

Recommendation

The Traffic Advisory Committee and the Court Technology Advisory Committee recommend:

1. Amending rule 4.220 to allow trial courts to continue conducting remote video proceedings in eligible traffic cases after January 1, 2016, when the rule would otherwise sunset, and to implement rule 4.105; and

2. Revising *Instructions to Defendant for Remote Video Proceeding* (form TR-500-INFO), *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial* (form TR-505), and *Notice and Waiver of Rights and Request for Remote Video Proceeding* (form TR-510) to implement rule 4.105.

The text of the amended rule is attached at pages 9–11; the revised forms are attached at pages 12–14.

Previous Council Action

The Judicial Council adopted rule 4.220 and corresponding forms, effective from February 1, 2013, to January 1, 2016. The Traffic Advisory Committee and Court Technology Advisory Committee recommended rule 4.220 based on a suggestion from the Superior Court of Fresno County. Seeking to ameliorate the impact of multiple court closures on the public, the court saw remote video proceedings (RVP) as an effective way to continue offering services to outlying areas.

In trial courts that institute RVP pilot projects under rule 4.220, defendants in eligible cases may elect to appear at trial by two-way video from remote locations designated by the court. Under the rule, RVP is authorized in cases involving alleged infractions of the Vehicle Code or any local ordinance adopted under the Vehicle Code, excluding alcohol and drug infractions under article 2, chapter 12, division 11 of the Vehicle Code and cases filed with an informal juvenile and traffic court under Welfare and Institutions Code sections 255 and 256. Participation in the RVP pilot project is voluntary; the defendant must request to proceed by RVP and submit a signed notice of rights and waiver form to the court (form TR-505 or form TR-510).

The Superior Court of Fresno County applied for and received council approval for an RVP pilot project under rule 4.220. It then adopted a local rule, effective March 1, 2013, establishing the pilot project. The court began offering RVP in April at remote sites in Mendota and Coalinga. To date, the Superior Court of Fresno County is the only court to have requested and received council authorization for an RVP pilot project.

On June 8, 2015, the Judicial Council adopted rule 4.105 on an urgency basis to address concerns about court procedures for deposit of bail when defendants challenge infraction citations in court. Rule 4.105 states that courts must allow traffic infraction defendants to appear for arraignment and trial without the deposit of bail, unless a specified exception applies. It also requires courts to inform traffic infraction defendants of the option to appear in court without the deposit of bail in any instructions or other materials provided to the public that relate to bail for traffic infractions, including written instructions and forms. Implementation of the rule’s notice requirements is to occur “as soon as reasonably possible, but no later than September 15, 2015.”

Rationale for Recommendation

This rules proposal has two components: (1) amendments to rule 4.220 and revisions to form TR-500-INFO that would convert the rule to a standing rule of court and (2) additional amendments to the rule and revisions to forms TR-500-INFO, TR-505, and TR-510 that would implement new rule 4.105.

Because the council has required that all changes to written instructions and forms implementing rule 4.105 be in effect by September 1, 2015, these amendments and revisions were not circulated for public comment.

Permanent authorization for RVP

The Superior Court of Fresno County has submitted four semiannual reports describing its experience under the pilot project. RVP usage has steadily increased since the court initiated the pilot project, although these cases still represent a small fraction of the total number of citations issued near the remote sites. Technical issues have been infrequent and minor, and they have been resolved promptly by onsite court staff. Postappearance surveys reflect the participants' overall high satisfaction with RVP and the quality of the services provided. Based on its positive experience under the pilot project, the Superior Court of Fresno County has requested that rule 4.220 be amended to allow the court to continue offering RVP in eligible cases after January 1, 2016.

Unless rule 4.220 is amended, the Superior Court of Fresno County and other trial courts would no longer be authorized to offer RVP in traffic infraction cases after January 1, 2016. This proposal is necessary to allow courts to continue conducting RVP in eligible cases. It would make no substantive changes to the rule's procedural requirements or the scope of RVP proceedings.

Eliminate sunset and convert to standing rule of court. This proposal eliminates the sunset language in rule 4.220 and converts the rule into a standing rule. Trial courts could offer RVP in eligible cases after they have adopted a local rule permitting RVP and have notified the Judicial Council. Trial courts would no longer be required to request and receive council authorization for pilot projects implementing RVP.

Specifically, subdivision (q), which currently provides the effective dates for the rule, is removed, as are other references to effective dates in subdivisions (a)(1) and (c). In addition, subdivision (a), which provides the authorization for RVP, is amended by removing subpart (2) because this subpart requires that courts request and receive council authorization to conduct pilot projects. Other "pilot project" and "trial project" references are also stricken from subdivisions (a), (c), (e), (o), and (p). In addition, language is added to subdivision (p) to provide that courts must notify the council that they will begin offering RVP under the rule.

Retain current reporting requirement. Under subdivision (p), trial courts “must institute procedures as required by the Judicial Council for collecting and evaluating information about that court’s pilot project and must prepare semiannual reports to the Judicial Council that include an assessment of the costs and benefits of the project.” The reporting requirement in subdivision (p) is retained.

Under the current guidelines, these reports contain information about the number and types of RVP conducted for arraignments, trials, and other proceedings; the locations and facilities used to conduct RVP; the type of technology used to conduct RVP; the number of appeals from RVP and the outcome of those appeals; and the number of cases where the law enforcement officer appeared at court instead of at the remote location with the defendant. The reports also include information that would help the council evaluate whether it should modify rule 4.220 or expand RVP to other case types.

Retaining this semiannual reporting requirement will enable the council to continue monitoring the use of this new technology in the courts. This information and data will provide valuable feedback to the council as it considers whether to expand RVP to other case types.

Retain current procedural requirements and scope. This proposal makes no substantive changes to the procedural requirements under the rule for implementing RVP at the trial courts; nor does it expand RVP to other case types. The Superior Court of Fresno County has expressed its satisfaction with the current requirements and has sought no modification to the RVP procedure stated in the rule. Its semiannual reports reflect no issues with the implementation of this procedure.

Make minor changes to form TR-500-INFO. Form TR-500-INFO provides information and instructions to defendants about RVP, including how to request RVP, how to appeal the court’s ruling, and which rights the defendant will be waiving by requesting to appear in RVP. This proposal makes the language of the form consistent with the amendments to rule 4.220 by removing references to a “pilot project.”

Implementation of rule 4.105

Rule 4.105(b) provides that courts must allow a defendant to appear for arraignment and trial without the deposit of bail, unless one of three exceptions applies: (1) courts must require the deposit of bail when the defendant elects a statutory procedure¹ that requires the deposit of bail; (2) courts may require the deposit of bail when the defendant does not sign a written promise to appear as required by the court; and (3) courts may require a deposit of bail before trial if the court finds, based on the circumstances of a particular case, that the defendant is unlikely to

¹ For example, Vehicle Code section 40519(a) authorizes defendants who have received a written notice to appear to declare their intention to plead not guilty and deposit bail before the notice-to-appear date for purposes of electing to schedule an arraignment and trial on the same date or on separate dates.

appear as ordered without a deposit of bail and the court expressly states the reasons for the finding. (Cal. Rules of Court, rule 4.105(c).)

In addition, rule 4.105(d) provides that courts must inform defendants of the option to appear in court without the deposit of bail in any instructions or other materials that courts provide for the public and that relate to bail for traffic infractions, including any written instructions and forms.

Amend rule 4.220 to cross-reference rule 4.105. This proposal contains one proposed amendment to rule 4.220 related to implementing rule 4.105. Subdivision (f) of rule 4.220 governs the deposit of bail for RVP. This proposal replaces the language in subdivision (f) describing the applicable procedures for depositing bail with a cross-reference to rule 4.105. Adding the cross-reference—in lieu of incorporating language from rule 4.105 directly into subdivision (f)—facilitates any future amendments to the procedures for depositing bail. Any amendments to rule 4.105 would automatically apply to the deposit of bail in RVP, thereby guaranteeing uniform bail procedures irrespective of whether the defendant appears in court or by remote video.

Make implementing changes to forms TR-500-INFO, TR-505, and TR-510. This proposal also implements rule 4.105 by making changes to forms TR-500-INFO, TR-505, and TR-510. Proposed are revisions to all three forms to notify defendants of their rights to appear for arraignment without depositing bail and to request that a court trial be scheduled without bail.

In addition, form TR-500-INFO provides information and instructions to defendants about RVP. The proposed changes revise form TR-500-INFO to inform defendants that the court may require the deposit of bail to schedule a trial and that bail should accompany the request for RVP as ordered by the court.

Form TR-505 is required when defendants request to appear by RVP for arraignment and trial on the same day. It is used to notify defendants of their rights and for defendants to waive certain rights. This proposal revises form TR-505 to require the defendant to waive the “right to appear in person in court on separate days for arraignment without deposit of bail and for trial without deposit of bail unless ordered by the court.”

This proposal also makes implementing changes to form TR-510, which is required when defendants request to appear for arraignment or trial on separate days. It is used to notify defendants of their rights and for defendants to waive certain rights. This proposal adds a space to form TR-510 where the court, if it decides to require bail for trial, must specify its reasons. This revision implements subdivision (c)(3) of rule 4.105, which provides that courts must state its reasons for requiring the deposit of bail before trial.

Lastly, this proposal makes minor revisions to forms TR-500-INFO, TR-505, and TR-510 to incorporate the comments received by the Superior Court of Fresno County, as described below.

Comments, Alternatives Considered, and Policy Implications

Only part of this rules proposal was circulated for public comment. Because rule 4.105 was adopted by the Judicial Council on an urgent basis and requires that implementing changes be in effect by September 1, 2015, those implementing changes were not circulated for public comment.

Comments

The circulated rules proposal addressed only changes related to converting rule 4.220 to a standing rule of court. Five comments were received in response to the circulated rules proposal. Four commentators stated their support of the proposal without amendment.

The Superior Court of Riverside County agreed with the proposal with modification. It stated that courts “should have the discretion to implement without needing approval of the Judicial Council” because approval “makes implementation more burdensome and time consuming” and “eliminates discretion of [the] trial court.” The committee agrees that council approval would be burdensome for trial courts. Nevertheless, the committee has not modified this proposal given that it already addresses the court’s concerns. The proposed amendments eliminate the requirement that courts request and receive council approval before implementing RVP. Instead, courts would only have to notify the council. The committees reasoned that providing notice would not unduly burden the courts while ensuring that the council remains apprised of any courts that decide to offer RVP in traffic infraction cases.

In response to the proposed changes to implement rule 4.105, the Superior Court of Fresno County reviewed and recommended additional amendments to rule 4.220 and revisions to forms TR-500-INFO, TR-505, and TR-510. These included amending subdivision (e)(2) of rule 4.220 to replace references to “arraignment on a date that is separate from a trial date” with “arraignment only.” The committees decided not to pursue this recommendation because the current language in the rule is more consistent with the formatting and language of the Vehicle Code and is less susceptible to confusion.

In addition, the Superior Court of Fresno County recommended replacing the phrase “at court” with “in court” on form TR-500-INFO and advising defendants of additional possible consequences for failing to appear under item 2.e. of forms TR-505 and TR-510. The committees agreed with the court’s recommended revisions to the forms, but slightly modified the suggested language on forms TR-505 and TR-510 to clarify that if a defendant fails to appear, a court may either issue an arrest warrant or impose a civil assessment, but cannot do both.

Alternatives

Because rule 4.105 requires implementing changes, the Traffic Advisory Committee and Court Technology Advisory Committee did not consider alternatives to the proposed amendments and form revisions related to rule 4.105. The committees did, however, consider three alternatives related to converting rule 4.220 to a standing rule of court.

Alternative 1: Eliminate notice and semiannual reporting requirements. The first alternative would have amended rule 4.220 by removing not only the sunset language, but also any requirement that trial courts provide notice and semiannual reports to the Judicial Council. This alternative would have had the benefit of reducing the time that trial courts must spend preparing and submitting notices and semiannual reports to the council—and that the council and its staff must devote to reviewing them. The advisory committees specifically requested comments regarding the costs and benefits of retaining the semiannual reporting requirement, and whether subdivision (p) of rule 4.220 should be amended to include a sunset provision, such that courts would be required to submit semiannual reports only for a certain period of years. No comments were submitted in response to this request.

Implementing the first alternative would have limited the council's oversight of RVP at the trial court level. The council and its staff would have had no effective means of knowing which trial courts were conducting RVP or of gathering information and data about the implementation of RVP by trial courts, including any issues, concerns, or creative solutions. Such information and data presented in the semiannual reports could have proved useful to the advisory committees as they reviewed possibilities for expanding RVP at the trial courts.

Alternative 2: Extend pilot project. The second alternative would have amended rule 4.220 by extending the effective date for an additional period of years, but not eliminating the sunset language, thereby continuing the provisional nature of the rule. This option would have given the council an opportunity to carefully review each court's request for a pilot project. In comparison with the above proposal, however, this alternative would have resulted in an additional cost to trial courts because they would have needed to prepare and present an application to the Judicial Council for council approval before they could have started offering RVP in traffic infraction cases. It would also have required that the council and its staff spend time reviewing these applications and, if desired, amend the rule to extend or eliminate the effective date at a later time. The benefit of this additional oversight would have been minimal in light of the notice and semiannual reporting requirements required in this proposal.

Alternative 3: Allow rule to sunset. The last alternative would have sought no amendment to the rule and would have allowed it to sunset. Weighing in favor of this approach is the fact that only one trial court has requested and implemented an RVP pilot project since rule 4.220 was adopted two years ago. So far, no other courts have expressed to the advisory committees or Judicial Council staff an interest in establishing a pilot project. Yet, this alternative would have effectively ended the Superior Court of Fresno County's RVP program on January 1, 2016. The Superior Court of Fresno County has successfully implemented the pilot project, has reported its overall satisfaction with the project, and has expressed an interest in continuing to offer these services in outlying areas. Moreover, this alternative would have prevented other courts from conducting RVP in traffic cases in the future. As trial courts are forced to close courthouses in the face of budget constraints, they may wish to follow the Superior Court of Fresno County's lead and elect to offer RVP in remote locations in an effort to increase public access.

Implementation Requirements, Costs, and Operational Impacts

Implementation of this proposal will allow the Superior Court of Fresno County to continue offering RVP, which has preserved access to the public in outlying areas and resulted in efficiencies and cost savings for the court. It will require the court to make revised forms available to the public, which may incur minor costs. Otherwise, it will have no effect on the court because the court is currently preparing and submitting semiannual reports.

For other trial courts that may decide to offer RVP under the rule, the implementation costs will decrease slightly. These courts will no longer be required to apply for and receive Judicial Council approval before offering RVP in eligible cases under the rule. Instead, they will only need to notify the council. Otherwise, implementation and its associated costs will remain the same as they are under the current rule. Collaboration between courts, local cities and counties, law enforcement, and members of the public will be required.

Planning and allocating resources—including physical locations, technology, and staffing—will be necessary. There will also be a need to train public employees to act as deputy clerks, provide security for the remote video trials at the local community facilities, and provide information to the public. These additional expenses may be offset by savings for the courts in terms of reduced maintenance of court facilities, and for the public and law enforcement in terms of reduced travel time and expense. Because implementation is voluntary, each court will determine if the benefits outweigh the costs in deciding whether to offer RVP.

Attachments and Links

1. Cal. Rules of Court, rule 4.220, at pages 9–11
2. Forms TR-500-INFO, TR-505, and TR-510, at pages 12–14
3. Comments chart, at page 15

Rule 4.220 of the California Rules of Court is amended, effective September 1, 2015, to read:

1 **Rule 4.220. Remote video proceedings in traffic infraction cases**

2
3 **(a) Authorization for ~~pilot project~~ remote video proceedings**

4
5 ~~(1) With the approval of the Judicial Council, a~~ A superior court may establish by
6 local rule a ~~pilot project through December 31, 2015, to~~ permit arraignments, trials,
7 and related proceedings concerning the traffic infractions specified in (b) to be
8 conducted by two-way remote video communication methods under the conditions
9 stated below.

10
11 ~~(2) To obtain approval of the Judicial Council to conduct a pilot project for~~
12 ~~remote video proceedings under this rule, a court must submit an application~~
13 ~~to the council that includes details on what procedures and forms the court~~
14 ~~intends to institute for processing cases in the pilot project.~~

15
16 **(b) * * ***

17
18 **(c) Application**

19
20 This rule establishes the minimum procedural requirements and options for courts
21 that conduct a ~~pilot project for~~ remote video proceedings for cases in which a
22 defendant is charged with an infraction as defined in (b) and the defendant's
23 requests to proceed according to this rule ~~is for a trial or related proceeding that is~~
24 ~~set for a date after January 31, 2013.~~

25
26 **(d) * * ***

27
28 **(e) ~~Scope of court pilot project~~ Required procedures and forms and request by**
29 **defendant**

30
31 A court that conducts remote video proceedings under this rule must comply with
32 the ~~The~~ following procedures and use the required forms in this section ~~must be~~
33 ~~included in the court's pilot project for remote video proceedings.~~ In addition to
34 following the standard provisions for processing traffic infraction cases, the
35 defendant may request to proceed by remote video proceeding as provided below.

36
37 (1)-(2) * * *

38
39 (3) *Trial on a date that is separate from the date of arraignment*

40
41 The following procedures apply to a remote video proceeding when the court

1 grants a defendant's request at arraignment to have a trial set for a date that is
2 separate from the date of the arraignment:

3
4 (A) * * *

5
6 (B) To proceed by remote video trial, the defendant must sign and file a
7 *Notice and Waiver of Rights and Request for Remote Video Proceeding*
8 (form TR-510) with the clerk by the appearance date indicated on the
9 *Notice to Appear* or a continuation of that date granted by the court and
10 must deposit bail with the form as required by the court under section
11 (f).

12
13 (C) * * *

14
15 (4) *Judicial Council forms for remote video proceedings*

16
17 The following forms must be made available by the court and used by the
18 defendant to implement the procedures that are required ~~by a court's pilot~~
19 ~~project~~ under this rule:

20
21 (A)–(C) * * *

22
23 **(f) Deposit of bail**

24
25 (1) ~~If a defendant requests to proceed by remote video arraignment and trial as~~
26 ~~provided in section (e)(1), the defendant must deposit bail, at the same time~~
27 ~~the request is filed, in the amount established in the uniform traffic penalty~~
28 ~~schedule under Vehicle Code section 40310.~~

29
30 (2) ~~If a defendant requests to proceed by remote video proceeding for a trial as~~
31 ~~provided in section (e)(3), the judicial officer may require deposit of bail, at~~
32 ~~the same time the request for remote video proceeding is filed, in the amount~~
33 ~~established in the uniform traffic penalty schedule under Vehicle Code~~
34 ~~section 40310.~~

35
36 Procedures for deposit of bail to process requests for remote video proceedings
37 must follow rule 4.105.

38
39 **(g)–(l) * * ***

40
41 **(m) Noncompliance**

1 If the defendant fails to comply with this rule (including depositing the bail amount
2 when required, signing and filing all required forms, and complying with all time
3 limits and due dates), the court may deny a request for a remote video proceeding
4 and may proceed as otherwise provided by statute.
5

6 (n) * * *

7
8 (o) **Local rules and forms**

9
10 A court establishing a remote video ~~trial project~~ proceedings under this rule may
11 adopt such local rules and additional forms as may be necessary or appropriate to
12 implement the rule and the court's local procedures not inconsistent with this rule.
13

14 (p) **Notice and collection of information and reports on remote video proceedings**
15 **pilot project**

16
17 Each court that establishes a ~~pilot project~~ local rule authorizing remote video
18 proceedings under this rule must notify the Judicial Council, institute procedures as
19 required by the ~~Judicial~~ council for collecting and evaluating information about that
20 court's ~~pilot project~~ program, and ~~must~~ prepare semiannual reports to the ~~Judicial~~
21 council that include an assessment of the costs and benefits of ~~the project~~ remote
22 video proceedings at that court.
23

24 (q) **~~Effective dates~~**

25
26 ~~This rule is adopted effective February 1, 2013, and remains in effect only until~~
27 ~~January 1, 2016, and as of that date is repealed, unless a rule adopted before~~
28 ~~January 1, 2016, repeals or extends that date.~~

INSTRUCTIONS TO DEFENDANT FOR REMOTE VIDEO PROCEEDING

A court may by local rule permit remote video arraignments and trials for traffic infraction cases. (Cal. Rules of Court, rule 4.220.) If the court where your case is filed permits remote video proceedings (RVP), you may be able to appear by video as allowed by local rule at a remote location designated by the court without having to appear in person in court. RVP are available in cases involving Vehicle Code infractions or local ordinances adopted under the Vehicle Code. The procedure does not apply to traffic offenses that involve drugs or alcohol or are filed in Informal Juvenile and Traffic Court. The procedure provides a convenient process for resolving cases by consideration of disputed facts and evidence with the use of two-way audiovisual communication between the court and a local facility. Defendants who request to appear by RVP must waive (give up) certain rights that apply to trial of criminal offenses, including traffic infractions. The instructions below explain procedures for requesting RVP for traffic infraction cases:

1. To request arraignment and trial on the same day, you may file a *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial* (form TR-505). To request RVP for arraignment or trial on separate days, you may file a *Notice and Waiver of Rights and Request for Remote Video Proceeding* (form TR-510).
2. Return the completed and signed form to the clerk with payment of bail as ordered by the court. A completed form TR-505 or TR-510 with a deposit of the required bail payment must be received by the clerk by the appearance date on the Notice to Appear citation or continuation date granted by the court. If the form is received after the due date or without deposit of bail as required, the court may require a court appearance or bail deposit to schedule a trial. ***Failure to file the form and deposit bail as required by the due date may subject you to other charges, penalties, assessments, and actions, including a civil assessment under Penal Code section 1214.1 of up to \$300 and a hold on your driver's license.***
3. When the clerk receives a timely request for RVP with payment of the bail as ordered by the court, the court will rule on the request and provide notice of the court's decision on eligibility for RVP. If the court denies the request, the court may order you to respond within 10 court days of the notice of the order to schedule an arraignment or trial or appear in court. If the court approves the request, the court will notify you and the officer of the extended date and location to appear. The court may grant a request by the officer who issued the ticket and any other witnesses to appear in court to testify and be cross-examined while you appear at the remote location.
4. After a remote video trial is completed, if you are dissatisfied with the court's judgment, you may file an appeal under California Rules of Court, rules 8.901–8.902 within 30 days of the judgment. A new trial (“trial de novo”) is not allowed. Always include your citation number in any correspondence with the court.
5. **IMPORTANT:** You have the right to appear in court for an in-person arraignment without deposit of bail and trial at the court. If you appear in court for your case, your rights include:
 - The right to be represented by an attorney employed by you;
 - The right to request court orders without cost to subpoena and compel the attendance of witnesses and the production of evidence on your behalf;
 - The right to appear in person in court before a judicial officer for an arraignment to be informed of the charges against you, to be advised of your rights, and to enter a plea without deposit of bail;
 - The right to request that a court trial be scheduled without bail for a date that is after your arraignment in court;
 - The right to have a speedy trial;
 - The right to be physically present in court at all stages of the proceedings including, but not limited to, presentation of testimony and evidence and arguments on questions of law at trial and sentencing; and
 - The right to have the witnesses testify under oath in court and to confront and cross-examine witnesses in court.

By voluntarily requesting to appear for arraignment and/or trial by RVP, you will agree to waive (give up):

- Your right to appear in person in court before a judicial officer for arraignment and/or trial;
- Your right to a speedy trial within 45 days; and
- Your right to be physically present in court for trial and sentencing and all stages of the proceedings, including, but not limited to, presentation of testimony and evidence and arguments on questions of law, and confrontation and cross-examination in person of the officer who issued the ticket and other witnesses.

NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT (<i>Name</i>):	
NOTICE AND WAIVER OF RIGHTS AND REQUEST FOR REMOTE VIDEO ARRAIGNMENT AND TRIAL (Veh. Code, §§ 40901 and 40519(a))	CITATION NUMBER/CASE NUMBER: BAIL AMOUNT: DUE DATE (For Filing Form):

1. Notice to Defendant of Rights

- You have the right to appear in person in court before a judicial officer for arraignment, to be informed of the charges against you, to be advised of your rights, and to enter a plea without deposit of bail.
- You have the right to request at arraignment that a court trial be scheduled for a date after your arraignment.
- You have the right to a speedy trial within 45 days of submitting your request for a trial.
- You have the right to be physically present in court for trial and sentencing and all other stages of the proceedings, including, but not limited to, presentation of testimony and evidence and arguments on questions of law.
- You have the right to have witnesses testify under oath in court and to confront and cross-examine them in court.

2. Waiver of Rights and Request for Remote Video Arraignment and Trial with Deposit of Bail:

a. I, (*print name*): _____, am the defendant in this traffic infraction case and understand that my rights include those listed above and also the right to hire an attorney and subpoena witnesses. I understand that a remote video proceeding (RVP) uses two-way electronic audiovisual communication between the court and me at the remote location instead of having me physically appear in the courtroom. By requesting RVP, I agree to appear at the designated off-site location and agree that the court may order me to appear in my case by RVP for any related proceedings. By requesting that the court allow me to proceed without being physically present in the courtroom and to appear for all proceedings by RVP, I voluntarily elect to waive (give up) the following rights:

INITIALS

- My right to appear in person in court on separate days for arraignment without deposit of bail and for trial without deposit of bail unless ordered by the court;
- My right to a speedy trial within 45 days; and
- My right to be physically present in the court for trial and sentencing and all other stages of the proceedings, including, but not limited to, presentation of testimony and evidence and arguments on questions of law, and confrontation and cross-examination of witnesses in court.

I have read the *Instructions to Defendant for Remote Video Proceeding* (form TR-500-INFO) and request to appear by RVP in this case. I understand that the court may permit the officer that issued the ticket and any other witnesses to appear in court to testify and be cross-examined while I appear at the remote location and may deny my request at any time and order me to be present in the courtroom for any proceedings conducted in this case.

- b. I enclose bail of \$_____.
- c. I need an interpreter: Yes No (*language*): _____
- d. I have an attorney to represent me: Yes No (*name of attorney*): _____

e. I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct. I promise to appear for all proceedings ordered by the court in this case. I understand that if I do not appear as promised, the court may forfeit any bail that I posted; hold the trial in my absence; impose a civil assessment of up to \$300 under Penal Code 1214.1, or issue a warrant for my arrest; and report the failure to appear to the Department of Motor Vehicles for a hold on my license.

Date: _____ ▶ _____
(Defendant's Phone Number) (Defendant's Street Address/City/State/ZIP) (Defendant's E-mail Address)

Please return this form to the court clerk in person or mail to:

[Court location]

TO BE COMPLETED BY CLERK

Date: _____ Approved by: _____
DEPUTY CLERK

Hearing set for (*type of hearing*): _____ on (*date*): _____ at (*time*): _____

Location: [off-site location] [off-site location]

NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY		
<p align="center">PEOPLE OF THE STATE OF CALIFORNIA</p> <p align="center">v.</p> DEFENDANT (Name):	CITATION NUMBER/CASE NUMBER:		
NOTICE AND WAIVER OF RIGHTS AND REQUEST FOR REMOTE VIDEO PROCEEDING (Veh. Code, § 40901)	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:70%; padding: 2px;"> Is Bail Required By Court? <input type="checkbox"/> Yes <input type="checkbox"/> No </td> <td style="width:30%; padding: 2px;"> DUE DATE (For Form): </td> </tr> </table>	Is Bail Required By Court? <input type="checkbox"/> Yes <input type="checkbox"/> No	DUE DATE (For Form):
Is Bail Required By Court? <input type="checkbox"/> Yes <input type="checkbox"/> No	DUE DATE (For Form):		

1. Notice to Defendant of Rights

- You have the right to appear in person in court before a judicial officer without deposit of bail for an arraignment to be informed of the charges against you, be advised of your rights, enter a plea, and request that a trial be scheduled without deposit of bail.
- You have the right to request with deposit of bail that a trial be scheduled for the same date as your arraignment.
- You have the right to a speedy trial within 45 days of submitting your request for a trial.
- You have the right to be physically present in court for trial and sentencing and all other stages of the proceedings including, but not limited to, presentation of testimony and evidence and arguments on questions of law.
- You have the right to have witnesses testify under oath in court and to confront and cross-examine them in court.

2. Waiver of Rights and Request for Remote Video Arraignment or Trial Under Rule: _____

a. I, (print name): _____, am the defendant in this traffic infraction case and understand that my rights include those listed above and also the right to hire an attorney and subpoena witnesses. I understand that a remote video proceeding (RVP) uses two-way electronic audiovisual communication between the court and me at the remote location instead of having me physically appear in the courtroom. By requesting RVP I agree to appear at the designated off-site location and agree that the court may order me to appear in my case by RVP for any related proceedings. By requesting that the court allow me to proceed without being physically present in court and appear for all proceedings by RVP, I voluntarily elect to waive (give up) the following rights for (check one) arraignment trial:

INITIALS

- My right to appear for arraignment in person in court before a judicial officer and have a trial on the same day;
- My trial right to a speedy trial within 45 days; and
- My trial right after arraignment to be physically present in the court for trial and sentencing and all other stages of the proceedings, including, but not limited to, presentation of testimony and evidence and arguments on questions of law, and confrontation and cross-examination of witnesses in court.

I have read the *Instructions to Defendant for Remote Video Proceedings* (form TR-500-INFO) and request to appear by RVP in this case. I understand that the court may permit the officer who issued the ticket and any other witnesses to appear in court to testify and be cross-examined while I appear at the remote location and may deny my request at any time and order me to be present in the courtroom for any proceedings conducted in this case.

b. If bail is required for trial: \$_____ is enclosed. Reason for bail: _____

c. I need an interpreter: Yes No (language): _____

d. I have an attorney to represent me: Yes No (name of attorney): _____

e. I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct. I promise to appear for all proceedings ordered by the court in this case. I understand that if I do not appear as promised the court may forfeit any bail that I posted; hold the trial in my absence; impose a civil assessment of up to \$300 under Penal Code 1214.1 or issue a warrant for my arrest; and report the failure to appear to the Department of Motor Vehicles for a hold on my license.

Date: _____



_____ DEFENDANT'S SIGNATURE

_____ (Defendant's Phone Number)

_____ (Defendant's Street Address/City/State/ZIP)

_____ (Defendant's E-mail Address)

Please return this form to the court clerk in person or mail to:

[Court location]

TO BE COMPLETED BY CLERK

Date: _____ Approved by: _____
DEPUTY CLERK

Hearing set for (type of hearing): _____ on (date): _____ at (time): _____

Location: [off-site location] [off-site location]

SPR15-31**Trial Courts: Permanent Authorization for Remote Video Proceedings in Traffic Infraction Cases** (amend rule 4.220; revise form TR-500-INFO)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Law Offices of Azar Elihu Azar Elihu, Attorney Los Angeles	A	No narrative comments submitted.	
2.	Orange County Bar Association By Ashleigh Aitken, President Newport Beach	A	No narrative comments submitted.	
3.	Superior Court of Los Angeles Los Angeles	A	No narrative comments submitted.	
4.	Superior Court of Riverside County By Marita Ford Riverside	AM	Court's should have the discretion to implement without needing approval of the Judicial Council; makes implementation more burdensome and time consuming; eliminates discretion of trial court.	CTAC and TAC agree. In fact, this rules proposal would eliminate this requirement. Superior courts would not need Judicial Council approval before implementing RVP in traffic infraction cases. Instead, courts would only have to notify the council, which would be less burdensome and time consuming for the courts.
5.	Superior Court of San Diego County By Michael M. Roddy, Executive Officer San Diego	A	No narrative comments submitted.	