
**Criminal Justice & Corrections
Committee**

HB 2583

Brief Description: Authorizing issuance of infractions and citations by electronic device.

Sponsors: Representatives Lovick and Delvin; by request of Administrative Office of the Courts.

Brief Summary of Bill

- Allows civil infractions to be issued by electronic device.
- Makes it unlawful to improperly dispose of a notice of civil infraction.

Hearing Date: 1/30/04

Staff: Jim Morishima (786-7191).

Background:

Civil Infractions

A civil infraction is a minor, non-criminal offense for which a fine may be imposed. A person who is issued a civil infraction must sign the notice of infraction and either pay the fine or challenge the infraction. In a hearing contesting the infraction, the state has the burden of proving the commission of the civil infraction by a preponderance of the evidence.

Law enforcement agencies and agencies authorized to issue civil infractions must issue notices of civil infractions from books with notices in quadruplicate. The chief administrative officer of such an agency must keep a record of every book issued to the employees of the agency along with a receipt for every book so issued.

After issuing a civil infraction, the law enforcement officer or other person authorized to do so must deposit the original copy of the notice of infraction with a court of competent jurisdiction. It is official misconduct for a law enforcement officer or other officer or public employee to dispose of a notice of civil infraction, copies of the notice of civil infraction, or the record of the issuance of the notice of civil infraction in a manner not authorized by law.

Traffic Citations

A traffic enforcement officer may issue a traffic citation whenever any person is arrested for any violation of the traffic laws or regulations that is punishable as a misdemeanor or by imposition of a fine. Traffic enforcement agencies authorized to issue traffic citations must issue notices of the citations in books with citations in quadruplicate. The chief administrative officer of such an agency must keep a record of every book issued to the employees of the agency along with a receipt for every book so issued.

After issuing a civil infraction, the traffic enforcement officer must deposit the original copy of the citation with a court of competent jurisdiction or with its traffic violations bureau. It is unlawful and official misconduct for a traffic enforcement officer or other officer or public employee to dispose of a traffic citation, copies of the traffic citation, or the record of the issuance of the traffic citation in a manner not authorized by law.

Summary of Bill:

Civil infractions and traffic citations may be issued by an electronic device capable of producing a printed copy of the infraction or citation.

In addition to being official misconduct, it is unlawful for a law enforcement officer or other officer or public employee to dispose of a notice of civil infraction, copies of the notice of civil infraction, or the record of the issuance of the notice of civil infraction in a manner not authorized by law

Appropriation: None.

Fiscal Note: Requested on January 20, 2004.

Effective Date: The bill takes effect on July 1, 2004.