

Reno Municipal Court



**Presentation to the Interim Committee to Study the Advisability
and Feasibility of Treating Certain Traffic and Related Violations as
Civil Infractions (ACR No. 9, 2017)**

February 2, 2018

Judge Dorothy Nash Holmes
Department 3

**Presentation to the Interim Committee to Study the Advisability
and Feasibility of Treating Certain Traffic and Related Violations* as
Civil Infractions (ACR No. 9, 2017)**

*Non-traffic misdemeanants ARE currently given CITATIONS to court for less serious, aka “nuisance offenses,” (e.g., Camping in Parks; Open Container of Alcohol; Intoxicated Pedestrian in Roadway; Panhandling; Urinating in Public; Trespassing; Pedestrian violations)

UNLESS...

- They have a history of Failure to Appear (Contempt of Court);
- They are intoxicated or under the influence of drugs;
- They are also charged with some other criminal acts.



If they are arrested, they can post bail, or are OR’d upon sobriety, to appear in 30 days – or– kept overnight to see a Judge the next day and case is resolved in video arraignments **with defense counsel present and representing the person.**

TRAFFIC CASES CITED INTO RMC BY:

1. Reno Police Department
2. UNR/TMCC Police
3. Washoe County School Police
4. Nevada Highway Patrol
5. Reno/Sparks Indian Colony
6. Airport Authority
7. Nevada Transportation Authority
8. Taxicab Authority
9. Railroad Police
10. Gaming Control Board
11. Capitol Police-State of Nevada



CITY OF
RENO

STATE OF NEVADA Reno, NV Police Department			
In the Justice/Municipal Court: RENO MUNICIPAL <input type="checkbox"/> Juvenile		County: WASHOE Issue Date/Time: 5/1/2017 1807 Violation Date/Time: 5/1/2017 1807	
		Citation # RP00028001 Case # rp17-2314 Type: TRAFFIC	
LOCATION AND VIOLATION INFORMATION			
Location: E 4TH ST and SUTRO ST		Direction: E	Traffic: LIGHT
Beat: TRAFFIC Weather: CLEAR		Road Cond: DRY	
Subsection:			
Cited:	Actual:	School Zone: No	Arrest: No
Posted:	Confirm:	Construction Zone WP: No	Accident: Yes
Grant:		Ped Safety: No	
VIOLATOR / DRIVER			
Name: TEST, TEST			
Address: TEST ST		City: *RENO	State: NV Zip: 89506
Hgt: 611	Wgt: 285 Sex: M Hair: BLK Eyes: BRO Race: W	DOB: 4/30/1982	Phone:
Employer: -			
Address:		City:	State: Zip:
Phn 1:		Phn 2:	
DL #: 0000000	DL State: NV	CDL: No	Class: C DL Expires: 5/1/2019
Restrictions:		Endorsements:	
VEHICLE Did operate the following vehicle:			
VIN #: 000000000000000	Model: A4	Type: HA	State: NV
Make: AUDI	Color: BLACK	Veh Tag:	Haz Mat: No
DOT #:	Reg Exp: 05/01/2018	Veh Yr: 2011	CMV: No
Owner: TEST, TEST		Num Occ: 1	
Address: TEST ST, *RENO, NV 89506			
VIOLATIONS Did then and there commit the following offense(s):			
VIOLATION 1 - Citation - NRS - 484B.253 - 53802 - ROW Left Turn in Intersection The Defendant did make a left turn in an intersection without yielding the right of way to on coming traffic.			
Fine: Crt Req	AA: Crt Req	Court Const: Crt Req	Spec. Court: Crt Req Total: Crt Req
I certify (or Declare) under penalty of perjury under the laws of the state of Nevada that I have reasonable grounds/probable cause to believe and do believe that above named person committed the above offense(s) contrary to law.			
Officer's Signature	Complainant's Signature	Defendant's Signature	
			
Officer Proffitt ID# 10472	Citizen: Addr: City:	This is not a plea of guilty. (Not void if unsigned)	
	State: NV Zip:		
Failure to comply with this complaint or future dates relating to this complaint will constitute a separate offense			
Interpreter Needed: *NONE		Court Mandatory: YES	
Without admitting having committed the above offense(s), I hereby promise to respond as directed on this notice and waive my right to be taken immediately before a magistrate (NRS 484A.630 and NRS 484A.750)			
You are hereby ordered to appear to answer to the above charges on the day and time:			
<input type="checkbox"/> My cell phone is provided to opt in for text message notifications from the Court.			
RENO MUNICIPAL COURT Physical: 1 South Sierra St; Reno, NV 89501 Mailing: PO Box 1900; Reno, NV 89505 775-334-2290 www.renomunicipalcourt.com		Total Bail: COURT Appear On: 6/1/2017 At: 0830 HRS	

TEST, TEST

TRAFFIC CASE FILINGS

Based upon number of Police Officers on the streets
and in other citing agencies:

2010:	27,736
2012:	15,960
2014:	18,475
2016:	11,330
2017:	9,479

TRAFFIC CASE DISPOSITIONS

“Post and Forfeit” (4,454)	27%
Guilty Plea w/Sentence before Trial (3,819)	52%
Bench Trial Conviction (45)	0.4%
Dismissed w/o Trial (1,179)	12%
(e.g., “Fix-its;” Proof Shown of Insur/DL/Reg)	

TOTAL DISPOSITION RATE: 102%

TRAFFIC CASE REVENUES

Amount Assessed	\$4,536,088
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Amount Paid	\$3,212,091
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Amount Credited	\$ 352,621
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(e.g., Community service; fines or fees
waived due to hardship, disability; credit
for time served)

Balance Owed	\$ 971,375
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Total Revenue Received (ave.)	71%
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RMC CITATION PROCESS

1. Citation issued is a promise to appear for arraignment, not an admission of guilt.
2. Police have RMC calendar so court arraignment date is electronically set within 30 days.
3. RMC sends TEXT MSG reminders of court date 7 days before arraignment. (New “Opt In” process).
4. Motorist can go online to request a date change (up to 30 days later), and will be granted.
5. Come to Traffic Court session.



Motorist **MUST** appear in court for:



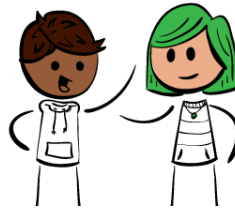
- Careless Driving/ Fail to Exercise Due Care
- Reckless or Aggressive Driving
- Speed Contest
- No Vehicle Insurance
- Driving on Suspended/Revoked License
- Hit and Run
- Traffic Accidents (driver cited for a moving violation; Restitution to Victim possible)
- Cell phone violations (due to demerits and increasing penalties each time)

Options for Resolving Non-Mandatory Cases:

- “Post and Forfeit” by mailing payment to court; paying online or by phone; paying in Drop Box on Court Street; or paying at Clerk’s Counter.



- Negotiate case with Reno City Attorney (present at all Traffic Court sessions);



“Tell it to the Judge;”

- Request a trial date, which will be held within 30 days (60 days at motorist’s request).

At Traffic Court Arraignment:

Guilty or “No Contest” Pleas:

- Plea bargain with City Attorney (JE15-003: Judge cannot do this, only the prosecutor).
- 30 days to correct non-moving offenses for reduced fine or complete dismissal of charges.
- Sentenced to fine, or community service @ \$10 per hour.
- If requested, a payment plan will be granted and “no cost” extension of time to pay also given.
- Credit for time served, if in custody, @ \$100 per day.
- DMV Traffic School to reduce demerits (-3 “points).
- Restitution ordered if victim proves it.

“Not Guilty” Pleas:

- Trial date set within 30 to 60 days.



Traffic Trial in RMC

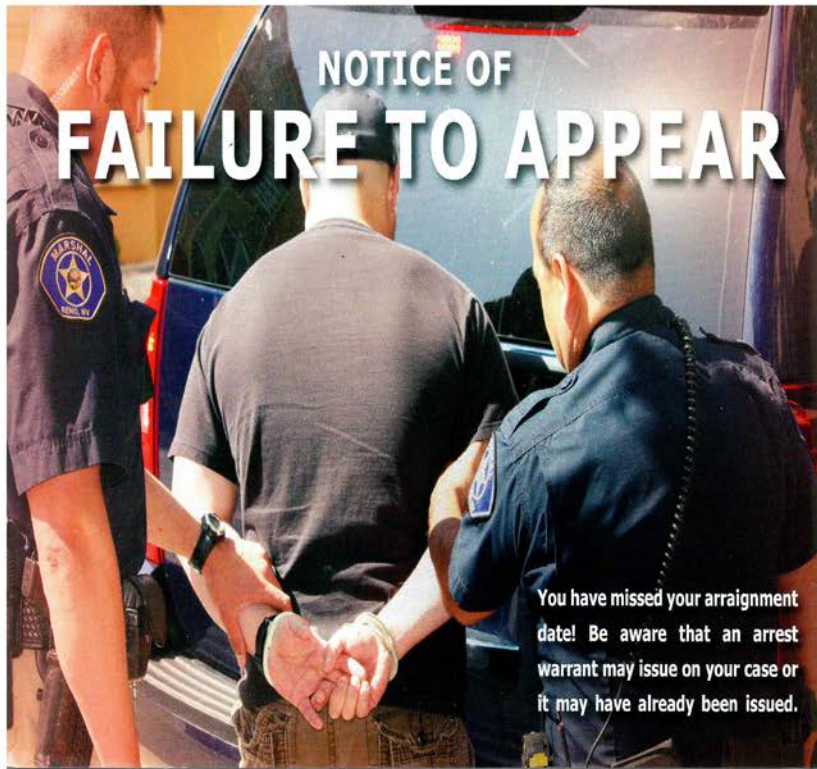
1. City Attorney must prove the case BEYOND REASONABLE DOUBT (higher standard than would be in a Civil Proceeding, e.g. “he said/she said”).
2. Motorist can bring attorney or self-represent.
3. Prosecutor gives Motorist Discovery of police reports, identity of witnesses, documents in advance of trial.
4. Motorist can get Subpoenas issued by court to compel witnesses to attend and testify for his side.
5. Citing Officer must appear or case is dismissed.
6. Judge can find Motorist “Guilty” on one charge but “Not Guilty” on another.

What happens if Motorist FTAs?

1. RMC sends TEXT MSG to person 7 days after failure to appear, telling him to come in and resolve the matter.



2. RMC mails FTA Postcard to person 7 days after text notification.



NOTICE OF FAILURE TO APPEAR

You have missed your arraignment date! Be aware that an arrest warrant may issue on your case or it may have already been issued.

NOTICE OF FAILURE TO APPEAR

You have missed your arraignment date. An arrest warrant may issue on your case at any time or it may have already been issued.

Please respond to this notice as soon as possible. If your appearance before a judge is not mandatory, you have the option to pay the fines and fees and have your case closed. If your appearance is mandatory, you must appear at the Reno Municipal Court. If you are unsure if you have a mandatory appearance, go to www.renomunicipalcourt.com and click on the Fines/Fees Schedules link.

To pay fines and fees for a Non-Mandatory Charge:

- **Go Online:** www.renompts.com
- **Call:** 775-334-3066
- **Mail:** Reno Municipal Court, P.O. Box 1900, Reno, NV 89505 – check or money order only. If payment is not received in time, your case may be warranted.
- **Go to:** Reno Municipal Court Clerk's Office, which is located in the Mills Lane Justice Center at 1 South Sierra Street, Reno, NV 89501
- **Drop box:** Located on Court Street.

Mandatory appearance or you want to see the judge in court:

- **Contact:** The Reno Municipal Court at 775-334-2290 for information and further instructions.

Reno Municipal Court
P.O. Box 1900
Reno, NV 89505

RETURN SERVICE REQUESTED

WARNING!

The Reno Municipal Court will issue an arrest warrant if you fail to pay court ordered fines and fees or fail to appear in court. The warrant makes you subject to arrest at any time by any law enforcement officer in the State of Nevada. Additional consequences include, but are not limited to, additional fees and costs, suspension of your driver's license by the State of Nevada Department of Motor Vehicles, and the reporting of your case to a collection agency which may negatively impact your credit record.



Questions: Go to www.renomunicipalcourt.com
or call 775-334-2290 during business hours.
Reno Municipal Court Business Hours:
M-Th 7:30 am to 5:30 pm
Closed Fridays and all major holidays.



3. Warrant is issued for Failure to Appear which is a Contempt of Court and could be punished by \$500 fine or 25 days in jail, or both. NRS 22.010, NRS 266.570 and RMC Sec. 1.040.080.

(RMC Sec.1.04.090 says “...the municipal judge shall issue and have delivered for execution a warrant for his arrest within 20 days after his failure to appear as promised.”

4. DMV is notified electronically of FTA and, per NRS, suspends Driver License and mails notice to motorist.

Note: Motorist has had 34 days to come forward to resolve the matter.

5. If Motorist finds out about the warrant and comes to court voluntarily to resolve the matter before being arrested, Judge usually quashes the warrant and dismisses the Contempt of Court and resolves the citation case with plea and sentence.
6. If Motorist is arrested on the FTA Warrant, is kept in jail overnight and seen by Judge in video arraignment the next day, **with a court-appointed legal defender representing him.**
 - Judge inquires why Motorist failed to appear.
 - If good cause established, warrant is quashed. Fine is reduced by \$100 for each day spent in jail, or Community Service is ordered at \$10 per hour toward the fine and fees.
 - If no good cause is established, Contempt of Court is usually resolved by Credit for Time Served, and citation is resolved.

What if Motorist Fails to Pay Fines/Fees?

1. RMC sends TEXT MSG to Motorist 7 days prior to due date to remind Motorist to pay.



2. RMC sends another TEXT MSG to Motorist 7 days after missed payment date, to come in and make a payment.
3. Formal late notice (Delinquent Payment Notification letter) is sent 10 days after missed payment and a \$25 late fee is then assessed.



Delinquent Payment Notification

RENO MUNICIPAL COURT
P.O. Box 1900
Reno, NV 89505
Telephone: 775-334-2290
Facsimile: 775-334-3824
www.renomunicipalcourt.com

Court Case #

Total Amount Owed:

The Reno Municipal Court judge granted you an extension to pay fines and fees ordered which were due pursuant to the sentence in case number

According to our records, you have failed to comply with your court-ordered payment. A *\$25.00 late payment fee has been added to the amount you owe*. You must make your court-ordered payment within 10 days of the date of this notice. If you fail to do so, the Court may impose one or more of the following sanctions:

- A warrant for your arrest will be issued.
- Suspension of your driver's license will be ordered and prohibit you from applying for a license or registering your vehicle through the DMV.
- Steps will be taken to garnish your wages, your real property and/or other monies.
- A collection fee of \$100.00 will be assessed in addition to warrant fees and fines.
- You will incur a negative report to a Credit Reporting Agency.

Your payment may be made in the following ways:

1. In person at the Reno Municipal Court Office of the Clerk, Mon-Thurs 7:30 a.m. – 5:30 p.m. The court accepts payment by way of cash, check or money order (made out to Reno Municipal Court), Visa, Mastercard, Discover Card and ATM Debit cards (\$3.00 credit and debit card transaction fee will apply).
2. Credit or Debit Card – On line at www.renopmts.com or by phone at 1-775-334-3066. *(A transaction fee for phone and internet payments will be assessed by the Court's 3rd party payment vendor to process your payment transaction.)*
3. By mail using check or money order only. To ensure timely delivery, please mail payments early as we do not accept postmark dates as due dates. It is important to write your name and case or citation number on your check or money order when mailing a payment to assure the payment is applied to *YOUR* case. Check or money order should be made payable to: Reno Municipal Court and mailed to PO Box 1900, Reno, NV 89505.
4. Using the 24-hour drop box located on the south side of the Mills Lane Justice Center on Court Street. Payment should be made with check or money order only. It is important to write your name and case or citation number on your check or money order to ensure the payment is applied to *YOUR* case. Payments are applied the following business day after being placed in the drop box.

**NO OTHER NOTICE IS REQUIRED TO ISSUE A WARRANT FOR YOUR ARREST
UPON DEFAULT OF FINE OR FEE PAYMENT.**

4. FTP warrant for Contempt of Court is issued 30 days after the formal late notice sent.

(Note: **Motorist has now had 54 days to make a payment.**)

5. DMV is notified of FTP and can suspend Driver License.
6. Case is sent to collection agency 60 days after FTP warrant is issued and a \$100 “Collection Fee” is added to the balance.
(Note: **Motorist has now had 114 days to make a payment.**)
7. If Motorist clears the warrant, RMC notifies collection agency and electronically notifies DMV so it can reinstate the license. (Reports to DMV made daily at 10 p.m.)



8. If Motorist fails to respond, and is arrested on the FTP Contempt, a hearing is held the next day in video arraignments **with legal counsel representing the Motorist.**

- Judge inquires why Motorist failed to pay and **must find**
he had the ability to pay, but did not.



- If Motorist **did NOT have the ability to pay**, Judge can:
 - ✓ waive the fines/fees due to hardship, disability, inability to pay; or
 - ✓ give Credit for Time Served in jail since arrest on FTP Warrant; or
 - ✓ convert to Community Service; or
 - ✓ re-start the Payment Plan.



- If the Motorist admits the FTP Contempt, same possible outcome as for an FTA Contempt warrant.

