

# Judicial Council of California • Administrative Office of the Courts

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## INVITATION TO COMMENT

### SP12-10

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Title	Action Requested
Trial Courts: Authorization for Remote Video Trial Pilot Projects in Proceedings for Violations of Traffic and Compulsory Education Laws	Review and submit comments by November 2, 2012
Proposed Rules, Forms, Standards, or Statutes Adopt Cal. Rules of Court, rules 4.220 and 4.230; adopt forms TR-500-INFO, TR-505, TR-510, MC-900-INFO, and MC-905; sponsor legislation to add section 40904 to the Vehicle Code and section 48297 to the Education Code	Proposed Effective Date Rules and forms to be effective January 1, 2013; legislation to be introduced in 2013
Proposed by Traffic Advisory Committee Hon. Mark S. Borrell, Chair Family and Juvenile Law Advisory Committee Hon. Kimberly J. Nystrom-Geist, Cochair Hon. Dean T. Stout, Cochair Court Technology Advisory Committee Hon. Ming W. Chin, Chair	Contact Courtney Tucker, 415-865-7611, courtney.tucker@jud.ca.gov  Christopher Wu, 415-865-7721, christopher.wu@jud.ca.gov  Patrick O'Donnell, 415-865-7665 patrick.o'donnell@jud.ca.gov

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### Executive Summary

This proposal would authorize trial courts to establish pilot projects permitting remote video trials in cases involving traffic infraction violations and violations of the law on compulsory school attendance. The proposed rules, forms, and legislation will enable courts to provide the public with continuing access to court proceedings at a time when court resources are being substantially reduced. If a court establishes a remote video proceeding pilot project, defendants in eligible cases would be able to elect to appear at trial by two-way video from remote locations designated by the court. The suggestion for remote video trial pilot projects originates from the Superior Court of Fresno County, which has recently been compelled to close several court facilities because of budget reductions.

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

The proposals specifically recommend that the Judicial Council:

- Adopt Cal. Rules of Court, rules 4.220 and 4.230, effective January 1, 2013, to authorize courts to establish pilot projects for remote video trials and hearings in traffic infraction and compulsory school attendance cases.
- Adopt five forms, effective January 1, 2013, to assist the courts and the public in implementing and using remote video trials.
- Sponsor legislation, to be introduced in 2013, to provide statutory support for remote video trials in traffic infraction and compulsory school attendance cases.

## **Background**

The principal purpose of the proposed rules, forms, and legislation is to enable courts to use remote video technology to continue providing public access to certain proceedings when the courts for budgetary reasons are no longer able to provide local court facilities where the proceedings may be conducted. For example, in fiscal year 2012–2013, the Superior Court of Fresno County is facing \$26.6 million in direct budget reductions and unfunded cost increases. The court has consolidated the operations of seven branch courts into three courthouses in the City of Fresno. As a result, more than 200,000 residents in Coalinga, Clovis, Kingsburg, Firebaugh, Reedley, Sanger, Selma, and the surrounding rural areas will have the increased cost and inconvenience of travel to downtown Fresno to conduct court business.

This situation imposes a hardship on many county residents. Many residents have low incomes. Some will have to travel as far as 120 miles roundtrip for their court appearances. For those with private vehicles, the cost of travel will be high. For those without their own vehicles, public transportation is limited and costly. Court closures requiring long distance travel will affect not only parties in cases but also witnesses and attorneys.

In addition, the closure of local courts and consolidation of all cases to Fresno will create an administrative burden, increased expense, and staffing drain on law enforcement agencies that issue citations in the remote communities. If all traffic cases are consolidated to the downtown Fresno courthouse, law enforcement officers will have lengthy trips and costly overtime charges to appear at court hearings, with the associated impact that officers will have less time to devote to law enforcement activities to protect public safety on the highways. Consolidating seven operations into three busy courts will also impact all areas of court operations from security screening to case calendaring.

For these and other reasons, community leaders throughout the county have expressed concern about the court closures despite understanding the court's budgetary constraints. The urgency of the situation has prompted the court to seek immediate solutions that will enable the court to continue to provide access to court procedures while operating with fewer facilities.

## **This Proposal**

This is a proposal for rules, forms, and legislation to authorize courts by local rule to establish pilot projects, for a period of up to three years, to permit remote video trials in cases involving traffic infraction violations and violations of the law on compulsory school attendance. These proposals will directly benefit the Fresno court, which identified the problems and possible solutions. But because other courts and communities face similar conditions, it is appropriate to authorize other courts to use these same technologies and methods to provide access to residents and alleviate burdens on law enforcement agencies in their jurisdiction.

## **Rules 4.220 and 4.230 authorizing remote video trials**

Proposed rule 4.220 would authorize courts by local rule to establish a remote video trial pilot project for up to three years in traffic infraction cases, and proposed rule 4.230 would authorize remote video trial pilot projects for cases involving violations of the compulsory education attendance laws.

### ***Definition of “remote video trial”***

The rules define a “remote video trial” as a trial or other 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. Under rule 4.220, a remote video trial for traffic cases is also defined as a trial or other proceeding conducted by two-way electronic audiovisual communication between the defendant and any witness in lieu of the physical presence of both the defendant and the witness in the courtroom.

### ***Scope of the rules***

The authorization for remote video trials in rule 4.220 applies to any alleged infraction involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, other than an infraction cited pursuant to article 2 (commencing with section 23152) of chapter 12 of division 11 of the Vehicle Code, except that the procedures for remote video trial authorized by the 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. Under rule 4.220, a defendant in traffic infraction cases is required to deposit bail before a remote video trial will be set and may file a petition for waiver of deposit of bail to schedule a remote video trial.

The authorization for remote video trials in rule 4.230 applies to any alleged violation of section 48293 of the Education Code, except that the procedures for remote video trials authorized in this rule do not apply to any case in which the juvenile court exercises jurisdiction over a violation as provided by section 601.4 of the Welfare and Institutions Code and section 48295 of the Education Code. Under rule 4.230, an appearance by the defendant is mandatory in response to the complaint and no deposit of bail is required.

Comments are specifically invited on whether there are any other types of traffic or compulsory education law infractions that should be excluded or listed as ineligible for remote video trials under the pilot project.

### ***Application***

The rules apply to remote video trials under the rules for proceedings set for a date after December 31, 2012.

### ***Designation of locations***

The rules provide that courts must designate the location or locations at which defendants may appear with any witnesses for remote video trials in infraction cases. The locations must be in a public place, and the remote video trials must be viewable by the public at the remote locations as well as at the courthouse.

### ***Election by the defendant***

The rules provide that defendants may elect, but are not required, to proceed by remote video trial. Each defendant who elects to proceed by remote video trial must be given a written notice of his or her right to be personally present in court at arraignment and trial, to have a separate arraignment and trial, to have a speedy trial within 45 days, to confront and cross-examine witnesses in person in court, to subpoena witnesses on his or her own behalf, and to hire counsel at his or her own expense.

To proceed by remote video trial, the defendant must execute a written waiver of the right to appear in person in court for a separate arraignment and trial, the right to a speedy trial within 45 days, and the right to confront and cross-examine witnesses in person in court. The defendant must file a *Notice and Waiver of Rights and Request for Remote Video Trial* with the clerk at least 5 calendar days before the appearance date indicated on the *Notice to Appear* traffic citation or on the notice of hearing on the complaint in compulsory education cases, or the extended due date. A defendant who is dissatisfied with the decision in a remote video trial may appeal the decision within 30 calendar days of entry of the judgment.

### ***Deposit of bail***

Defendants who elect to proceed by remote video trial under rule 4.220 for traffic infraction cases must at the same time deposit bail at least 5 calendar days before the appearance date indicated on the *Notice to Appear* or the extended due date, unless the court grants a written petition to waive the deposit of bail. The defendant must deposit bail with the clerk or submit a *Petition for Waiver of Bail Deposit for Remote Video Trial*. The information on the petition form is confidential and may not be released to the public.

If the court does not rule on the petition for waiver of bail deposit within 10 court days, the petition is deemed to be granted. If the court denies a petition for waiver of bail deposit, the court may order the defendant to respond within 10 court days of the notice of the order by depositing bail to schedule a remote video proceeding or by appearing in court. If a defendant is found not

guilty or if the charges are otherwise dismissed, the amount of the bail deposited, if any, must be refunded to the defendant within 30 calendar days.

***Appearance of witnesses***

On receipt of defendant's written waiver of rights and request to appear, the court may permit witnesses to testify at the remote location. Under rule 4.220, the court may permit law enforcement officers and other witnesses in traffic cases to testify in court and be cross-examined by the defendant from the remote location.

***Authority of the court to require physical presence of defendant and any witnesses***

Nothing in the rules is intended to limit the authority of the court to issue an order requiring the defendant or any witnesses to be physically present in the courtroom for any offense or any proceeding or portion of a proceeding where the court finds that circumstances require the physical presence of the defendant or witness in the courtroom.

***Extending due date***

If the clerk receives the defendant's written request for a remote video trial at least 5 calendar days before the appearance date indicated on the *Notice to Appear* traffic citation or on the notice of hearing on the complaint in compulsory education cases, the clerk must, within 10 court days after receiving the defendant's request, extend the appearance date by 25 calendar days and provide notice to the defendant of the extended due date on the *Notice and Waiver of Rights and Request for Remote Video Trial* with a copy of any other required forms.

***Notice***

The rules provide that, on receipt of the defendant's *Notice and Waiver of Rights and Request for Remote Video Trial*, and bail or a request for waiver of bail in a traffic infraction case, by at least 5 calendar days before the due date, if the request is granted, the clerk must provide a notice of the remote video trial: (1) in traffic cases, to the arresting or citing law enforcement officer, and (2) in compulsory school attendance law cases, to the school attendance review board charging the violation of section 48293 or its designee and the authority prosecuting the charge.

The notice must specify the location and date for the remote video trial. For remote video trials in traffic cases under rule 4.220, the notice must provide an option for the law enforcement officer to request at least 5 calendar days before the appearance date to appear in court instead of at the remote location.

***Due dates and time limits***

The rules provide the applicable due dates and time limits, unless extended by the court. The court may extend any date, but the court need not state the reasons for granting or denying an extension on the record or in the minutes.

### ***Ineligible defendants***

If the defendant requests a remote video trial and the clerk or the court determines that the defendant is not eligible, the clerk must extend the due date by 25 calendar days and notify the defendant by mail of the determination and new due date.

### ***Noncompliance***

If the defendant does not comply with the rules (including submitting the bail amount under rule 4.220, signing and filing all required forms, and complying with all time limits and due dates), the court may deny a request for a remote video trial and may proceed as otherwise provided by statute.

### ***Fines, assessments, and penalties***

Rule 4.220 requires a deposit of bail for remote video trials for traffic infractions unless the court grants a written petition to waive deposit of bail. The rule expressly provides that it does not prevent or preclude the court from imposing on a defendant who is found guilty any lawful fine, assessment, or other penalty, and the court is not limited to imposing money penalties in the bail amount, unless the bail amount is the maximum and the only lawful penalty.

### ***Forms***

The rules specify the five Judicial Council forms to be adopted to implement the pilot projects approved under the rules.

### ***Local rules and forms***

The rules provide that a court establishing a remote video trial project may adopt such local rules and forms as may be necessary or appropriate to implement the rules and the court's local procedures not inconsistent with the rules of court. Under rule 4.220, courts may adopt local rules that delegate to the clerk the authority to grant petitions of a waiver of bail deposit for a remote video trial for traffic infraction cases under established criteria, but courts may not delegate to a clerk the authority to deny a petition for waiver of bail deposit for a remote video trial.

### ***Collection of information and reports***

The rules provide that each court that establishes a pilot project must institute procedures 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.

### **Forms to implement the pilot projects**

To implement the remote video pilot projects, five forms (three forms for traffic cases, including a form to petition for a waiver of deposit of bail, and two forms for compulsory education cases, which do not require a deposit of bail) would be adopted.

1. *Instructions to Defendant for Remote Video Trial* (forms TR-500-INFO and MC-900-INFO)

These instruction forms would provide essential information to defendants who may be eligible to request a remote video trial in a pilot court. They include information about the form or forms that must be completed and the procedures that must be followed. The instructions also provide a summary of the defendant's rights and expressly state the rights that the defendant will be waiving by voluntarily appearing at trial by remote video means.

*2. Notice and Waiver of Rights and Request for Remote Video Trial (forms TR-505 and MC-905)*

The waiver forms, which must be completed by every defendant electing to appear at a remote video trial, summarize defendant's rights and include an explicit waiver of those rights. The defendant must send the completed form to the court in order to be eligible to appear at trial by remote video means. The form includes a place for the defendant to indicate whether an interpreter is needed and for what language. Form TR-505 also has a place for the defendant to indicate whether bail is enclosed or a petition for waiver of bail deposit is attached.

*3. Petition for Waiver of Bail Deposit for Remote Video Trial (forms TR-510)*

The form for petitions for waiver of bail deposit for traffic infraction cases would enable defendants to request that the court waive the general requirement that bail must be deposited at the same time as the request for a remote video trial is submitted to the court. This two-page form will enable defendants to provide information to the courts about their financial situation and other facts that would support granting a waiver of the bail deposit. The form, which would collect much of the same financial and personal information as the fee waiver application, would be confidential like those applications. (See Gov. Code, § 68633(f).)

Comments are specifically invited on each of the five forms, including whether the forms are appropriate for their purposes and whether there is any additional information that needs to be included.

### **The legislation**

This proposal includes recommendations for legislation. Specifically, it recommends that the Judicial Council sponsor legislation to be introduced in 2013 to:

- Add new section 40904 to the Vehicle Code, and
- Add new section 48297 to the Education Code

These two new sections would provide authorization for superior courts with the approval of the Judicial Council to establish by local rule pilot projects for up to three years that would permit trials to be conducted by two-way remote audiovisual communication methods in cases involving specified infraction violations under the Vehicle Code and the Education Code. This authorizing framework would be more general than the rules described above.

In addition, the new section 40904 would expressly codify the procedures for petitions for waiver of bail deposits to be used for remote video proceedings in traffic infraction cases,

including a provision that the financial information provided by defendants in the petitions shall be confidential.

### **Reports**

Both the rules and legislation would require reports from the pilot courts, which would include evaluations and assessments of the costs and benefits of the projects. This information will assist the Judicial Council and the Legislature to determine whether remote video trials should be continued and possibly expanded in the future—and, if expanded, how this may be done most effectively.

### **Alternatives Considered**

This proposal was originally conceived as a legislative proposal. But because there was insufficient time remaining in the 2012 legislative session, it was not possible to get a bill authorizing pilot remote video trials introduced and enacted this year.

One alternative considered was to wait until 2013 to seek legislation authorizing the pilot projects. But because of the urgency of the situation, it was deemed desirable to move ahead as quickly as possible on this initiative—developing rules and forms, effective January 1, 2013. Because these actions would be consistent with the Judicial Council’s rule-making authority and would not be inconsistent with any existing statute or law as long as defendants execute a voluntary and knowing waiver of rights, the Judicial Council may take action promptly to adopt the proposed rules and forms.

Even so, to provide direct statutory support for the pilot projects and codify certain provisions relating to the projects, legislation is recommended for next year. Though not necessary, this legislation will be helpful and provide a framework for further initiatives in the future regarding remote video trials and proceedings. Also, it will codify the procedures for waiver of deposit of bail in these remote video trial proceedings for traffic. And it will codify the confidentiality of the information provided in support of requests for waiver of bail deposits.

Even if the proposed legislation is eventually enacted, the rules and forms will still be needed because, unlike the more general authorizing legislation, they provide greater procedural clarity, detail as to timing and other matters, and specific means of implementation the initiatives.

### **Implementation Requirements, Costs, and Operational Impacts**

To implement the pilot projects established under the proposed rules and legislation, collaboration between courts, local cities and counties, law enforcement, and members of the public will be required. There will be a need for planning and the allocation of resources—including physical locations, technology, and staffing. There will also be a need to train public employees to act as deputy clerks and provide security for the remote video trials at the local community facilities and to provide information to the public.

The pilot projects, it should be emphasized, are purely voluntary. It will be up to the courts and agencies in each local community to determine if a remote video trials pilot project is appropriate in their situation. They will determine if the benefits outweigh the costs. Although there will be some additional expenses to establish the projects, there will also be 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. Especially important, access to the courts will be preserved for many who might otherwise lose this access.

Finally, because the proposed remote video trials are to be established on a pilot basis, with a requirement for evaluations and reports, the entire court system and the state will benefit from the experience with these initiatives.

## **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Are there any additional problems or difficulties with conducting video trials at remote locations—such as the handling of money and exhibits or the swearing in of witnesses—that need to be addressed in the proposed rules and legislation?
- Should the rules and legislation identify any additional types of infractions or situations in which remote video trials should—or should not—be held?
- Should the rules and legislation limit the use of remote hearings to arraignments and trial setting proceedings?

On the rules:

- Are the timelines provided in the rules appropriate or should they be modified? If so, how?

On the forms:

- Can the forms be revised to be clearer and easier to understand (for example, by breaking the second paragraph of the instruction forms into a series of bullet points and expanding the forms to two pages)?
- Is there any additional information that needs to be included on the forms?

On the legislation:

- Should the legislation be sought as urgency legislation (i.e., to become effectively immediately upon signature by the Governor)?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify the savings.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- How well would this proposal work in courts of different sizes?

## **Attachments**

1. Cal. Rules of Court, rules 4.220 and 4.230
2. Forms TR-500-INFO, TR-505, and TR-510, MC-900-INFO, and MC-905
3. Vehicle Code section 40904 and Education Code section 48297

Rules 4.220 and 4.230 of the California Rules of Court would be adopted, effective January 1, 2013, to read:

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

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

4  
5 With the approval of the Judicial Council, a superior court may establish by local  
6 rule a pilot project for a period of up to three years to permit trials and proceedings  
7 concerning the traffic infractions specified in (b) to be conducted by two-way  
8 remote video communication methods under the conditions stated below.

9  
10 **(b) Definitions**

11 For the purposes of this rule:

- 12  
13  
14 (1) “Infraction” means any alleged infraction involving a violation of this code  
15 or any local ordinance adopted pursuant to this code other than an infraction  
16 cited pursuant to Article 2 (commencing with section 23152) of Chapter 12  
17 of Division 11 of this code or violations of this code filed with an Informal  
18 Juvenile and Traffic Court under Sections 255 and 256 of the Welfare and  
19 Institutions Code.  
20  
21 (2) “Remote video trial” means a trial or other proceeding conducted by two-way  
22 electronic audiovisual communication between the defendant, any witnesses,  
23 and the court and between the defendant and any witnesses in lieu of the  
24 physical presence of both the defendant and any witnesses in the courtroom.  
25  
26 (3) “Due date” means the last date on which the defendant’s appearance is timely  
27 under this rule.  
28

29 **(c) Application**

30  
31 This rule establishes the minimum procedural requirements for the remote video  
32 trial of cases in which a defendant is charged with an infraction as defined in (b)  
33 and the request to proceed according to this rule is for a trial or other proceeding  
34 that is set for a date after December 31, 2012.  
35

36 **(d) Designation of locations**

37  
38 The court must designate the location or locations at which defendants may appear  
39 with any witnesses for remote video trials in infraction cases. The locations must be  
40 in a public place, and the remote video trials must be viewable by the public at the  
41 remote locations as well as at the courthouse.  
42

43 **(e) Election by defendant**

1  
2 The defendant may elect, but is not required, to proceed by remote video trial. Each  
3 defendant who elects to proceed by remote video trial must be given a copy of the  
4 *Instructions to Defendant for Remote Video Trial* (form TR-500-INFO) to provide  
5 a written notice of his or her right to be personally present in court at arraignment  
6 and trial, to have a separate arraignment and trial, to have a speedy trial within 45  
7 days, to confront and cross-examine witnesses in person in court, to subpoena  
8 witnesses on his or her own behalf, and to hire counsel at his or her own expense.  
9 To proceed by remote video trial, the defendant must execute a written waiver of  
10 the right to appear in person in court for arraignment and trial, the right to a  
11 separate arraignment and trial, the right to a speedy trial within 45 days, and the  
12 right to confront and cross-examine witnesses in person in court. The defendant  
13 must file a *Notice and Waiver of Rights and Request for Remote Video Trial* (form  
14 TR-505) with the clerk at least 5 calendar days before the appearance date indicated  
15 on the *Notice to Appear* or the extended due date as provided in (i). A defendant  
16 who is dissatisfied with the decision in a remote video trial may appeal the decision  
17 within 30 calendar days of entry of the judgment.  
18

19 **(f) Deposit of bail**

20  
21 If a defendant elects to proceed by remote video trial under this rule, the defendant  
22 must deposit bail at the same time in the amount established in the uniform traffic  
23 penalty schedule under Vehicle Code section 40310 at least 5 calendar days before  
24 the appearance date indicated on the *Notice to Appear* or the extended due date as  
25 provided in (i), unless the court grants a written petition to waive the deposit of  
26 bail. The defendant must deposit bail with the clerk or submit a *Petition for Waiver*  
27 *of Bail Deposit for Remote Video Trial* (form TR-510). The information on the  
28 petition form is confidential and may be made available only to authorized court  
29 personnel and any person authorized by the defendant. If the court does not rule on  
30 the petition within 10 court days, the petition is deemed to be granted. If the court  
31 denies a petition for waiver of bail deposit, the court may order the defendant to  
32 respond within 10 court days of the notice of the order by depositing bail to  
33 schedule a remote video trial or by appearing in court. If a defendant is found not  
34 guilty or if the charges are otherwise dismissed, the amount of the bail deposited  
35 under this rule, if any, must be refunded to the defendant within 30 calendar days.  
36

37 **(g) Appearance of witnesses**

38  
39 On receipt of the defendant's waiver of rights and request to appear as specified in  
40 (e), the court may permit law enforcement officers and other witnesses to testify at  
41 the remote location or in court and be cross-examined by the defendant from the  
42 remote location.  
43

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

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

8 **(i) Extending due date**  
9

10 If the clerk receives the defendant's written request for a remote video trial at least  
11 5 calendar days before the appearance date indicated on the *Notice to Appear* and  
12 the request is granted, the clerk must, within 10 court days after receiving the  
13 defendant's request, extend the appearance date by 25 calendar days and must  
14 provide notice to the defendant of the extended due date on the *Notice and Waiver*  
15 *of Rights and Request for Remote Video Trial* (form TR-505) with a copy of any  
16 other required forms.  
17

18 **(j) Notice to arresting officer**  
19

20 On receipt of the defendant's *Notice and Waiver of Rights and Request for Remote*  
21 *Video Trial* (form TR-505) and bail or request for waiver of bail deposit at least 5  
22 calendar days before the due date, if the request is granted, the clerk must deliver,  
23 mail, or e-mail a notice of the remote video trial to the arresting or citing law  
24 enforcement officer. The notice to the officer must specify a location and date for  
25 the remote video trial and provide an option for the officer to request at least 5  
26 calendar days before the appearance date to appear in court instead of at the remote  
27 location.  
28

29 **(k) Due dates and time limits**  
30

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

35 **(l) Ineligible defendants**  
36

37 If the defendant requests a remote video trial and the court determines that the  
38 defendant is not eligible, the clerk must extend the due date by 25 calendar days  
39 and notify the defendant of the determination and the new due date.  
40

41 **(m) Noncompliance**  
42

43 If the defendant does not comply with this rule (including depositing the bail  
44 amount, signing and filing all required forms, and complying with all time limits

1 and due dates), the court may deny a request for a remote video trial and may  
2 proceed as otherwise provided by statute.

3  
4 **(n) Fines, assessments, or penalties**

5  
6 This rule does not prevent or preclude the court from imposing on a defendant who  
7 is found guilty any lawful fine, assessment, or other penalty, and the court is not  
8 limited to imposing money penalties in the bail amount, unless the bail amount is  
9 the maximum and the only lawful penalty.

10  
11 **(o) Forms**

12  
13 The following forms are to be used to implement the procedures under this rule:

- 14  
15 (1) *Instructions to Defendant for Remote Video Trial* (form TR-500-INFO).  
16  
17 (2) *Notice and Waiver of Rights and Request for Remote Video Trial* (form TR-  
18 505).  
19  
20 (3) *Petition for Waiver of Bail Deposit for Remote Video Trial* (form TR-510).

21  
22 The clerk must provide the required forms without charge to any person who  
23 requests the forms or indicates that he or she is unable to deposit bail to schedule a  
24 remote video trial. Any completed *Petition for Waiver of Bail Deposit for Remote*  
25 *Video Trial* (form TR-510) and the information on the form are confidential and  
26 may be made available only to authorized court personnel and any person  
27 authorized by the defendant. If a defendant submits a petition without providing all  
28 required information to complete the form, the clerk may request that the defendant  
29 supply the omitted information, but may not refuse to file the petition. The clerk  
30 may not request that the defendant furnish information for the petition that is not  
31 required on the form or request that the defendant provide documents to support the  
32 information on the form.

33  
34 **(p) Local rules and forms**

35  
36 A court establishing a remote video trial project under this rule may adopt such  
37 local rules and forms as may be necessary or appropriate to implement the rule and  
38 the court's local procedures not inconsistent with this rule. A court may adopt a  
39 local rule to delegate to the clerk the authority to grant petitions for a waiver of bail  
40 deposit for a remote video trial under established criteria, but a court may not  
41 delegate to a clerk the authority to deny such a petition.  
42

1 **(q) Collection of information and reports on pilot project**

2  
3 Each court that establishes a pilot project under this rule must institute procedures  
4 for collecting and evaluating information about that court’s pilot project and must  
5 prepare semiannual reports to the Judicial Council that include an assessment of the  
6 costs and benefits of the project.  
7

8 **(r) Effective dates**

9  
10 This rule is adopted effective January 1, 2013, and remains in effect only until  
11 January 1, 2016, and as of that date is repealed, unless a rule adopted before  
12 January 1, 2016, repeals or extends that date.  
13  
14

15 **Rule 4.230. Remote hearings and trials in compulsory education proceedings**

16  
17 **(a) Authorization for pilot project**

18  
19 With the approval of the Judicial Council, a superior court may establish by local  
20 rule a pilot project for a period of up to three years to permit trials and proceedings  
21 concerning the infractions specified in (b) to be conducted by two-way remote  
22 video communication methods under the conditions stated below.  
23

24 **(b) Definitions**

25  
26 For the purposes of this rule:

- 27  
28 (1) “Infraction” means any alleged violation of section 48293 of the Education  
29 Code, except that the procedures for remote hearings and trials authorized in  
30 this rule do not apply to any case in which the juvenile court exercises  
31 jurisdiction over a violation as provided by section 601.4 of the Welfare and  
32 Institutions Code and section 48295 of the Education Code.  
33  
34 (2) “Remote video trial” means a trial or other proceeding conducted by two-way  
35 electronic audiovisual communication between the defendant, any witnesses,  
36 and the court in lieu of the physical presence of the defendant and any  
37 witnesses in the courtroom.  
38  
39 (3) “Due date” means the last date on which the defendant’s appearance is timely  
40 under this rule.  
41

1 **(c) Application**

2  
3 This rule establishes the minimum procedural requirements for infraction cases in  
4 which a defendant is charged with an infraction as defined in this rule and the trial  
5 or other proceeding is set for a date after December 31, 2012.

6  
7 **(d) Designation of locations**

8  
9 The court must designate the location or locations at which defendants may appear  
10 with witnesses for remote video trials in infraction cases. The locations must be in a  
11 public place, and the remote video trials must be viewable by the public at the  
12 remote locations as well as at the courthouse.

13  
14 **(e) Election by defendant**

15  
16 The defendant may elect, but is not required, to proceed by remote video trial. Each  
17 defendant who elects to proceed by remote video trial must be given a copy of the  
18 *Instructions to Defendant for Remote Video Trial* (form MC-900-INFO) to provide  
19 a written notice of his or her right to be personally present in court at arraignment  
20 and trial, to have a separate arraignment and trial, to have a speedy trial within 45  
21 days, to confront and cross-examine witnesses in person in court, to subpoena  
22 witnesses on his or her own behalf, and to hire counsel at his or her own expense.  
23 To proceed by remote video trial, the defendant must execute a written waiver of  
24 the right to appear in person in court for arraignment and trial, the right to a  
25 separate arraignment and trial, the right to a speedy trial within 45 days, and the  
26 right to confront and cross-examine witnesses in person in court. The defendant  
27 must file a *Notice and Waiver of Rights and Request for Remote Video Trial* (form  
28 MC-905) with the clerk at least 5 calendar days before the appearance date  
29 indicated on the notice of the hearing on the complaint, or the extended due date as  
30 provided in (h). A defendant who is dissatisfied with the decision in a remote video  
31 trial may appeal the decision within 30 calendar days of entry of the judgment.

32  
33 **(f) Appearance of witnesses**

34  
35 On receipt of the defendant's waiver of rights and request as specified in (e), the  
36 court may permit witnesses to testify at the remote location and be cross-examined  
37 by the defendant from the remote location.

38  
39 **(g) Authority of court to require physical presence of defendant and witnesses**

40  
41 Nothing in this rule is intended to limit the authority of the court to issue an order  
42 requiring the defendant or any witnesses to be physically present in the courtroom

1 in any proceeding or portion of a proceeding if the court finds that circumstances  
2 require the physical presence of the defendant or witness in the courtroom.

3  
4 **(h) Extending due date**

5 If the clerk receives the defendant’s written request for a remote video trial at least  
6 5 calendar days before the appearance date indicated on the notice of the hearing on  
7 the complaint and the request is granted, the clerk must, within 10 court days after  
8 receiving the defendant’s request, extend the appearance date by 25 calendar days  
9 and must provide notice to the defendant of the extended due date on the *Notice*  
10 *and Waiver of Rights and Request for Remote Video Trial* (form MC-905) with a  
11 copy of any other required forms.

12  
13 **(i) Notice**

14  
15 On receipt of the defendant’s *Notice and Waiver of Rights and Request for Remote*  
16 *Video Trial* (form MC-905) by the due date, if the request is granted, the clerk must  
17 deliver, mail, or e-mail a notice of the remote video trial to the school attendance  
18 review board charging the violation of section 48293 or its designee and the  
19 authority prosecuting the charge, specifying the location and date for the remote  
20 video trial.

21  
22 **(j) Due dates and time limits**

23  
24 Due dates and time limits must be as stated in this rule, unless extended by the  
25 court. The court may extend any date, but the court need not state the reasons for  
26 granting or denying an extension on the record or in the minutes.

27  
28 **(k) Ineligible defendants**

29  
30 If the defendant requests a remote video trial and the court determines that the  
31 defendant is not eligible, the clerk must extend the due date by 25 calendar days  
32 and notify the defendant by mail of the determination and new due date.

33  
34 **(l) Noncompliance**

35  
36 If the defendant does not comply with this rule (including signing and filing all  
37 required forms, and complying with all time limits and due dates), the court may  
38 deny a request for remote video trial and may proceed as otherwise provided by  
39 statute.

40  
41 **(m) Forms**

42  
43 The following forms are to be used to implement the procedures under this rule:

1 (1) *Instructions to Defendant for Remote Video Trial* (form MC-900-INFO).

2

3 (2) *Notice and Waiver of Rights and Request for Remote Video Trial* (form  
4 MC-905).

5

6 The clerk must provide the required forms without charge to any person who  
7 requests the forms.

8

9 **(n) Local rules and forms**

10

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

14

15 **(o) Collection of information and reports on pilot project**

16

17 Each court that establishes a pilot project under this rule must institute procedures  
18 for collecting and evaluating information about that court's pilot project and must  
19 prepare semiannual reports to the Judicial Council that include an assessment of the  
20 costs and benefits of the project.

21

22 **(p) Effective dates**

23

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

## INSTRUCTIONS TO DEFENDANT FOR REMOTE VIDEO TRIAL

A court, by local rule, may establish a pilot project to permit remote hearings in compulsory education proceedings. (Cal. Rules of Court, rule 4.230.) If the court in which your case is pending is participating in the pilot project, you may be able to appear by video at a remote location designated by the court, without having to make a personal appearance at the courthouse.

The remote video procedure is intended to provide a convenient process for resolving cases that can be easily decided by consideration of disputed facts and evidence through appearances by means of two-way audiovisual communication between the courthouse and a local community facility. A defendant who elects to appear by remote video trial must waive and give up certain rights that apply to trial of criminal offenses, including infractions under the Compulsory Education Law. The following instructions explain the procedure for requesting a remote video trial in these proceedings:

1. Completely fill out the *Notice and Waiver of Rights and Request for Remote Video Trial* (form MC-905) (*type or print clearly*). You must sign and date the form.
2. Return the completed and signed *Notice and Waiver of Rights and Request for Remote Video Trial* to the court clerk. A completed *Notice and Waiver of Rights and Request for Remote Video Trial* form must be received by the clerk **at least 5 calendar days before** the appearance date on the notice of the hearing on the complaint. If the request is denied or the form is received after the due date, the court may require a court appearance. **Failure to appear or file the request by the due date may subject you to other charges, penalties, assessments, and actions, including a warrant for your arrest or civil assessment of \$300.**
3. When the clerk receives a timely request for a remote video trial, the court will rule on the request within 10 court days and provide notice of the court's decision to the school attendance review board and the authority prosecuting the charge against you. If the court denies the request, the court may order you to respond within 10 court days of notice of the order by appearing in court.
4. After a remote video trial has been conducted, if you are dissatisfied with the court's decision, you may file an appeal within 30 days of entry of the judgment. But you will not have a right to a new trial ("trial de novo").
5. Always include your case number in any correspondence with the court.
6. **IMPORTANT:** You have the right to appear for an in-person arraignment and trial at the court. If you appear at 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 require the attendance of witnesses and the production of evidence on your behalf;
  - The right to appear in person in court for an arraignment to be informed of the charges against you, to be advised of your rights, and to enter a plea;
  - The right to request that a trial be scheduled for a date that is at least 5 days after your arraignment in court;
  - The right to have a speedy trial within 45 days;
  - 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 them in court.

**By voluntarily requesting to appear by remote video trial, you agree to waive (give up):**

- Your right to appear in person in court for arraignment and trial that are conducted on separate days;
- Your right to a speedy trial within 45 days; and
- Your 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 person in court.

NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY  <b>DRAFT-  NOT ADOPTED BY  JUDICIAL COUNCIL</b>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> vs.  DEFENDANT (Name):	CASE NUMBER:
<b>NOTICE AND WAIVER OF RIGHTS AND REQUEST FOR REMOTE VIDEO TRIAL</b> (Ed. Code, § 48290 et seq.)	

**Notice to Defendant of Rights**

- You have the right to appear in person in court for arraignment, to be informed of the charges against you, to be advised of your rights, and to enter a plea.
- You have the right to request that a trial be scheduled for a date that is at least 5 days 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 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.

**Waiver of Rights by Defendant**

I, (print your name): \_\_\_\_\_, am the defendant in this infraction case under the Education Code 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 trial (RVT) uses two-way electronic audiovisual communication between the court and me at the remote location instead of having me physically appear in the courtroom. I understand that by requesting RVT, I agree to appear at the designated off-site location so that the court may permit me to appear in my case by RVT for any proceedings. By requesting that the court allow me to proceed without being physically present in the courtroom and appear for all proceedings by RVT, I voluntarily elect to waive (give up) the following rights:

- My right to appear in person in court for arraignment and trial on separate days;
- My right to a speedy trial within 45 days; and
- My 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 of witnesses in court.

I have read the *Instructions to Defendant for Requesting a Remote Video Trial* (form MC-900-INFO) and understand that the court may deny my request at any time and order me to be present in the courtroom for any proceedings conducted in this case.

**Request by Defendant for Remote Video Trial**

I request to appear by remote video trial in this case.

I need an interpreter:  Yes  No (Language: \_\_\_\_\_)

I have an attorney to represent me: \_\_\_\_\_  
Name and Address of Attorney

Date: \_\_\_\_\_  
\_\_\_\_\_ Defendant's Signature

\_\_\_\_\_ Defendant's Phone Number \_\_\_\_\_ Defendant's Street Address/City/State/ZIP

**Please return 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: \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
Type of Hearing Date Time

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

## INSTRUCTIONS TO DEFENDANT FOR REMOTE VIDEO TRIAL

Vehicle Code section 40901 allows courts to adopt rules to conduct trials for infraction violations of the Vehicle Code. A court, by local rule, may establish a pilot project to permit remote video trials for traffic infraction proceedings. (Cal. Rules of Court, rule 4.220.) If the court where your case is filed has a local rule to participate in the pilot project, you may be able to appear by video at a remote location designated by the court, without having to make a personal appearance at the courthouse. Remote video trials are available in cases involving infraction violations of the Vehicle Code or of local ordinances adopted under the Vehicle Code. The procedure does not apply to traffic offenses that are filed in Informal Juvenile and Traffic Court under the Welfare and Institutions Code. The procedure is intended to provide a convenient process for resolving cases that can be easily decided by consideration of disputed facts and evidence introduced through appearances by means of two-way audiovisual communication between the courthouse and a local community facility. A defendant who elects to appear by remote video trial must waive (give up) certain rights that apply to trial of criminal offenses, including traffic infractions. The following instructions explain the procedure for requesting a remote video trial for traffic infraction citations:

1. Completely fill out the *Notice and Waiver of Rights and Request for Remote Video Trial* (form TR-505) (*type or print clearly*). You must sign and date the form.
2. Return the completed and signed *Notice and Waiver of Rights and Request for Remote Video Trial* and pay the required bail amount to the court or complete and file with the court a *Petition for Waiver of Deposit of Bail for Remote Video Trial* (form TR-510). A completed *Notice and Waiver of Rights and Request for Remote Video Trial* form and the required bail amount or petition must be received by the clerk **at least 5 calendar days before** the appearance date on the Notice to Appear citation. If the request is denied or the form is received after the due date or without deposit of bail or petition to waive the deposit, the court may require a court appearance or bail deposit to schedule a trial. **Failure to appear or file the request and deposit bail or file the petition by the due date may subject you to other charges, penalties, assessments, and actions, including a civil assessment of \$300 and a hold on your driver's license.**
3. When the clerk receives a timely request for a remote video trial with a bail deposit or petition for bail deposit waiver, the court will rule on the request within 10 court days and provide notice of the court's decision. If the court denies a petition for waiver of bail deposit, the court may order you to respond within 10 court days of notice of the order either by depositing bail to schedule a remote video trial or by appearing in court. The court will notify the officer of the date and location to appear. The court may grant a request by the officer and any witnesses to appear in court to testify and be cross-examined while you appear at the remote location.
4. After a remote video trial has been conducted, if you are dissatisfied with the court's decision, you may file an appeal within 30 days of entry of the judgment. You will not have a right to a new trial ("trial de novo").
5. Always include your citation number in any correspondence with the court.
6. **IMPORTANT:** You have the right to appear for an in-person arraignment and trial at the court. If you appear at 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 for an arraignment to be informed of the charges against you, to be advised of your rights, and to enter a plea;
  - The right to request that a trial be scheduled for a date that is at least 5 days after your arraignment in court;
  - The right to have a speedy trial within 45 days;
  - 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 by remote video trial, you agree to waive (give up):**

- Your right to appear in person in court for an arraignment and a trial that are conducted on separate days;
- Your right to a speedy trial within 45 days; and
- Your 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 person in court.

NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY  <b>DRAFT-                  NOT ADOPTED BY                  JUDICIAL COUNCIL</b>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> vs.  DEFENDANT (Name):	
<b>NOTICE AND WAIVER OF RIGHTS AND REQUEST FOR                  REMOTE VIDEO TRIAL (Veh. Code, § 40901)</b>	CASE NUMBER:

**Notice to Defendant of Rights:**

- You have the right to appear in person in court for arraignment, to be informed of the charges against you, to be advised of your rights, and to enter a plea.
- You have the right to request that a trial be scheduled for a date that is at least 5 days 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.

**Waiver of Rights by Defendant:**

I, (print your 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 trial (RVT) uses two-way electronic audiovisual communication between the court and me at the remote location instead of having me physically appear in the courtroom. I understand that by requesting RVT, I agree to appear at the designated off-site location so that the court may permit me to appear in my case by RVT for any proceedings. By requesting that the court allow me to proceed without being physically present in the courtroom and appear for all proceedings by RVT, I voluntarily elect to waive (give up) the following rights:

- My right to appear in person in court for arraignment and trial on separate days;
- 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 Trial* (form TR-500-INFO), and understand that the court may permit witnesses to appear in court to testify and be cross-examined while I appear by RVT and may deny my request at any time and order me to be present in the courtroom for any proceedings conducted in this case.

**Request by Defendant to Appear by Remote Video Trial**

I request to appear by remote video trial in this case.

I  enclose bail of \$\_\_\_\_\_ or attach  *Petition for Waiver of Bail Deposit for Remote Video Trial* (form TR-510).

I need an interpreter:  Yes  No (Language: \_\_\_\_\_)

I have an attorney to represent me: \_\_\_\_\_  
Name of Attorney

Date: \_\_\_\_\_  
Defendant's Signature  
 \_\_\_\_\_  
Defendant's Phone Number Defendant's Street Address/City/State/ZIP

**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: \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
Type of Hearing Date Time

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

Clerk stamps date here when form is filed.

DRAFT- NOT APPROVED BY THE JUDICIAL COUNCIL

You are required to deposit bail before you may use a remote video trial to contest your traffic infraction citation. You may use this form to ask the court to waive (excuse) that requirement. You may ask for a waiver of bail deposit if, for example, you do not have the financial ability to pay the bail at this time. The court may order you to answer questions about your finances. If the court waives the deposit of bail, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
• Your financial situation improves during this case, or
• After the court waives your deposit of bail, the court finds you guilty and imposes, fines, penalties, and fees at sentencing.

Fill in court name and street address:

Empty box for court name and street address.

Fill in case number and name:

Boxes for Citation Number and Case Name.

1 Your Information (person asking the court to waive deposit of bail):

Name: \_\_\_\_\_

Street or mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP \_\_\_\_\_

Phone number: \_\_\_\_\_

2 Your Job, if you have one (job title): \_\_\_\_\_

Name of employer: \_\_\_\_\_

Employer's address: \_\_\_\_\_

3 Your lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

\_\_\_\_\_

4 What is the bail deposit amount to be waived? \$ \_\_\_\_\_

5 Why are you asking the court to waive your deposit of bail for a remote video trial?

a. I receive (check all that apply):

- Medi-Cal Cal Fresh SSI SSP County Relief/General Assistance
IHSS (In-Home Supportive Services) CalWORKS or Tribal TANF (Tribal Temporary Assistance for Needy Families) CAPI (Cash Assistance Program for Aged, Blind, and Disabled)

b. My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b you must fill out 7, 8, and 9 on page 2 of this form.)

Table with 6 columns: Family Size, Family Income, Family Size, Family Income, Family Size, Family Income. Includes a note: 'If more than 6 people at home, add \$412.50 for each extra person.'

c. I do not have enough income, assets, or available credit to pay for my household's basic needs and deposit bail.

(Explain): \_\_\_\_\_ (If you check 5c, you must fill out all of page 2 to provide additional information.)

6 Check here if you asked for waiver of your court fees or deposit of bail for another case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here: [ ])

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. In requesting that the court to waive my deposit of bail, I promise to appear for all proceedings ordered by the court. I understand that if I do not appear as promised the court may impose penalties, including a civil assessment of \$300, report the failure to appear to the Department of Motor Vehicles, and refer the matter to collections.

Date: \_\_\_\_\_

Print your name here

Sign here

Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

7  Check here if your income changes a lot from month to month. Fill out below based on your average income for the past 12 months.

8 Your Monthly Income

- a. Gross monthly income (before deductions): \$ \_\_\_\_\_
List each payroll deduction and amount below:
(1) \_\_\_\_\_ \$ \_\_\_\_\_
(2) \_\_\_\_\_ \$ \_\_\_\_\_
(3) \_\_\_\_\_ \$ \_\_\_\_\_
(4) \_\_\_\_\_ \$ \_\_\_\_\_
b. Total deductions (add 8a (1)-(4) above): \$ \_\_\_\_\_
c. Total monthly take-home pay (8a minus 8b): \$ \_\_\_\_\_
d. List the source and amount of any other income you get each month, including: spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.
(1) \_\_\_\_\_ \$ \_\_\_\_\_
(2) \_\_\_\_\_ \$ \_\_\_\_\_
(3) \_\_\_\_\_ \$ \_\_\_\_\_
(4) \_\_\_\_\_ \$ \_\_\_\_\_
e. Your total monthly income is (8c plus 8d): \$ \_\_\_\_\_

9 Household Income

- a. List all other persons living in your home and their income; include only your spouse and all individuals who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.
Table with columns: Name, Age, Relationship, Gross Monthly Income
(1) \_\_\_\_\_ \$ \_\_\_\_\_
(2) \_\_\_\_\_ \$ \_\_\_\_\_
(3) \_\_\_\_\_ \$ \_\_\_\_\_
(4) \_\_\_\_\_ \$ \_\_\_\_\_
b. Total monthly income of persons above: \$ \_\_\_\_\_
Total monthly income and household income (8e plus 9b): \$ \_\_\_\_\_

To list other facts for the court to consider in deciding whether to waive the deposit of bail, you may attach form MC-025. You may also attach a sheet of paper with your name and case number at the top and other facts you wish to present. Check here if you attach another page. 
Important! If your financial situation improves and you are able to deposit bail, you must notify the court within five days.

10 Your Money, Assets, and Property

- a. Cash ----- \$ \_\_\_\_\_
b. All financial and credit accounts (List bank and available balance):
(1) \_\_\_\_\_ \$ \_\_\_\_\_
(2) \_\_\_\_\_ \$ \_\_\_\_\_
(3) \_\_\_\_\_ \$ \_\_\_\_\_
(4) \_\_\_\_\_ \$ \_\_\_\_\_
c. Cars, boats, and other vehicles
Table with columns: Make / Year, Fair Market Value, How Much You Still Owe
(1) \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
(2) \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
(3) \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
d. Real estate
Table with columns: Address, Fair Market Value, How Much You Still Owe
(1) \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
(2) \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
(3) \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
e. Other personal property (stocks, bonds, jewelry, furniture, collectables, antiques, art, etc.):
Table with columns: Describe, Fair Market Value, How Much You Still Owe
(1) \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
(2) \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
(3) \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

11 Your Monthly Expenses

- (Do not include payroll deductions you already listed in 8b.)
a. Rent or house payment & maintenance \$ \_\_\_\_\_
b. Food and household supplies \$ \_\_\_\_\_
c. Utilities and telephone \$ \_\_\_\_\_
d. Clothing \$ \_\_\_\_\_
e. Laundry and cleaning \$ \_\_\_\_\_
f. Medical and dental expenses \$ \_\_\_\_\_
g. Insurance (life, health, accident, etc.) \$ \_\_\_\_\_
h. School, child care \$ \_\_\_\_\_
i. Child, spousal support (another marriage) \$ \_\_\_\_\_
j. Transportation, gas, auto repair and insurance \$ \_\_\_\_\_
k. Installment payments (list each below):
Paid to:
(1) \_\_\_\_\_ \$ \_\_\_\_\_
(2) \_\_\_\_\_ \$ \_\_\_\_\_
(3) \_\_\_\_\_ \$ \_\_\_\_\_
l. Wages/earnings withheld by court order \$ \_\_\_\_\_
m. Any other monthly expenses (list each below). \$ \_\_\_\_\_
Paid to:
(1) \_\_\_\_\_ \$ \_\_\_\_\_
(2) \_\_\_\_\_ \$ \_\_\_\_\_
(3) \_\_\_\_\_ \$ \_\_\_\_\_
Total monthly expenses (add 11a -11m above): \$ \_\_\_\_\_

Section 40904 would be added to the Vehicle Code and section 48297 would be added to the Education Code to read as follows:

***Section 40904 is added to the Vehicle Code, to read:***

Section 40904. (a) Notwithstanding any other provision of law, a superior court with the approval of the Judicial Council may by local rule establish a pilot project for a period of up to three years to permit trials and proceedings concerning the infractions specified in subdivision (b) to be conducted by two-way remote video communication methods under the conditions, and subject to the rules adopted pursuant to this section, as set forth below.

(b) For the purposes of this section:

(1) “Infraction” means any alleged infraction involving a violation of this code or any local ordinance adopted pursuant to this code other than an infraction cited pursuant to Article 2 (commencing with section 23152) of Chapter 12 of Division 11 of this code or violations of this code filed with an Informal Juvenile and Traffic Court under Sections 255 and 256 of the Welfare and Institutions Code.

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

(c) This section applies to cases in which a defendant is charged with an infraction as defined in this section and the trial or other proceeding is set for a date after December 31, 2012.

(d) The defendant may elect, but is not required, to proceed by remote video trial. Each defendant who elects to proceed by remote video trial must be given a written notice of his or her right to be personally present in court at arraignment and trial, to have a separate arraignment and trial, to have a speedy trial within 45 days, to confront and cross-examine witnesses in person in court, to subpoena witnesses on his or her own behalf, and to hire counsel at his or her own expense. To proceed by remote video trial, the defendant must execute a written waiver of the right to appear in person in court for arraignment and trial, the right to have a separate arraignment and trial, the right to a speedy trial within 45 days, and the right to confront and cross-examine witnesses in person in court. A defendant who is dissatisfied with the court’s decision in a remote video trial may appeal the decision within 30 calendar days of entry of the judgment.

(e)(1) If a defendant elects to proceed by remote video trial under this section, the defendant shall at the same time deposit bail in the amount established in the uniform traffic penalty schedule under Section 40310, unless the court grants a written petition to waive the deposit of bail. If a defendant is found not guilty or if the charges are otherwise dismissed, the amount of the bail deposited under this section, if any, shall be refunded to the defendant within 30 calendar days.

(2) A defendant that files a written petition for waiver of bail deposit for a remote video trial shall complete, under penalty of perjury, a Judicial Council form requiring the defendant to provide information regarding his or her financial circumstances and other reasons for being granted a waiver of bail deposit.

(3) The clerk shall provide forms adopted by the Judicial Council under this section without charge to any person who requests those forms or indicates that he or she is unable to deposit bail to schedule a remote video trial.

(4) Financial information provided by a defendant under this section is confidential and shall be made available only to authorized court personnel and any person authorized by the defendant.

(5) All written petitions for a waiver of bail deposit for a remote video trial that are submitted on the required Judicial Council form shall be accepted for filing. If a defendant submits a petition without providing all required information to complete the Judicial Council form, the clerk may request that the defendant supply the omitted information, but shall not refuse to file the petition. The clerk shall not request that the defendant furnish information for the petition that is not required on the form or request that the defendant provide documents to support the information on the form.

(6) A petition for a waiver of bail deposit under this section is deemed granted 10 court days after it is filed, unless before that time, the court gives notice of action on the petition. If the court denies a petition for waiver of bail deposit, the court may order the defendant to respond within 10 court days of the notice of the order by depositing bail to schedule a remote video trial or by appearing in court.

(f) The court shall designate the location or locations at which defendants and any witnesses may appear for remote video trials in infraction cases. Remote video trials shall be conducted in a public place, and the remote video trials shall be viewable by the public at the remote locations as well as at the courthouse.

(g) Upon receipt of the defendant's waiver and request as specified in (d), the court may permit law enforcement officers and other witnesses to testify at the remote location or in court and be cross-examined by the defendant from the remote location.

(h) Nothing in this section shall be interpreted to limit the authority of the court to issue an order requiring the defendant and any witnesses to be physically present in the courtroom for any offense or any proceeding or portion thereof if the court finds that circumstances require the physical presence of the defendant or witness in the courtroom.

(i) The Judicial Council and each court establishing a remote video trial project shall adopt such rules and forms as may be necessary or appropriate to implement this section.

(j) Each court that establishes a pilot project pursuant to this section shall institute procedures for collecting and evaluating information regarding that court's pilot project and shall prepare semi-annual reports to the Judicial Council that shall include an assessment of the costs and benefits of the project.

(k) The Judicial Council shall conduct an evaluation of the pilot projects and shall report to the Legislature, on or before January 1, 2015, on the evaluation. The council shall also make recommendations to the Legislature regarding the establishment of statewide authorization for trials and other proceedings by remote two-way methods of communication.

(l) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a statute enacted before January 1, 2016, repeals or extends that date.

***Section 48297 is added to the Education Code, to read:***

Section 48297. (a) Notwithstanding any other provision of law, a superior court with the approval of the Judicial Council may by local rule establish a pilot project for up to three years to permit trials and proceedings concerning the infractions under this Article to be conducted by

two-way remote video communication methods under the conditions, and subject to the rules adopted pursuant to this section, as set forth below.

(b) For the purposes of this section, “remote video trial” means a trial or other proceeding conducted by two-way electronic audiovisual communication between the defendant, any witnesses, and the court in lieu of the physical presence of the defendant and any witnesses in the courtroom.

(c) This section applies to cases in which a defendant is charged with an infraction under this Article and the trial or other proceeding is set for a date after December 31, 2012.

(d) The defendant may elect, but is not required, to proceed by remote video trial. Each defendant who elects to proceed by remote video trial must be given a written notice of his or her right to be personally present in court at arraignment and trial, to have a separate arraignment and trial, to have a speedy trial within 45 days, to confront and cross-examine witnesses in person in court, to subpoena witnesses on his or her own behalf, and to hire counsel at his or her own expense. To proceed by remote video trial, the defendant must execute a written waiver of the right to appear in person in court for arraignment and trial, the right to have a separate arraignment and trial, the right to a speedy trial within 45 days, and the right to confront and cross-examine witnesses in person in court. A defendant who is dissatisfied with the court’s decision in a remote video trial may appeal the decision within 30 calendar days of the judgment.

(e) The clerk shall provide forms adopted by the Judicial Council under this section without charge to any person who requests those forms.

(f) The court shall designate the location or locations at which defendants and any witnesses may appear for remote video trials. Remote video trials shall be conducted in a public place, and the remote video trials shall be viewable by the public at the remote locations as well as at the courthouse.

(g) Upon receipt of the defendant’s waiver and request as specified in (d), the court may permit law enforcement officers and other witnesses to testify at the remote location.

(h) Nothing in this section shall be interpreted to limit the authority of the court to issue an order requiring the defendant and any witnesses to be physically present in the courtroom for any offense or any proceeding or portion thereof if the court finds that circumstances require the physical presence of the defendant or witness in the courtroom.

(i) The Judicial Council and each court establishing a remote video trial project shall adopt such rules and forms as may be necessary or appropriate to implement this section.

(j) Each court that establishes a pilot project pursuant to this section shall institute procedures for collecting and evaluating information regarding that court’s pilot project and shall prepare semi-annual reports to the Judicial Council that shall include an assessment of the costs and benefits of the project.

(k) The Judicial Council shall conduct an evaluation of the pilot projects and shall report to the Legislature, on or before January 1, 2015, on the evaluation. The council shall also make recommendations to the Legislature regarding the establishment of statewide authorization for trials and other proceedings by remote two-way methods of communication.

(l) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a statute enacted before January 1, 2016, repeals or extends that date.