

HB 1300 -- MUNICIPAL COURT BILL OF RIGHTS

SPONSOR: Gardner

This bill codifies various rights for defendants in municipal courts. In its main provisions, the bill:

(1) Allows the court on its own motion or upon motion of the defendant to enlarge the amount of time required for doing an act required by the court. Moreover, three days is added automatically anytime an individual is required to be notified in writing;

(2) Municipal courts are always to be considered open for the purpose of filing papers, issuing and returning process, and making motions, applications, and orders. Motions and applications acted upon by a court clerk are reviewable by the municipal judge upon cause shown;

(3) Every individual held by a municipal police force must be permitted to consult with counsel or try to contact counsel upon request;

(4) An accused defendant who is awaiting trial, trial de novo, review, and appeal for an ordinance violation is entitled to be released from custody. A judge may impose appropriate conditions on the defendant to insure public safety and the defendant's appearance at trial. He or she may appeal these conditions on the grounds that the conditions are unreasonable;

(5) Allows the court to impose a bond and establish the bonding procedures for courts;

(6) Specifies procedures for issuing a notice and summons to a defendant;

(7) Specifies that an ordinance violation prosecution is to be initiated by filing of an information by the prosecutor. The bill also provides the procedure for filing an information;

(8) Specifies the procedure for issuing an arrest warrant for an accused person and the procedure for handling their appearance following an arrest;

(9) Specifies that the defendant has a right to counsel;

(10) Specifies the pre-trial procedure to be utilized by the municipal court;

(11) Specifies that the defendant must appear in person for a

trial or plea unless the judge, defendant, and prosecutor consent to the trial or plea in the defendant's absence; and

(12) Specifies that in a case where the sentence is a fine, that the judge has discretion to allow the defendant to pay in installments.