

HB 427 -- MUNICIPAL COURTS

SPONSOR: Helms

This bill modifies various provisions regarding municipal courts and fines collected in minor traffic and municipal ordinance violation cases.

The bill repeals provisions stating that failure to appear procedures in moving traffic violation cases, which include driving license suspension, shall not apply to minor traffic violations. This bill repeals a provision prohibiting a municipal judge from serving as a municipal judge in more than five municipalities.

The terms "annual general operating revenue," "minor traffic violation," and "municipal ordinance violation," as applied in provisions regarding the assessment of fines in minor traffic violation and municipal ordinance violation cases, are modified.

The bill repeals a provision prohibiting defendants in minor traffic violation or municipal ordinance violation cases from being placed in confinement for failure to pay a fine unless such nonpayment violates terms of probation or unless due process procedures are followed. This bill specifies that if such defendant fails to appear and the court finds there is not good cause for failing to appear, the current limitations regarding fines and confinement shall not apply. The bill also decreases the maximum amount of the fine a court can assess for minor traffic violations, if combined with court costs, from \$225 to \$150.

Currently, a county or municipality that has a municipal court must submit a financial report to the auditor. This bill provides that a county or municipality meets compliance with this requirement by filing a statement confirming that 20% or less of its general revenue comes from fines, bond forfeitures, and court costs in municipal court cases.

This bill modifies the procedures to be adopted and certified by each municipal court by repealing the procedure of prohibiting the detention of defendants in order to coerce the payment of fines and costs unless such defendant is found to be in contempt after compliance with due process and the procedure stating that the community service alternatives are to be offered at no cost to the defendant.

This bill is similar to SB 553 (2018).