

**IRLJ 3.5**  
**LOCAL RULE OPTIONS**

**(a) Decisions on Written Statements.**

(1) *Local Court Form.* Each court shall promulgate a form for defendants to use in hearings decided on written statements. The form shall be available on the court's website and shall also be provided to the defendant upon request.

The form shall contain:

(i) blank space for the defendant to write their statement contesting the infraction or to explain mitigating circumstances;

(ii) notice that the defendant may attest that they do not have the current ability to pay the infraction in full;

(iii) information on how to submit evidence of inability to pay, obtain a payment plan, and inform the person that failure to pay or enter into a payment plan may result in collection action, including garnishment of wages or other assets;

(iv) a statement that, for a contested hearing, if it is determined that the defendant committed the infraction, the defendant agrees to pay any monetary penalty authorized by law and assessed by the court;

(v) a statement, that for a mitigation hearing, the defendant promises to pay the monetary penalty authorized by law or, at the discretion of the court, any reduced penalty that may be set; and

(vi) a signature block for the defendant that contains certification language consistent with GR 13, and notice that the defendant may sign the form in any manner consistent with GR 30.

(2) *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.

(3) *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.

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

(5) *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; January 1, 2023.]