

# Frequently Asked Questions About Traffic Court

**Q:** What is the difference between a ticket marked “must appear” and a ticket marked “may appear?”

**A:** A “must appear” ticket is one which the officer has marked as requiring a mandatory court appearance. You must appear at the date and time marked on the bottom of the ticket. If you fail to appear either a warrant may be issued for your arrest, or you may be found guilty of the offense and fined in your absence, or if you have posted a driver’s license your license may be suspended until you appear.

A “may appear” ticket is one, which may be resolved by mail or “over the counter.” You need not appear on the date and time of the ticket. In fact, because traffic court can be quite busy, people with “may appear” tickets find it easier to address these tickets prior to the date on the bottom of the ticket.

If you wish to pay the ticket, simply follow the instructions on the back and send it in along with payment. If you wish to seek court supervision, please call the State’s Attorney’s office prior to your court date to check on your eligibility.

If you wish to contest your ticket you should request a trial by following the instructions on the back of your ticket.

**Q:** My Ticket Says “\$120.00” and it also says I must come to court. Is my fine \$120.00?

**A:** The “\$120.00” figure is the amount of bond you would have had to post if you could not have posted your driver’s license, or if the officer did not release you on a promise to comply. When you come to court, if you want to just pay a fine, the fine may be higher than \$120.00 based upon court costs and the severity of the charge.

**Q:** How can I get my bond back?

**A:** Bond is returned at the completion of the case. As long as the case continues or you still owe fines, your driver’s license will be held. A money bond is usually applied to fines and costs owed.

**Q:** Is there any way I can keep a traffic ticket off my record?

**A:** Yes. Under certain circumstances a traffic ticket can be kept off a driver’s driving record through “Court Supervision.” “Court Supervision” means the court will withhold entering a judgment of conviction on the traffic charge and impose certain conditions the driver must meet to satisfy the Court Supervision. Terms can include paying a fine, attending a driver improvement course and receiving no new traffic charges in a specified period of time. If the driver meets the conditions, the court will then dismiss the charge at the end of the supervision period and the charge will not go on the driver’s permanent driving record.

Not all charges can be settled through court supervision, either by law or by our office policy. Court supervision is not a right or entitlement but is a sentence which may be imposed on a driver.

If you want the court to consider court supervision on your case, inform the State’s Attorney at your first court appearance or call the State’s Attorney’s Office if your case does not require a court appearance.

**Q:** What should I do if I want to contest my traffic ticket?

**A:** If you do not want to plead guilty to a traffic ticket, and you wish to contest it, you must request a trial. Trials will NOT be held at your first court appearance.

For a “must appear” charge (a ticket which requires you to come to court), simply inform the State’s Attorney that you wish to plead “not guilty” and you will be given a trial date.

For all other tickets (tickets which do not require a court appearance), the back of your ticket explains the process for setting your case for a trial.

**Q:** What is the difference between a bench trial and a jury trial?

**A:** A bench trial is a trial where the judge is the sole fact-finder; that is, the judge alone makes a decision on the merits of your case after both sides have presented evidence.

A jury trial is a trial where 12 jurors (randomly selected citizens from Putnam County) listen to the evidence and make the decision on your case.

Jury trials are held at specific times during the year and the oldest cases and most serious cases are heard first. On the jury trial day only one case can be heard. This means that people on the jury call often come back for several "jury calls" before their case works its way to the top of the docket.

Bench trials are held on a specified day of the week and all cases set on the bench trial docket may be heard the day they are set.

The State's Attorney Office cannot advise persons on which type of trial they should choose. Clearly, however, a bench trial can be set and heard more quickly than a jury trial.

**Q:** Do I need to hire an attorney to represent me on my traffic charge?

**A:** You do not need to hire an attorney to contest a traffic charge. You may do so if you wish. However, if you cannot afford an attorney, you are only entitled to a court-appointed attorney if you are charged with a misdemeanor (or jailable) offense. Speeding and most accident charges are not misdemeanors; therefore, you are not legally entitled to a court-appointed attorney for those types of charges.

The State's Attorney cannot give legal advice to defendants. If you want legal advice you may consult with your own lawyer.

**Q:** I can't make my upcoming court date. Can I change it?

**A:** A large number of cases are set on "traffic days", and the time it would take to accommodate individual schedules usually makes rescheduling of court appearances impractical. If you cannot be at Court and you have no attorney, you should call the State's Attorney's Office. There is no guarantee that you will be excused, but after considering your reasons for absence, a new day may be scheduled.

**Q:** I missed my court date. What will happen now?

**A:** It depends on the charge. If you were charged with a petty or business offense (such as Speeding or Operating an Uninsured Motor Vehicle for example), a judgment will likely have been entered against you and a fine assessed as prescribed by law. If you were charged with a misdemeanor offense (Driving on a Suspended License, Driving Under the Influence or Leaving the Scene of an Accident, for example) a warrant may have been issued for your arrest. On occasion, the court will refrain from issuing a warrant and instruct that you be otherwise contacted.

Call the Putnam County Circuit Clerk's Office at 815-925-7016 for information regarding the status of your case.

If a warrant was issued, you may turn yourself in to the Putnam County Sheriff's Office (or any other Sheriff's Office) and post your bond. If you are unable to post bond, you will usually appear before the Court within 48 hours.

**Q:** I can't pay my fine. How can I get an extension?

**A:** Short extensions may be granted in certain circumstances. To request an extension, you must come to Court on the date you are to have paid your fine. If you have been making progress on paying your fine, you are more likely to get an extension.

**Q:** I received an operating uninsured motor vehicle ticket and I had insurance. What should I do?

**A:** All Operating an Uninsured Motor Vehicle charges are "must appear" tickets, meaning you must appear in Court on the date listed at the bottom of your ticket. If the vehicle you were driving was insured at the time you were ticketed, bring the proof of insurance card issued by your insurance company to court. The prosecutor may conclude that this ticket should be dismissed.

If the vehicle was not insured when you were cited but is insured on your court date, bring the proof of insurance to court. If you do not have an insurance card, bring a copy of your policy. Your insurance agent will be able to provide you with the documentation you need.

**DO NOT** present the Judge or Prosecutor an insurance card that has been forged or altered. Such actions will subject you to further prosecution.

A conviction for driving without insurance carries a mandatory minimum fine and costs of \$839.05.

**Q:** I received notice that I owe a fine, even though I have not been to court. What can I do?

**A:** Under Illinois law, a fine can be assessed in a person's absence, by what is known as an "Ex Parte Judgment." An "Ex Parte Judgment" is a fine assessed by law to an offender who failed to appear in court on their assigned court date.

You have a couple options if you have been fined in your absence. First, you may simply pay the fine within the time given in the notice you receive from the Circuit Clerk.

If you seek to contest the ticket at this late stage, you must file with the Circuit Clerk's Office a "Motion to Vacate Conviction." Depending on how long it has been since the judgment was entered, there are different procedures and a nonrefundable filing fee which must be paid to have the case reconsidered.

Upon filing the motion and paying the filing fee, you will be given a new court date. At your next court appearance, you will have to explain to the Court Judge why you failed to appear in court on your court date. If the judge accepts your reason, the fine may be vacated (or withdrawn) and you will be given another court date for a trial on your ticket.

**Q:** I was in an accident with another vehicle which was uninsured. Will I be able to get money from Traffic Court?

**A:** You should promptly advise the prosecutor that you incurred this loss. Provide the amount of the damage so that restitution may be sought.

*Under certain circumstances, a person who operates a motor vehicle without liability insurance can be held criminally liable for the damages caused. Call the Putnam County State's Attorney Office to inform them of your situation at 815-925-7378.*