**IRLJ 2.6**

**SCHEDULING OF HEARINGS**

**(a) Contested Hearings.**

(1) [Unchanged.]

(2) The court shall send the defendant written notice of the time, place, and date of the hearing within twenty-one (21) days of the receipt of the request for a hearing. The notice of the hearing shall also include statements advising the defendant of the defendant's rights at the hearing, how the defendant may request that witnesses be subpoenaed, and stating that failure to appear may be a crime for which the defendant may be arrested, and, in a traffic infraction case, the defendant’s privilege to operate a motor vehicle may be suspended if the person was cited with a moving violation. The notice must also state, in a traffic infraction case, how a defendant may request waiver or remission of the fine(s) assessed, a payment plan, or other monetary relief authorized under IRLJ 3.5 if they do not prevail. If a local rule is adopted implementing sections (a)(1)(i) and (ii), the court shall advise the defendant in the notice of the defendant’s right to waive the prehearing conference.

(3)-(4) [Unchanged.]

**(b) Mitigation Hearings.**

(1) [Unchanged.]

(2) The court shall send the defendant written notice of the time, place, and date of the hearing within 21 days of the request for a hearing. The notice shall also include statements advising the defendant of the defendant's rights at the hearing and stating that failure to appear may be a crime for which the defendant may be arrested, and, in a traffic infraction case, that the defendant's privilege to operate a motor vehicle may be suspended if cited with a moving violation. The notice shall also include, in a traffic infraction case, information about how the defendant may request waiver or remission of the fine(s) assessed, or a payment plan, authorized under IRLJ 3.5, if they do not prevail.

(3) [Unchanged.]

**(c) Decisions on Written Statements.** If the court has adopted a local rule authorizing decisions on written statements submitted by mail, or e-mail, it shall, upon receipt of a statement pursuant to rule 2.4(b)(4), consider the case in accordance with rule 3.~~5~~6. The requirements of GR 30(d) are not applicable to e-mail statements submitted pursuant to rule 2.4(b)(4). The court is not required to notify the parties of a date for the examination of the statements.

(**d**) **Inability To Pay**

(1) Within twenty-one (21) days of receiving a response submitted pursuant to IRLJ 2.4(b)(4), the court shall send the defendant a “Petition and Order” for a traffic infraction payment plan, as required in IRLJ 3.5(a), with written instructions on how to complete these forms and request a payment plan, in addition to a phone number the defendant can call for information. The court shall also make available on its website and at the courthouse the written instructions and forms.

(2) The judicial officer may schedule the petition for a hearing or consider the petition ex parte without a hearing no sooner than five (5) business days from the filing of the petition.

(3) The infraction shall be dismissed if the court does not follow the procedures outlined in subsection (1) of this section within twenty-one (21) days of the receipt of the notice of inability to pay.

**(~~d~~e) Objection to Hearing Date.** A defendant who objects to the hearing date set by the court upon the ground that it is not within the time limits prescribed by this rule shall file with the court and serve upon the prosecuting authority a written motion for a speedy hearing date within 10 days after the notice of hearing is mailed or otherwise given to the defendant. Failure of a party, for any reason, to make such a motion shall be a waiver of the objection that a hearing commenced on such a date is not within the time limits prescribed by this rule. The written notice of the hearing date shall contain a copy of IRLJ 2.6(~~d~~e).

**(~~e~~f) Time for Hearing; Effect of Delay or Continuances.** A motion for dismissal for the failure to hold a hearing within the time period provided by this rule shall not be granted if the failure to hold the hearing was attributable to the defendant or the defendant’s counsel.

**(~~f~~g) Dismissal With Prejudice.** An infraction not brought to hearing within the time period provided by this rule shall, upon motion, be dismissed with prejudice.

**(~~g~~h) Change of Judge.** The provisions of CRLJ 40(f) apply.