

1 **Rule 4-704. Authority of court clerks.**

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3 **Intent:**

4 | To establish the authority of court clerks to extend the time for payment of bail fines, to dismiss
5 citations issued for certain offenses, and to accept plea in abeyance agreements in certain
6 limited circumstances.

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8 **Applicability:**

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

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11 **Statement of the Rule:**

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

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

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18 **(3) Plea in abeyance agreements.**

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

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

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

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

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

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39 (3)(B) The conditions of a plea in abeyance authorized by this rule may include only
40 | payment of a plea in abeyance fee of no more than \$25.00 above the recommended bail
41 fine in the Uniform Fine/~~Bail~~ Schedule, a period of good behavior not to exceed one
42 year, and, if the offense is a moving violation of Title 41, Chapter 6a, Traffic Code,
43 successfully completing traffic school.

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45 | (3)(C) If the defendant does not ~~forfeit bail~~ remit a fine as established by the court, or
46 | enter a plea in abeyance, the clerk of the court shall process the case for trial.

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

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52 | *Effective May 12, 2020*