



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 22-111*

For Circulating Order CO-22-02 on: May 10, 2022

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**Title**

Traffic: Remote Video Proceedings

**Agenda Item Type**

Action Required

**Rules, Forms, Standards, or Statutes Affected**

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

**Effective Date**

May 13, 2022

**Date of Report**

April 21, 2022

**Recommended by**

Traffic Advisory Committee  
Hon. Gail Dekreon, Chair

**Contact**

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### Executive Summary

The Traffic Advisory Committee recommends repealing California Rules of Court, rule 4.220, and revoking the forms based on that rule, effective immediately. Penal Code section 1428.5, which as urgency legislation became effective on signing on July 16, 2021, authorizes remote proceedings for all infraction cases and authorizes the council to adopt rules regarding such proceedings. Rule 4.220, adopted *before* the new Penal Code section, is more restrictive than permitted under the new statute and is inconsistent with how courts have conducted remote proceedings for infractions under emergency rules 3 and 5. Because those rules will sunset on June 30, 2022, if current rule 4.220 is not repealed before that date, it may restrict remote proceedings of infractions by requiring witnesses to testify at a designated public location only, with the result that access to justice will be severely limited. Because Judicial Council forms TR-500-INFO, TR-505, and TR-510 are based on rule 4.220, the advisory committee recommends revoking them as well.

## Recommendation

So that the actions can take effect before the sunset of emergency rules 3 and 5 of the California Rules of Court, the Traffic Advisory Committee recommends that the Judicial Council, effective May 13, 2022:

1. Repeal rule 4.220, Remote video proceedings in traffic infractions; and
2. Revoke the following related forms:
  - *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).

The proposed repealed rule and revoked forms are attached at pages 5–12.

## Relevant Previous Council Action

Rule 4.220 was initially adopted effective February 1, 2013.<sup>1</sup> The report to the Judicial Council explained the rationale for the adoption of the rule, which at that point was for a pilot program developed to address an issue specific to the Superior Court of Fresno County.<sup>2</sup> The entire rule was designed with the idea that remote video streaming would take place from a public place to a courtroom—with a court clerk present in both locations. The Judicial Council amended rule 4.220 in 2015 by converting the rule from a pilot project into a standing rule applicable to all California courts and adding a cross-reference to rule 4.105, Appearance without deposit of bail in infraction cases.<sup>3</sup>

## Analysis/Rationale

On April 6, 2020, the Judicial Council adopted emergency rules 3 and 5 of the California Rules of Court in response to the COVID-19 pandemic. Together, emergency rules 3 and 5 effectively authorize courts to conduct any criminal proceeding remotely, with the consent of the defendant. Courts across California began holding remote infraction proceedings under the emergency rules. In July 2021, Assembly Bill 143 (Stats. 2021, ch. 79) was enacted, which, among other things, added Penal Code section 1428.5, allowing courts, with the defendant’s consent, to conduct all infraction proceedings, including arraignments and trials, remotely.

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<sup>1</sup> See Judicial Council of Cal., Advisory Com. Rep., *Trial Courts: Pilot Project Authorizing Remote Video Proceedings in Traffic Infraction Cases* (Dec. 13, 2012), [www.courts.ca.gov/documents/jc-20130117-itemG.pdf](http://www.courts.ca.gov/documents/jc-20130117-itemG.pdf).

<sup>2</sup> That court is no longer conducting remote appearances under this rule.

<sup>3</sup> See Judicial Council of Cal., Advisory Com. Rep., *Trial Courts: Permanent Authorization for Remote Video Proceedings and Implementation of Rule 4.105 in Traffic Infraction Cases* (Aug. 11, 2015), [www.courts.ca.gov/documents/jc-20150821-itemA2.pdf](http://www.courts.ca.gov/documents/jc-20150821-itemA2.pdf).

Several courts have raised concerns that existing rule 4.220, which was adopted in 2013, is more restrictive than required by the new statute and inconsistent with how courts have been successfully conducting remote proceedings under emergency rules 3 and 5. The emergency rules currently take precedence over rule 4.220. However, on March 11, 2022, the Judicial Council amended emergency rules 3 and 5, along with several others, to sunset on June 30, 2022. If rule 4.220 is not repealed, it will again provide that court may conduct remote proceedings only when witnesses testify at a designated public location. Because newly enacted Penal Code section 1428.5 provides much broader authorization for remote proceedings for infractions, rule 4.220 is now overly restrictive and obsolete.

Broadly, rule 4.220 provides the following:

- A trial court can, by local rule and on a defendant's request, permit arraignments, trials, and related proceedings for most traffic infractions to be conducted by two-way remote video. (Rule 4.220(a) & (e).) (The new statute requires only consent, not a formal request by the party.)
- To request a remote video proceeding under the rule, a defendant must view the instructions on form TR-500-INFO and submit either *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial* (form TR-505) or *Notice and Waiver of Rights and Request for Remote Video Proceeding* (form TR-510). The mandatory forms contain detailed waivers. (Rule 4.220(e).) (The new statute requires only that the court obtain consent from the defendant before conducting the proceeding remotely.)
- The court must designate a public place where the defendant may appear with any witnesses, the proceedings must be viewable by the public at both the remote location and the courthouse, and a court clerk must be present at the remote location. (Rule 4.220(d).) On receipt of the defendant's waiver of rights, the court may permit law enforcement officers and other witnesses to testify at the remote location or in the courtroom. (Rule 4.220(g).) (The new statute does not require that a "public place" be used for the remote location.)

The "public place" requirement is the most onerous aspect of rule 4.220, insofar as it precludes both defendants and other witnesses from attending a traffic infraction hearing from their own home or other private location and requires that they appear at a specific remote location, a "public place" designated by the court. In addition, subdivision (d)(3) provides that a court clerk must be present at the *remote* location. Neither the public place restriction nor the other provisions in the rule are required by the new remote appearance statute, Penal Code section 1428.5. Nor are they consistent with how courts have been conducting remote proceedings for infractions in recent years. If rule 4.220 is not repealed, access to justice will be severely limited.

Forms TR-500-INFO, TR-505, and TR-510 are mandatory forms based on the specific procedure of rule 4.220 and are not helpful for courts conducting remote proceedings under the new statute.

## **Policy implications**

The committee believes that leaving the rule in place, mandating limitations that are not required under the new statute, would limit access to justice.

## **Comments**

The proposal circulated for public comment from April 1 through April 10. The proposal received two comments, from the Superior Courts of Los Angeles and Placer Counties. Both commenters agreed with the proposal, and no modifications to the proposal were recommended. The comments chart is attached to the materials at page 13.

## **Alternatives considered**

The committee considered recommending amending the provisions in rule 4.220. However, because the rule addresses an outdated process (courts having video proceedings streaming from a designated public place to another courtroom), most of the existing rule does not appear applicable or relevant to remote proceedings permitted by the new statute for infractions (where a defendant or other witness may testify from a private location without a clerk present). The committee also considered proposing a new rule for remote proceedings for infractions, along with the repeal. The committee has begun developing recommendations and is working with stakeholders to determine if a new rule is needed to standardize procedures for remote proceedings for infractions but does not believe a rule is necessary for remote proceedings under the new statute to be implemented. In addition, the committee does not want to try to rush the development of such a rule to the extent it is appropriate.

## **Fiscal and Operational Impacts**

The committee does not expect any significant implementation requirements or operational impacts because courts are not currently operating under rule 4.220.

## **Attachments and Links**

1. Cal. Rules of Court, rule 4.220, at pages 5–9
2. Forms TR-500-INFO, TR-505, and TR-510, at pages 10–12
3. Chart of comments, at page 13
4. Link A: Assembly Bill 143 (Stats. 2021, ch. 79),  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB143](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB143)
5. Link B: Pen. Code, § 1428.5,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=1428.5](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=1428.5)

Rule 4.220 of the California Rules of Court is repealed, effective May 13, 2022, as follows:

**Rule 4.220. Remote video proceedings in traffic infraction cases [Repealed]**

**~~(a) Authorization for remote video proceedings~~**

~~A superior court may by local rule permit arraignments, trials, and related proceedings concerning the traffic infractions specified in (b) to be conducted by two-way remote video communication methods under the conditions stated below.~~

**~~(b) Definitions~~**

~~For the purposes of this rule:~~

~~(1) “Infraction” means any alleged infraction involving a violation of the Vehicle Code or any local ordinance adopted under the Vehicle Code, other than an infraction cited under article 2 (commencing with section 23152) of chapter 12 of division 11 of the Vehicle Code, except that the procedures for remote video trials authorized by this rule do not apply to any case in which an informal juvenile and traffic court exercises jurisdiction over a violation under sections 255 and 256 of the Welfare and Institutions Code.~~

~~(2) “Remote video proceeding” means an arraignment, trial, or related proceeding conducted by two-way electronic audiovisual communication between the defendant, any witnesses, and the court in lieu of the physical presence of both the defendant and any witnesses in the courtroom.~~

~~(3) “Due date” means the last date on which the defendant’s appearance is timely under this rule.~~

**~~(c) Application~~**

~~This rule establishes the minimum procedural requirements and options for courts that conduct remote video proceedings for cases in which a defendant is charged with an infraction as defined in (b) and the defendant requests to proceed according to this rule.~~

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

~~(1) The court must designate the location or locations at which defendants may appear with any witnesses for a remote video proceeding in traffic infraction cases.~~

~~(2) The locations must be in a public place, and the remote video proceedings must be viewable by the public at the remote location as well as at the courthouse.~~

(3) ~~A court clerk must be present at the remote location for all remote video proceedings.~~

**(e) Required procedures and forms and request by defendant**

~~A court that conducts remote video proceedings under this rule must comply with the following procedures and use the required forms in this section. In addition to following the standard provisions for processing traffic infraction cases, the defendant may request to proceed by remote video proceeding as provided below.~~

~~(1) Arraignment and trial on the same date~~

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

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

~~(B) To proceed by remote video arraignment and trial, the defendant must sign and file a *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial* (form TR-505) with the clerk by the appearance date indicated on the *Notice to Appear* or a continuation of that date granted by the court and must deposit bail when filing the form.~~

~~(C) A defendant who is dissatisfied with the judgment in a remote video trial may appeal the judgment under rules 8.901-8.902.~~

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

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

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

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

1 ~~(3) Trial on a date that is separate from the date of arraignment~~

2  
3 The following procedures apply to a remote video proceeding when the court  
4 grants a defendant's request at arraignment to have a trial set for a date that is  
5 separate from the date of the arraignment:

6  
7 ~~(A) The defendant must review a copy of the *Instructions to Defendant for*~~  
8 ~~*Remote Video Proceeding* (form TR-500-INFO).~~

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

15  
16 ~~(C) A defendant who is dissatisfied with the judgment in a remote video trial~~  
17 ~~may appeal the judgment under rules 8.901-8.902.~~

18  
19 ~~(4) Judicial Council forms for remote video proceedings~~

20  
21 The following forms must be made available by the court and used by the  
22 defendant to implement the procedures that are required under this rule:

23  
24 ~~(A) *Instructions to Defendant for Remote Video Proceeding* (form TR-500~~  
25 ~~INFO);~~

26  
27 ~~(B) *Notice and Waiver of Rights and Request for Remote Video Arraignment*~~  
28 ~~*and Trial* (form TR-505); and~~

29  
30 ~~(C) *Notice and Waiver of Rights and Request for Remote Video Proceeding*~~  
31 ~~(form TR-510).~~

32  
33 **(f) Deposit of bail**

34  
35 Procedures for deposit of bail to process requests for remote video proceedings must  
36 follow rule 4.105.

37  
38 **(g) Appearance of witnesses**

39  
40 On receipt of the defendant's waiver of rights and request to appear for trial as  
41 specified in section (e)(1) or (e)(3), the court may permit law enforcement officers  
42 and other witnesses to testify at the remote location or in court and be cross-examined  
43 by the defendant from the remote location.

1  
2 **(h) Authority of court to require physical presence of defendant and witnesses**

3  
4 Nothing in this rule is intended to limit the authority of the court to issue an order  
5 requiring the defendant or any witnesses to be physically present in the courtroom in  
6 any proceeding or portion of a proceeding if the court finds that circumstances require  
7 the physical presence of the defendant or witness in the courtroom.  
8

9 **(i) Extending due date for remote video trial**

10  
11 If the clerk receives the defendant's written request for a remote video arraignment  
12 and trial on form TR-505 or remote video trial on form TR-510 by the appearance date  
13 indicated on the *Notice to Appear* and the request is granted, the clerk must, within 10  
14 court days after receiving the defendant's request, extend the appearance date by 25  
15 calendar days and must provide notice to the defendant of the extended due date on the  
16 *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial*  
17 (form TR-505) or *Notice and Waiver of Rights and Request for Remote Video*  
18 *Proceeding* (form TR-510) with a copy of any required local forms.  
19

20 **(j) Notice to arresting officer**

21  
22 If a court grants the defendant's request for a remote video proceeding after receipt of  
23 the defendant's *Notice and Waiver of Rights and Request for Remote Video*  
24 *Arraignment and Trial* (form TR-505) or *Notice and Waiver of Rights and Request for*  
25 *Remote Video Proceeding* (form TR-510) and bail deposit, if required, the clerk must  
26 deliver, mail, or e-mail a notice of the remote video proceedings to the arresting or  
27 citing law enforcement officer. The notice to the officer must specify the location and  
28 date for the remote video proceeding and provide an option for the officer to request at  
29 least five calendar days before the appearance date to appear in court instead of at the  
30 remote location.  
31

32 **(k) Due dates and time limits**

33  
34 Due dates and time limits must be as stated in this rule, unless extended by the court.  
35 The court may extend any date, and the court need not state the reasons for granting  
36 or denying an extension on the record or in the minutes.  
37

38 **(l) Ineligible defendants**

39  
40 If the defendant requests a remote video proceeding and the court determines that the  
41 defendant is ineligible, the clerk must extend the due date by 25 calendar days and  
42 notify the defendant of the determination and the new due date.  
43



1 **~~(m) Noncompliance~~**

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

7  
8 **~~(n) Fines, assessments, or penalties~~**

9  
10 ~~This rule does not prevent or preclude the court from imposing on a defendant who is~~  
11 ~~found guilty any lawful fine, assessment, or other penalty, and the court is not limited~~  
12 ~~to imposing money penalties in the bail amount, unless the bail amount is the~~  
13 ~~maximum and the only lawful penalty.~~

14  
15 **~~(o) Local rules and forms~~**

16  
17 ~~A court establishing remote video proceedings under this rule may adopt such local~~  
18 ~~rules and additional forms as may be necessary or appropriate to implement the rule~~  
19 ~~and the court's local procedures not inconsistent with this rule.~~

20  
21 **~~(p) Notice and collection of information and reports on remote video proceedings~~**

22  
23 ~~Each court that establishes a local rule authorizing remote video proceedings under~~  
24 ~~this rule must notify the Judicial Council, institute procedures as required by the~~  
25 ~~council for collecting and evaluating information about that court's program, and~~  
26 ~~prepare semiannual reports to the council that include an assessment of the costs and~~  
27 ~~benefits of remote video proceedings at that court.~~  
28

## 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:	FOR COURT USE ONLY
<b>PEOPLE OF THE STATE OF CALIFORNIA</b>  <b>v.</b>  DEFENDANT (Name):	
<b>NOTICE AND WAIVER OF RIGHTS AND REQUEST FOR REMOTE VIDEO ARRAIGNMENT AND TRIAL (Veh. Code, §§ 40901 and 40519(a))</b>	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 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]

Page 1 of 1

NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY		
<b>PEOPLE OF THE STATE OF CALIFORNIA</b>  <b>v.</b>  DEFENDANT (Name):	CITATION NUMBER/CASE NUMBER:		
<b>NOTICE AND WAIVER OF RIGHTS AND REQUEST FOR REMOTE VIDEO PROCEEDING (Veh. Code, § 40901)</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; padding: 2px;">           Is Bail Required By Court?  <input type="checkbox"/> Yes <input type="checkbox"/> No         </td> <td style="width: 40%; 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]

**SP22-05**

**Traffic: Repeal Outdated Rule on Remote Video Proceedings and Related Forms** (Repeal Cal. Rules of Court, rule 4.220; revoke forms TR-500-INFO, TR-505, and TR-510)

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

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Superior Court of Los Angeles County by Bryan Borys, Senior Advisor	A	The Superior Court of California, County of Los Angeles, strongly supports this rule change. Even as pandemic measures begin to be loosened, remote appearances are proving to be a significant way of enhancing access to justice.	The committee appreciates this input. No response required.
2.	Superior Court of Placer County by Jake Chatters, Court Executive Officer	A	No specific comment.	The committee appreciates this input. No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated