

**GENERAL ASSEMBLY
2010 SESSION**

Bill targets Md. traffic courts' no-shows

Police agencies say measure could cut overtime costs

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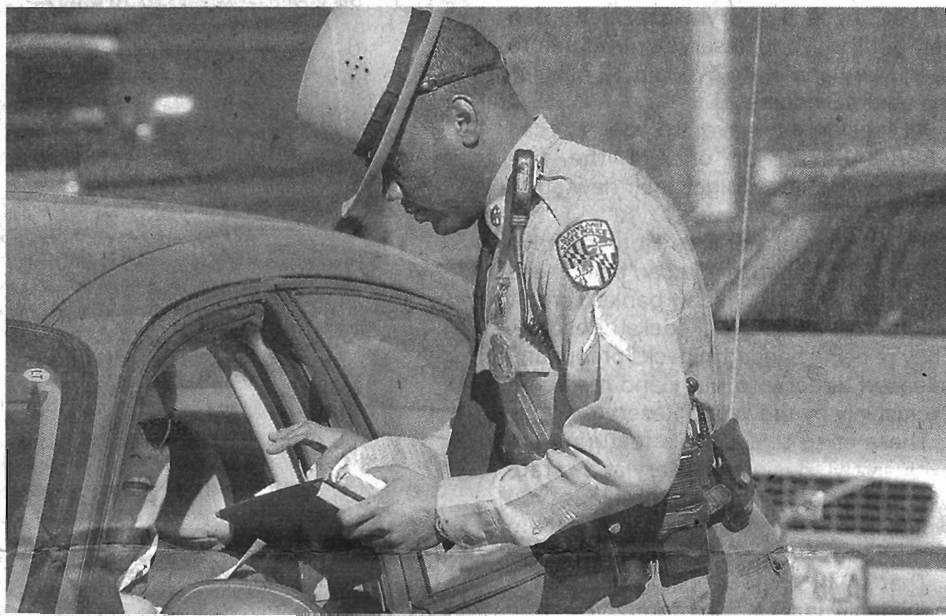
For as long as most Marylanders can remember, motorists who were issued a traffic ticket would automatically be scheduled to have their day in court. Unless they paid up in advance, it was assumed they would tell it to the judge.

That would change if the General Assembly passes a bill that is receiving overwhelming support from Maryland police departments for its potential to cut into the time officers wait in court to testify against defendants who don't show up.

The bill, endorsed by the O'Malley administration, would reverse the current presumption that motorists prefer to appear in court. Instead, the person who receives a traffic citation would have to request a trial. The theory behind the measure is that those who ask for a day in court will be more diligent about showing up than those who are merely notified to appear.

Chief Marcus Brown of the Maryland Transportation Authority Police says the measure holds the potential for "millions of dollars of savings" for agencies statewide. Police officials say the savings could help plug holes in budgets blown by overtime for the hours officers spend in traffic court.

Anyone who has been to a Maryland traffic court is familiar with the scenario: The judge calls name after name on



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Police agencies are backing a bill that would make paying a fine the default position for drivers who get a ticket. Drivers could still request their day in court.

Police back bill aimed at traffic court no-shows

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the docket, and time after time nobody answers.

"I'd say it's 30-40 percent of the names he calls out, the person doesn't appear," said Mayor David Carey of Bel Air, who has a day job as a defense attorney and testified at a Senate hearing last week that was packed with dozens of uniformed police chiefs and officers who were there to show support for the bill.

Top-ranking officers — from State Police Superintendent Col. Terrence B. Sheridan to the chiefs of small municipal departments — argued the bill would also let officers spend more time protecting the public.

"They won't be needlessly sitting in court for people who may or may not show up," said Howard County Police Chief Bill McMahon, speaking at a public hearing in the Senate last week.

According to the District Court of Maryland, out of the roughly 1.2 million traffic citations resolved in the state last year, roughly half ended with the fine being paid without a court appearance, one-quarter were taken to trial and another quarter were disposed of outside a courtroom. But in addition to those cases, there were 343,387 cases in which the traffic citation recipient failed to keep a court date. (One defendant could account for multiple cases.)

year's legislation is sponsored by Sen. Jennie Forehand, D-Montgomery, and Del. Sally Jameson, D-Charles.

The bill also has a hurdle to jump because — at a time when the General Assembly is looking for every possible budget savings — it could involve a one-time cost to the judiciary of about \$250,000 for computer programming.

The bill's supporters contend the savings to state and local police agencies would more than offset the up-front costs.

Lt. Tom Campbell of the Gaithersburg Police Department told the committee his city spends half of its \$500,000 annual overtime budget on officers' court appearances — and that 80 percent of the time defendants don't show up.

County and municipal officials say a change in the law could bring significant savings at a time when state payments — including police aid — have been slashed.

Suzanne Ludlow, deputy city manager for Takoma Park, said the bill could save her municipal government \$23,000 a year in overtime costs. In larger jurisdictions such as Baltimore City and Montgomery County, proponents said, the savings could amount to hundreds of thousands of dollars a year.

Ludlow also contended that the measure would reduce what she called "the widespread practice of traffic defendants going to court with the hope that the police officer will not appear so that the charge against them may be dismissed." She said that in these cases, when the officer does show up, the defendant generally pleads guilty without the need for police testimony. Witnesses at the Senate hearing testified that police actually give testimony in only about 3 percent of traffic trials.

Nobody testified against the bill at the hearing, but that doesn't mean it doesn't face a powerful opponent.

The Maryland Judicial Conference, representing the state's court system, wrote to the committee to say that while it backs the idea in concept it opposes the bill's passage.

In addition to objecting to the up-front cost, the judges wrote that because it is now in the process of replacing its old computer system, making the change now would not be "practical or fiscally prudent."

"A significant amount of work would be required that would have a very limited life span and would result in diverting attention from the development of the new system," the conference wrote. "This legislation can be better accommodated when timed in conjunction with the introduction of the new case management system."

The bill would leave much of the current system intact. Like now, a defendant could still choose to mail in the fine, which goes on the record as a guilty plea. If the ticket recipient fails to respond to a summons, the court can still issue a warrant or — much more commonly — notify the Motor Vehicle Administration so the agency can send a notice of driver's license suspension.

Under the proposed system, if the defendant wants a day in court to plead not guilty or offer an explanation, he or she could check off a box on the ticket and send it to the court to request a trial date. Upon receiving the request for trial, the court would notify the defendant and officer when to appear — a system similar to that currently used for tickets generated by red-light and speed cameras.

According to proponents, at least 47 states require defendants in traffic cases to request a court date.

While the bill received a generally positive hearing before the Senate Judicial Proceedings Committee, its fate is uncertain. Last year, a similar bill was defeated in the House Judiciary Committee — a traditional bastion of defendants' rights. This