



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 22-111, Version: 1

Title

Rules and Forms | Traffic: Remote Video Proceedings (Action Required)

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 Because those rules will sunset on June 30, 2022, if current rule 4.220 is not repealed before that date, it may restrict remote proceedings of infractions by requiring witnesses to testify at a designated public location only, with the result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).