

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

2
3 **(a) Authorization for pilot project**

- 4
5 (1) With the approval of the Judicial Council, a superior court may establish by
6 local rule a pilot project through December 31, 2015, to permit arraignments,
7 trials, and related proceedings concerning the traffic infractions specified in (b)
8 to be conducted by two-way remote video communication methods under the
9 conditions stated below.
- 10
11 (2) To obtain approval of the Judicial Council to conduct a pilot project for remote
12 video proceedings under this rule, a court must submit an application to the
13 council that includes details on what procedures and forms the court intends to
14 institute for processing cases in the pilot project.

15
16 **(b) Definitions**

17
18 For the purposes of this rule:

- 19
20 (1) “Infraction” means any alleged infraction involving a violation of the Vehicle
21 Code or any local ordinance adopted under the Vehicle Code, other than an
22 infraction cited under article 2 (commencing with section 23152) of chapter 12
23 of division 11 of the Vehicle Code, except that the procedures for remote video
24 trials authorized by this rule do not apply to any case in which an informal
25 juvenile and traffic court exercises jurisdiction over a violation under sections
26 255 and 256 of the Welfare and Institutions Code.
- 27
28 (2) “Remote video proceeding” means an arraignment, trial, or related proceeding
29 conducted by two-way electronic audiovisual communication between the
30 defendant, any witnesses, and the court in lieu of the physical presence of both
31 the defendant and any witnesses in the courtroom.
- 32
33 (3) “Due date” means the last date on which the defendant’s appearance is timely
34 under this rule.

35
36 **(c) Application**

37
38 This rule establishes the minimum procedural requirements and options for courts
39 that conduct a pilot project for remote video proceedings for cases in which a
40 defendant is charged with an infraction as defined in (b) and the defendant’s request
41 to proceed according to this rule is for a trial or related proceeding that is set for a
42 date after January 31, 2013.

43

1 **(d) Designation of locations and presence of court clerk**

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- 3 (1) The court must designate the location or locations at which defendants may
4 appear with any witnesses for a remote video proceeding in traffic infraction
5 cases.
- 6
- 7 (2) The locations must be in a public place, and the remote video proceedings must
8 be viewable by the public at the remote location as well as at the courthouse.
- 9
- 10 (3) A court clerk must be present at the remote location for all remote video
11 proceedings.

12

13 **(e) Scope of court pilot project and request by defendant**

14

15 The following procedures and required forms in this section must be included in the
16 court's pilot project for remote video proceedings. In addition to following the
17 standard provisions for processing traffic infraction cases, the defendant may request
18 to proceed by remote video proceeding as provided below.

19

20 (1) Arraignment and trial on the same date

21

22 The following procedures apply to a remote video proceeding when the court
23 grants a defendant's request to have an arraignment and trial on the same date:

- 24
- 25 (A) The defendant must review a copy of the *Instructions to Defendant for*
26 *Remote Video Proceeding* (form TR-500-INFO).
- 27
- 28 (B) To proceed by remote video arraignment and trial, the defendant must
29 sign and file a *Notice and Waiver of Rights and Request for Remote*
30 *Video Arraignment and Trial* (form TR-505) with the clerk by the
31 appearance date indicated on the *Notice to Appear* or a continuation of
32 that date granted by the court and must deposit bail when filing the form.
- 33
- 34 (C) A defendant who is dissatisfied with the judgment in a remote video trial
35 may appeal the judgment under rules 8.901–8.902.

36

37 (2) Arraignment on a date that is separate from a trial date

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39 The following procedures apply to a remote video proceeding when the court
40 grants a defendant's request to have an arraignment that is set for a date that is
41 separate from the trial date:

42

1 (A) The defendant must review a copy of the *Instructions to Defendant for*
2 *Remote Video Proceeding* (form TR-500-INFO).

3
4 (B) To proceed by remote video arraignment on a date that is separate from a
5 trial date, the defendant must sign and file a *Notice and Waiver of Rights*
6 *and Request for Remote Video Proceeding* (form TR-510) with the clerk
7 by the appearance date indicated on the *Notice to Appear* or a
8 continuation of that date granted by the court.

9
10 (3) *Trial on a date that is separate from the date of arraignment*

11
12 The following procedures apply to a remote video proceeding when the court
13 grants a defendant’s request at arraignment to have a trial set for a date that is
14 separate from the date of the arraignment:

15
16 (A) The defendant must review a copy of the *Instructions to Defendant for*
17 *Remote Video Proceeding* (form TR-500-INFO).

18
19 (B) To proceed by remote video trial, the defendant must sign and file a
20 *Notice and Waiver of Rights and Request for Remote Video Proceeding*
21 (form TR-510) with the clerk by the appearance date indicated on the
22 *Notice to Appear* or a continuation of that date granted by the court and
23 deposit bail with the form as required by the court.

24
25 (C) A defendant who is dissatisfied with the judgment in a remote video trial
26 may appeal the judgment under rules 8.901–8.902.

27
28 (4) *Judicial Council forms for remote video proceedings*

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30 The following forms must be made available by the court and used by the
31 defendant to implement the procedures that are required by a court’s pilot
32 project under this rule:

33
34 (A) *Instructions to Defendant for Remote Video Proceeding* (form TR-500-
35 INFO);

36
37 (B) *Notice and Waiver of Rights and Request for Remote Video Arraignment*
38 *and Trial* (form TR-505); and

39
40 (C) *Notice and Waiver of Rights and Request for Remote Video Proceeding*
41 (form TR-510).

1 **(f) Deposit of bail**

2
3 (1) If a defendant requests to proceed by remote video arraignment and trial as
4 provided in section (e)(1), the defendant must deposit bail, at the same time the
5 request is filed, in the amount established in the uniform traffic penalty
6 schedule under Vehicle Code section 40310.

7
8 (2) If a defendant requests to proceed by remote video proceeding for a trial as
9 provided in section (e)(3), the judicial officer may require deposit of bail, at the
10 same time the request for remote video proceeding is filed, in the amount
11 established in the uniform traffic penalty schedule under Vehicle Code section
12 40310.

13
14 **(g) Appearance of witnesses**

15
16 On receipt of the defendant's waiver of rights and request to appear for trial as
17 specified in section (e)(1) or (e)(3), the court may permit law enforcement officers
18 and other witnesses to testify at the remote location or in court and be cross-
19 examined by the defendant from the remote location.

20
21 **(h) Authority of court to require physical presence of defendant and witnesses**

22
23 Nothing in this rule is intended to limit the authority of the court to issue an order
24 requiring the defendant or any witnesses to be physically present in the courtroom in
25 any proceeding or portion of a proceeding if the court finds that circumstances
26 require the physical presence of the defendant or witness in the courtroom.

27
28 **(i) Extending due date for remote video trial**

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30 If the clerk receives the defendant's written request for a remote video arraignment
31 and trial on form TR-505 or remote video trial on form TR-510 by the appearance
32 date indicated on the *Notice to Appear* and the request is granted, the clerk must,
33 within 10 court days after receiving the defendant's request, extend the appearance
34 date by 25 calendar days and must provide notice to the defendant of the extended
35 due date on the *Notice and Waiver of Rights and Request for Remote Video*
36 *Arraignment and Trial* (form TR-505) or *Notice and Waiver of Rights and Request*
37 *for Remote Video Proceeding* (form TR-510) with a copy of any required local
38 forms.

39
40 **(j) Notice to arresting officer**

41
42 If a court grants the defendant's request for a remote video proceeding after receipt of
43 the defendant's *Notice and Waiver of Rights and Request for Remote Video*

1 Arrestment and Trial (form TR-505) or Notice and Waiver of Rights and Request
2 for Remote Video Proceeding (form TR-510) and bail deposit, if required, the clerk
3 must deliver, mail, or e-mail a notice of the remote video proceedings to the arresting
4 or citing law enforcement officer. The notice to the officer must specify the location
5 and date for the remote video proceeding and provide an option for the officer to
6 request at least five calendar days before the appearance date to appear in court
7 instead of at the remote location.

8
9 **(k) Due dates and time limits**

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11 Due dates and time limits must be as stated in this rule, unless extended by the court.
12 The court may extend any date, and the court need not state the reasons for granting
13 or denying an extension on the record or in the minutes.

14
15 **(l) Ineligible defendants**

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17 If the defendant requests a remote video proceeding and the court determines that the
18 defendant is ineligible, the clerk must extend the due date by 25 calendar days and
19 notify the defendant of the determination and the new due date.

20
21 **(m) Noncompliance**

22
23 If the defendant fails to comply with this rule (including depositing the bail amount,
24 signing and filing all required forms, and complying with all time limits and due
25 dates), the court may deny a request for a remote video proceeding and may proceed
26 as otherwise provided by statute.

27
28 **(n) Fines, assessments, or penalties**

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30 This rule does not prevent or preclude the court from imposing on a defendant who is
31 found guilty any lawful fine, assessment, or other penalty, and the court is not limited
32 to imposing money penalties in the bail amount, unless the bail amount is the
33 maximum and the only lawful penalty.

34
35 **(o) Local rules and forms**

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37 A court establishing a remote video trial project under this rule may adopt such local
38 rules and additional forms as may be necessary or appropriate to implement the rule
39 and the court's local procedures not inconsistent with this rule.

40
41 **(p) Collection of information and reports on pilot project**

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1 Each court that establishes a pilot project under this rule must institute procedures as
2 required by the Judicial Council for collecting and evaluating information about that
3 court's pilot project and must prepare semiannual reports to the Judicial Council that
4 include an assessment of the costs and benefits of the project.

5
6 **(q) Effective dates**

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8 This rule is adopted effective February 1, 2013, and remains in effect only until
9 January 1, 2016, and as of that date is repealed, unless a rule adopted before January
10 1, 2016, repeals or extends that date.

11
12 *Rule 4.220 adopted effective February 1, 2013.*