

1 **Rule 4-704. Authority of court clerks ~~to extend payment schedule and dismiss~~**
2 **~~citations.~~**

3 Intent:

4 To establish the authority of court clerks to extend the time for payment of bail,¹

5 ~~To establish the authority of court clerks~~ to dismiss citations issued for certain
6 offenses, and to accept plea in abeyance agreements in certain limited circumstances.

7 Applicability:

8 This rule shall apply to all courts of record and courts not of record.

9 Statement of the Rule:

10 (1) Unless otherwise ordered by the judge, the clerk of the court, for reasonable
11 cause, is authorized to allow a defendant an extension of time to post bail.

12 (2) Unless otherwise ordered by the judge, the clerk of the court is authorized to
13 dismiss citations as provided in the Appendix C, Uniform Fine/Bail Schedule.

14 (3) Plea in abeyance agreements.

15 (3)(A) A judge—or if there is a presiding judge, the presiding judge—may direct the
16 clerk of court to accept a plea in abeyance agreement in traffic offenses that are listed in
17 Appendix C, Uniform Fine/Bail Schedule as not requiring an appearance by the
18 defendant. The clerk of court shall follow the procedures of Title 77, Chapter 2a, Pleas
19 in Abeyance, including:

20 (3)(A)(i) the offer by the prosecutor for a plea in abeyance, including the conditions
21 established under paragraph (3)(B), may be on a case-by-case basis or by a written
22 standing offer;

23 (3)(A)(ii) the defendant's waiver of rights and acceptance of that offer shall always be
24 in a writing signed by the defendant; and

25 (3)(A)(iii) the plea in abeyance order shall always be in a writing signed by the judge.

26 (3)(A)(iv) The writings required by the previous subsections may be included in the
27 same document or record.

28 (3)(B) The conditions of a plea in abeyance authorized by this rule may include only
29 payment of a plea in abeyance fee of no more than \$25.00 above the recommended
30 bail in the Uniform Fine/Bail Schedule, a period of good behavior not to exceed one

31 year, and, if the offense is a moving violation of Title 41, Chapter 6a, Traffic Code,
32 successfully completing traffic school.

33 (3)(C) If the defendant does not forfeit bail as established by the court, or enter a
34 plea in abeyance, the clerk of the court shall process the case for trial.

35 (3)(D)The defendant may file a written motion to withdraw a plea in abeyance within
36 30 days after entry of the plea. If the defendant timely moves to withdraw a plea, the
37 clerk of the court shall set the matter before the judge.

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