

## **Title 4. Criminal and Traffic Rules**

### **Chapter 1. General Provisions**

#### **Rule 4.1. Title**

The rules in this title may be referred to as the Local Criminal and Traffic Rules.

*Rule 4.1 effective January 1, 2008.*

#### **Rule 4.10. Application**

The Local Criminal and Traffic Rules apply to all criminal and traffic cases in the court, unless otherwise provided in these rules or by a statute or a rule in the California Rules of Court.

*Rule 4.10 effective January 1, 2008.*

### **Chapter 2. Criminal Rules**

#### **Rule 4.100. Organization**

- (a) All criminal court assignments and filing directives, including those for collaborative courts, may be established via General Directive of the Presiding Judge pursuant to California Rules of Court, Rule 10.603(b).

*Rule 4.100 amended and renumbered effective July 1, 2018; adopted as section 'A' of Appendix to Chapter 8 effective August 1, 2000; previously amended effective March 1, 2005; amended and renumbered effective January 1, 2008.*

#### **Rule 4.110. Adoption of uniform bail schedules**

Uniform countywide bail schedules for felony, misdemeanor, and infraction offenses will be revised and approved by the Executive Committee annually or at such other time the committee determines it is necessary or appropriate to do so.

*Rule 4.110 amended and renumbered effective January 1, 2008; adopted as section 'F' of Appendix to Chapter 8 effective January 1, 2007.*

#### **Rule 4.120. Special circumstances cases**

All informations and indictments whereupon the District Attorney's Office seeks the penalty of death must be calendared and assigned for trial out of Department 11.

*Rule 4.120 amended and renumbered effective January 1, 2008; adopted as section 'D' of Appendix to Chapter 8 effective August 1, 2000.*

**Rule 4.130. Withdrawal of time waiver**

Withdrawal of a time waiver for trial under Penal Code section 1382 in felony and misdemeanor cases must be declared in open court at either a regularly scheduled appearance or at an appearance added to the calendar for that purpose after proper notice to all parties.

*Rule 4.130 effective July 1, 2009.*

**Rule 4.140. Deadline for filing petitions to revoke supervision [Repealed]**

*Rule 4.140 repealed effective July 1, 2018; adopted effective August 23, 2013.*

**Rule 4.150. Exhibits posing security or safety problem**

**(a) Definitions**

As used in this rule:

- (1) "Biological material" means blood, urine, human or animal tissue, other biological item requiring refrigeration or humidity controlled storage, or any material that may be subjected to forensic DNA testing under Penal Code section 1405.
- (2) "Bulky" means anything that exceeds one cubic foot in volume.
- (3) "Hazardous material" means the controlled substances enumerated in Health and Safety Code sections 11054 through 11058.
- (4) "Heavy" means anything that exceeds three pounds by weight.
- (5) "Security or safety risk" means cash, firearms, sharp objects, or any explosive, flammable or corrosive device or material.

**(b) Exhibit precautions**

- (1) Any exhibit that contains biological or hazardous material, or poses a security or safety risk must be securely sealed and protected against breakage so that no contents or odors can be released that may harm court personnel. Containers of biological or hazardous material must be clearly marked and identified as to type, amount and weight.

- (2) The court bailiff must examine any firearm to make sure that the firearm has been secured and rendered inoperable.
- (3) Any package containing cash must specifically list the total amount of cash contained and the number and amount of each denomination.

**(c) Responsibility for certain exhibits**

The court is not required to accept or store the following types of exhibits:

- (1) Any bulky or heavy item.
- (2) Any explosive, flammable or corrosive material.
- (3) Any item containing pressurized material.
- (4) Any material requiring refrigeration or humidity controlled storage.
- (5) Any material used for displaying exhibits except in capital case.

Following introduction of any of the above types of exhibits, the party that brought the exhibit to court may be ordered to re-assume responsibility, care, and custody of it at the conclusion of the court proceeding.

*Rule 4.150 amended and renumbered effective July 1, 2018; adopted effective July 1, 2015.*

**Rule 4.160. CALICO recordings and transcripts**

**(a) Application**

This rule applies in all criminal cases to all video recordings and transcripts of interviews conducted by the Child Abuse Listening, Interviewing and Coordination (CALICO) center.

**(b) Restrictions**

CALICO video recordings and transcripts must not be:

- (1) Publicly shown except during judicial proceedings in the pending case.
- (2) Provided or shown to anyone outside the prosecution and defense offices except persons necessary for the preparation or presentation of the case. Before a CALICO recording or transcript

is provided or shown to another person, that person must be provided a copy of this rule.

- (3) Used by the defense for any purpose other than to prepare for the defense of the named defendant in the pending case.
- (4) Provided or shown to any member of the media.
- (5) Duplicated except as necessary for the prosecution or defense of the case. Any duplicate is governed by this rule as if it were an original.

**(c) Noncompliance**

Failure to comply with this rule may result in sanctions.

*Rule 4.160 adopted effective July 1, 2021.*

**Chapter 3. [Reserved]**

**Chapter 4. Traffic Rules**

**Rule 4.300. Transfer to county seat**

Motions to transfer the place of appearance for a traffic citation to the county seat under Vehicle Code section 40502(b) must be made at the time of arraignment.

*Rule 4.300 amended and renumbered effective January 1, 2008; adopted as rule 9.0 effective May 19, 1998; previously amended effective July 1, 1998 and July 1, 1999.*

**Rule 4.310. Trial by declaration**

Any defendant may request a trial by written declaration as allowed by Vehicle Code section 40902. Trials by declaration will be processed in accordance with the provisions of California Rules of Court, rule 4.210.

*Rule 4.310 adopted effective January 1, 2008.*

**Rule 4.320. Trial by declaration in absentia**

Under Vehicle Code section 40903, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, involving a violation of the Vehicle Code or any local ordinance adopted pursuant to that code. In eligible

cases the court will conduct the trial in absentia and it will be adjudicated on the basis of the notice to appear issued under Vehicle Code section 40500 and any business record or receipt, sworn declaration of the arresting officer, or written statement or letter signed by the defendant that is in the file at the time the trial by declaration is conducted.

If the court finds the defendant guilty, the conviction will be reported to the Department of Motor Vehicles and the court will notify the defendant, by first class mail, of the disposition of the case, the amount of imposed fines and fees, and the defendant's right to request a trial de novo within the time specified in the notice. In order to have a trial de novo, the defendant must submit a written request on Judicial Council form TR-220 and pay the total amount due within the time specified in the notice. If the defendant makes no timely request for a trial de novo and has not paid the fines and fees by the due date, the case will proceed to civil assessment as provided under Penal Code section 1214.1.

*Rule 4.320 effective July 1, 2009; adopted as Trial by declaration in Photo Red Light Citation cases effective January 1, 2008; previously repealed effective February 1, 2009.*

**Rule 4.330. Continuances**

A request to continue a traffic trial must be received by the court ten days before the date of the trial. No request for continuance received after that date will be granted unless the interests of justice require a continuance.

*Rule 4.330 adopted effective January 1, 2008.*

**Rule 4.335. Defendant's personal appearance required at trial**

The defendant must be personally present at the time of trial unless there is a stipulation regarding the issue of identity.

*Rule 4.335 adopted effective January 1, 2011.*

**Rule 4.340. Motion to re-open case adjudicated by bail forfeiture**

Any motion to reopen a conviction reported to the Department of Motor Vehicles following a bail forfeiture under Vehicle Code section 40512 or reported as a failure to complete traffic violator school under Vehicle Code section 40512.6 shall be filed with the Traffic Division no later than 180 days from the date of the bail forfeiture, unless good cause is shown.

*Rule 4.340 adopted effective January 1, 2008.*