**IRLJ 3.4**

**HEARING ON MITIGATING CIRCUMSTANCES**

**(a)-(b)** [Unchanged.]

**(c) Disposition.** The court shall determine whether the defendant’s explanation of the events justifies reduction of the monetary penalty. The court shall enter an order finding the defendant committed the infraction and may assess a monetary penalty and, in a traffic infraction case, only after determining the defendant’s ability to pay in accordance with IRLJ 3.5. The court may not impose a penalty in excess of the monetary penalty provided for the infraction by law. The court may waive or suspend a portion of the monetary penalty, or provide for time payments, or in lieu of monetary payment provide for the performance of community restitution as provided by law and, in a traffic infraction case, in accordance with the procedures set forth in IRLJ 3.5. The court has continuing jurisdiction and authority to supervise disposition for not more than one (1) year. A defendant may request relief in accordance with IRLJ 3.5 at any time.