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## *Superior Court of California* *County of Los Angeles*

### **TRAFFIC ARRAIGNMENT ADVISEMENT**

Approved by the traffic  
committee 9/11/17

Welcome to the superior court traffic department. This message contains important information about how this court session will be conducted, including the advisement of your rights, your choices in paying fines, and information about traffic school, so please listen carefully. First, please make sure all cell phones and electronic devices are off.

You are here today because a law enforcement officer issued a citation, charging you with a traffic or other minor infraction. Although an infraction is the least of the offenses that can be charged by the state, you have a number of rights under the constitution.

The term arraignment means that you will be advised of the charges against you and your constitutional rights and you will be asked to enter a plea of guilty, not guilty or no contest. Traffic court is a criminal court, and you have the same rights here that you have in any criminal court, with some minor differences.

You have the right to an attorney at every stage of your case, including today. If you want time to hire or consult with an attorney, let the judge know and you will be given time to do so. If the only offense charged is an infraction, you do not have a right to assistance from the public defender or court-appointed attorney in traffic court. On the other hand, if you are charged with a misdemeanor, and you cannot afford to hire an attorney, you have the right to appointed counsel at public expense.

You have the right to a public and speedy trial. That means that, if you demand a speedy trial, your trial will be heard by a judge or commissioner within 45 days of today. If you waive or give up your right to a speedy trial, then you can have a date

available in the future if that is more convenient for you. You do not have the right to a jury trial for an infraction, but you do have the right to a jury trial for any misdemeanor.

At your arraignment, you will be advised of the charges against you and the date of the offense. You may respond in one of three ways: guilty, not guilty, or no contest. A plea of no contest has the same effect as a plea of guilty, except that it cannot be used against you in any civil action. Some of you may also be charged with a misdemeanor, such as failure to appear, 40508a, or unlicensed driver, 12500(a), or driving with a suspended license, 14601.1. If you agree, these and other selected misdemeanors may be treated as infractions.

When you plead "guilty" or "no contest," it is an admission of the charges made. If the court sentences you to pay a fine, state law requires the court to assess an additional penalty amount for every 10 dollars or portion of 10 dollars of your bail or fine. This is called a penalty assessment. Penalty assessments are mandatory and are much higher than the base fine. Penalty assessments are paid to the State of California for traffic, safety education, peace officer training and similar programs. In addition to the penalty assessment, state law requires that the court impose a surcharge on all bails and fines and a security fee may be imposed on certain traffic violations. If you are unable to pay your fine today and require time to pay, there is an additional fee. Your fine may be higher if you have prior convictions. Failure to pay your fine when due will result in the addition of a civil assessment up to \$300 and your case will be referred to the court's collections vendor. If you are unable to pay the fine, California Rule of Court 4.335 gives you the right to request an ability-to-pay determination by a bench officer.

In addition to the fines that must be paid, there is an additional fee payable to the court in order to attend traffic school. The traffic school will also charge you a fee to attend.

You may request community service to satisfy your fine. If you qualify for community service, you will contact a community service referral agency registered with

the County of Los Angeles to arrange the performance of community service at a non-profit organization. You may be charged a fee by the agency. The Traffic School fee may not be paid with community service.

Traffic school: in order to be eligible to attend traffic school, at least 18 months must have transpired between the date of the new charge and the last charge for which you went to traffic school. The court requires that you enter a plea of guilty or no contest and pay the fine and the traffic school fee within four months of today. If you fail to pay and/or complete traffic school by the due date, the conviction will be reported to DMV and you will receive additional penalties for failure to comply with the court's order.

If you plead "not guilty," you may be allowed to promise to appear instead of posting bail. However, if you promise to appear and do not appear at the time for your court hearing, additional charges will be added and a civil assessment of up to \$300 may also be charged. In addition, the court will notify the DMV and a hold will be placed on your driver's license.

If you promise to appear for trial and do not appear at the time set by the court for your trial, the trial may proceed in your absence by way of trial by declaration pursuant to 40903 of the California vehicle code. After the trial by declaration, a decision is mailed to you, and you will have 20 days to post bail and request a new trial, or the decision will be final.

When you attend your trial, you have the right to confront the witnesses and evidence against you. The court will send a notice to the officer who cited you to appear at your trial. You have the right to ask the officer and any other witness questions and examine the officer's notes or any other documents presented at your trial.

You have the right to introduce your own evidence, including your own testimony; to bring witnesses; and present any photographs, diagrams, or other proof

that you are not guilty. You may use the free subpoena services of the court to order your witnesses to appear.

You also have the right to remain silent on the facts of the case. It is up to the law enforcement officer who issued you the citation to prove the case against you. You don't have to say anything. If you decide to testify, the judge can ask you questions, and anything you say will be considered in the decision to determine whether you are guilty or not guilty. If you are found guilty, you have 30 days to appeal that decision.

**Correctable violations:** If you are here on a violation that is correctable, and you have the proof of correction, such as proof of a valid driver's license, insurance, registration or a signed off ticket for an equipment violation, give that proof to the bailiff when your name is called. There is a \$25 fee for each correctable violation on the citation that has been corrected.

**Insurance:** If you are charged with not having proof of insurance, you must show either that the vehicle was insured at the time of the citation or that you had insurance yourself at that time. If you obtained insurance after that date, the fine will be reduced but the charge will not be dismissed.

Thank you for your attention. After your matter has been heard, please wait for your paperwork from the court clerk before leaving.