



JUDICIAL COUNCIL OF CALIFORNIA

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April 6, 2016

Hon. Mark Stone, Chair
Assembly Judiciary Committee
State Capitol, Room 5155
Sacramento, California 95814

Subject: AB 2871 (Obernolte), as introduced – Support/Sponsor
Hearing: Assembly Judiciary Committee – April 12, 2016

Dear Assembly Member Stone:

The Judicial Council is pleased to support and sponsor AB 2871, which increases the efficiency of traffic courts by amending Vehicle Code section 40902 to require a person accused of most Vehicle Code infractions to choose either a trial by written declaration or a hearing, but not both.

Under existing law, a person charged with a Vehicle Code infraction may elect to have a trial by written declaration on the alleged infraction, with the exception of drug and alcohol infractions (Veh. Code § 40310). If the person is dissatisfied with a decision of the court in that proceeding, the person is entitled to a “trial de novo” or trial before a Traffic Court, which, by allowing the person two trials on the same issue as a matter of right, results in a waste of court resources. In some counties, a trial de novo is requested in a large percentage of cases when the person has not prevailed on the trial by written declaration. Rather than providing a convenient way for a traffic violator who lives an impractical or inconvenient distance from the court to contest matters, the process is being used to give traffic violators a second bite of the apple to win a case.

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AB 2871 increases the efficiency of traffic courts by amending Vehicle Code section 40902 to require persons accused of most Vehicle Code infractions to choose either a trial by written declaration or trial before the court, but not both.

For these reasons, the Judicial Council is pleased to support and sponsor AB 2871.

Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121.

Sincerely,



Cory T. Jasperson
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Members, Assembly Judiciary Committee
Hon. Jay Obernolte, Member of the Assembly
Ms. Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Mr. Paul Dress, Consultant, Assembly Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California