



Judicial Council of California

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Subject Details (With Text)

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Title

Traffic and Criminal Procedure: Infraction Procedures Regarding Bail, Fines, Fees, and Assessments; Mandatory Courtesy Notices; and Ability-to-Pay Determinations (Action Required)

Summary

The Traffic Advisory Committee and Criminal Law Advisory Committee recommend amending one rule and adopting three new rules of the California Rules of Court to standardize and improve court procedures and improve notice to defendants regarding procedures in infraction cases, including specifically failures to appear and failures to pay bail and court-imposed fines, fees, and assessments for infraction offenses and ability-to-pay determinations. These rules are designed to promote procedural fairness in infraction cases, enhance guidance for defendants and courts, improve notice to defendants, and clarify procedures regarding ability-to-pay determinations, while also minimizing the need for court appearances by providing for written petitions where possible.

Recommendation

The Criminal Law Advisory Committee and the Traffic Advisory Committee recommend that the Judicial Council, effective January 1, 2017:

1. Amend rule 4.105 of the California Rules of Court to require that trial court websites include a link to the statewide traffic self-help information posted on the California courts website;
2. Adopt rule 4.106 of the California Rules of Court to establish uniform procedures in infraction offenses for which the defendant has received a written notice to appear and has failed to appear or failed to pay;
3. Adopt rule 4.107 of the California Rules of Court to require that trial courts send reminder notices to traffic defendants before their initial appearance and specify what information must be provided in those notices;
4. Adopt rule 4.335 of the California Rules of Court to standardize and improve court procedures and notice to infraction defendants related to ability-to-pay determinations.
5. Repeal standard 4.41 of the California Standards of Judicial Administration, which currently provides recommendations regarding courtesy notices.

Courts must implement these provisions as soon as reasonably possible but no later than May 1, 2017.

Speakers

Hon. Gail Dekreon, Chair, Traffic Advisory Committee

Hon. J. Richard Couzens, Vice-chair, Criminal Law Advisory Committee