

03 - Traffic Tickets

If you are ticketed or arrested for a traffic violation or a State Law, or ordinance violation, your case will be processed in this division. Hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays.

Types of cases handled:

- Civil infraction traffic violations such as going through a red light, speeding, illegal turn, etc., are less serious traffic offenses that are non-criminal in nature;
- Misdemeanor traffic violations or more serious offenses that can result in your arrest. The maximum penalty for crimes under this category is \$2,000 fine and/or one year in jail;
- Ordinance violations, criminal offenses, such as gun law violations, accosting and soliciting, disorderly conduct, and drug violations which violate city, village or State law.
- Environmental cases, including building and safety, hazardous waste, littering, etc.

What happens if I receive a ticket for a civil infraction traffic violation?

The ticket that you received will include a number at the top and will indicate the violation you were ticketed for, how you can respond to the ticket, where you need to appear to settle the matter, what your rights are, and the badge number of the issuing officer. Your options are:

- ! Admit responsibility for the violation and pay the fine in person, by mail, or by using the web site, www.circuit46.org. The court accepts major credit cards for payment.
- ! Admit responsibility with an explanation attached to the ticket describing any special circumstances. A magistrate will review the ticket and your explanation. You will be notified by mail of the magistrate's decision.
- ! Deny responsibility and schedule an informal hearing. No attorney for either side is allowed. You must contact the court within 10 days by mail, telephone, representation or in person to request an informal hearing.
- ! Deny responsibility and request a formal hearing before a judge. A representative of the prosecutor's office and the issuing officer will be present. You have the right to be represented by an attorney at this hearing.

How do I pay a ticket by mail?

DO NOT MAIL CASH

- 1. PLACE CITATION NUMBER ON CHECK OR MONEY ORDER AND ALLOW 10 DAYS FOR PROCESSING.**
2. Identify the county where you received the ticket.
3. Mail the payment to the district division office in that county.

Can I appeal a decision from an informal hearing?

Yes. You have seven days after an informal hearing to request an appeal. You must post a bond in the amount of the fine. A formal hearing will be scheduled in front of a judge. You may wish to have an attorney present for this hearing.

What if I fail to show up for the hearing or do not pay the ticket on time?

If you have been issued a ticket for a civil infraction and do not respond within 10 days in one of the four ways indicated, a default judgment will be issued against you by the court. An additional \$50 default fee will be added to the fine and court costs. On the **45th day** following the 10th day, your license will go into suspension. If your license is suspended, it will cost you an additional \$45 to have it reinstated. A late fee of 20% of the total amount owed will be added 56 days after the fine was due. When the fine and fees are paid, the court will give you a clearance form which you must carry for two months until the Secretary of State clears your license on the state-wide computer system.

Can I request a hearing on a past due civil infraction?

Yes, by filing a motion to set aside the judgment issued against you. There is a \$20.00 fee for filing that motion.

What if my traffic violation was a misdemeanor?

Misdemeanor traffic violations, such as driving under the influence, leaving the scene of an accident, etc., are more serious offenses and can result in you being issued a ticket or placed under arrest. In either case, you must appear in court for **arraignment**, you will be informed of your legal rights, and will be asked to plead guilty or not guilty. You have the right to be represented by an attorney at this and all other hearings. If you cannot afford an attorney, the court may appoint one for you. You will be expected to reimburse the county for that expense at a later time.

If you fail to appear for your scheduled hearing, the court may issue a warrant for your arrest and your driver's license may be suspended.

If you plead **guilty** to a misdemeanor, you will be required to pay a fine and points may be assessed to your driving record. Some violations can result in being sent to jail for up to one year. If at your arraignment you plead **not guilty**, you have the right to request a trial by a judge (bench trial) or a jury. A date will be set for your **pretrial hearing**, which is a conference with the prosecutor.

What happens if I am arrested on a traffic misdemeanor?

You will be taken to the county jail, processed and allowed to post bond. If you do not post a bond, you will spend the night in jail. For those who post bond, arraignment is usually held within two weeks.

What happens if I post a bond for someone and he/she does not show up for their court date?

When you post a bond for someone, you are vouching that he/she will make all required court appearances. If that person misses a court date, your money will be forfeited.

What if I am a minor and receive a traffic ticket?

If you are under the age of 17 and receive a misdemeanor traffic violation, you must appear at the family division of the court.

If you are age 17 or over, and receive a civil infraction citation, you must appear at the district division of the court.

What can I do if there is a warrant for my arrest?

You should turn yourself in to your local police agency and post a bond.

What can I do if my driving privileges have been suspended?

To reinstate driving privileges, you must settle all pending cases and pay all reinstatement fees.

Can I get a copy of a case, or my court record?

Yes. There is a \$1.00 per page copy charge.

Can I change my court date?

For good cause, you may be granted one court date change on a civil infraction violation. You must contact the court 7 days prior to the hearing date to request the change.

How many points do traffic violations have?

You must contact the Secretary of State's office for point information.

Will a traffic ticket affect my insurance premiums?

It could. You should contact your insurance company for further information.

Does the district division process parking tickets?

Parking tickets are processed in the district division, except for expired meter or overtime tickets, which are paid at a village or city police department. If a ticket is not handled timely in those communities that process their own tickets, the ticket is filed with the Court. Court fees are assessed to all parking tickets processed by the Court.

Glossary of Terms

Arraignment--A court hearing at which the defendant is informed of the specific criminal charges for which he or she is being charged. This is the first step in your case being processed by the court.

Arrest Warrant --An order issued by a judge or magistrate to a police officer requesting the arrest of the person named in the warrant.

Bond, Bail, or Bail Bond--A promise that the defendant in a misdemeanor case will appear in court when required. This promise is normally guaranteed by the defendant or someone else posting money or property with the court. There are four types of bonds: personal recognizance bond, cash bond, ten percent bond, and a surety bond.

Defendant--The person against whom a lawsuit is started or a crime charged.

Docket--A list of cases set for a hearing by a court on a specific day. The Court prepares court dockets for cases involving traffic and other violations.

Misdemeanor--A crime in which the maximum punishment is no more than one year in jail.

Plea--A defendant's response to a criminal charge, either guilty, not guilty, or no contest. A no contest plea is treated the same as a guilty plea, except the defendant does not have to admit guilt.

Pretrial -- A conference in a criminal or civil case between the lawyers and parties to discuss a resolution to the case. In criminal cases, a plea agreement may be discussed. In civil cases, settlement is discussed.