

Fresno County, other courts ordered to drop pay-first policy for traffic tickets

By Barbara Anderson
banderson@fresnobee.com

California courts no longer can require drivers to pay bail before they can go to trial to fight traffic tickets, the state Judicial Council ruled Monday.

Fresno County and other San Joaquin Valley courts faced a legal challenge from the American Civil Liberties Union for charging bail as prepayment before trial.

“Courts are going to have to allow folks to get a trial, even if they can’t afford to prepay the bail upfront,” said San Francisco attorney Christine P. Sun, ACLU associate director.

ACLU last month had sent letters to Fresno County and seven other counties, including Tulare, Madera and Mariposa, saying a person’s right to appear in court should not depend on ability to pay a fee. Monday’s ruling by the Judicial Council, the policy-making body for the state’s courts, has made that clear, Sun said.

ACLU had said the pay-first policy violated the “equal protection” clause of the state and federal constitutions, and that the practice hit poor people the hardest.

Fresno County Presiding Judge Jonathan Conklin said in a statement: “We are aware of the revised rule and fully intend to comply with its mandates.”

The Judicial Council ruling goes into effect immediately, and Fresno County and other courts will have until Sept. 15 to change forms and documents to reflect the action, Sun said. Many of the forms were confusing, she said. “We’re happy. Not only do the courts have to adopt this policy, but they have to make this information clearly available to the public.”

The Judicial Council’s action likely will mean more trials on traffic infractions, but Sun said: “That’s a good thing. We should be ensuring that everyone has access to our justice system, regardless of their income or their ability to navigate a very complicated legal system.”

A recent report by the Lawyers’ Committee for Civil Rights and other advocates found that California traffic courts have saddled millions of people with unjust, unpayable fines and fees, and have limited their ability to contest those charges.

A typical traffic ticket in California is nearly \$500, consisting of a base fine of \$100 and several hundreds of dollars of additional fees and penalties that are used to generate revenue for court construction and to help fund night court, the report said.

Because many jobs require a driver’s license, the loss of a license can lead to chronic unemployment, damage a family’s credit rating and push families into poverty, the report said.

Barbara Anderson: (559) 441-6310, [@beehealthwriter](https://twitter.com/beehealthwriter)