
Infraction Rules for Courts of Limited Jurisdiction

IRLJ 3.5 LOCAL RULE OPTIONS

(a) Decisions on Written Statements.

(1) Contested Hearing Procedures. The court shall examine the citing officer's report and any statement or documents submitted by the defendant. The examination may be held in chambers and shall take place within one hundred and twenty (120) days after the defendant filed the response to the notice of infraction. The court shall determine whether the plaintiff has proved by a preponderance of the evidence submitted whether the infraction was committed.

(2) Mitigation Hearing Procedures. A mitigation hearing based on a written statement may be held in chambers and shall take place within 120 days after the defendant filed the response to the notice of infraction.

(3) Notice to Defendant. The court shall notify the defendant in writing of its decision, including any penalty imposed.

(4) No Appeal Permitted. There shall be no appeal from a decision on written statements.

(b) Telephonic or Video Conference Mitigation Hearings.

(1) Local Rule Permitted. A court may adopt a local rule permitting defendants to appear at a mitigation hearing by telephone or video conference in lieu of an in-person appearance, such proceedings are open to the public.

(2) Requirements. Such local rule shall comply with the requirements that the hearings shall be conducted on the record and the defendant be advised that the hearing is being audio recorded, and the court shall advise the defendant in writing of its decision and any penalty imposed.

[Adopted as JTIR effective January 1, 1981. Changed from JTIR to IRLJ effective September 1, 1992; Amended effective September 1, 1997; January 3, 2006; September 1, 2017.]
