

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2014

Bill Number: H.642 **Name of Bill:** This bill proposes to eliminate a defendant's right to a trial by jury in traffic appeals.

Agency/Dept: Dept. Public Safety – State Police **Author of Bill Review:** SGT. Garry Scott

Date of Bill Review: 01-31-14 **Status of Bill: (check one):**

☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both bodies

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in # 8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** This Bill proposes to eliminate a defendant's right to a trial by jury in traffic appeals.
2. **Is there a need for this bill?** Yes. The jury appeal process is very expensive and because of the expense is very rarely used. The Chittenden County State Attorney strong supports the elimination of the jury trial and supports bench trials as a way to speed up the process and reduce cost.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**
There would be minimal cost to the Department of public safety. Traffic court appeals are usually dealt without the issuing officer being called to testify. The judge usually only listens to what the actual appeal is and does not require follow up testimony from the defendant or the issuing officer. The District Court Judge can listen to the recordings from the traffic court hearing. There could be some individual officer overtime cost for prosecution.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**
The judicial bureau would most likely benefit from the cost reduction of the elimination of jury trials.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** I contacted Judge Howard Kalfus and he advised he could only speak from his perspective and not for the entire judicial bureau. He advised there would be little impact on the day-to day operation for his court. There would be more impact on Superior court.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

Superior Court and State's Attorney's offices. The jury trial is rarely used and is very expensive. This would allow bench trials to occur and eliminate the possibility of a jury trial which in turn would speed up the process.

6.2 Who else is likely to oppose the proposal and why?

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Some defendants may want a jury trial and would oppose this. The ACLU may also have some objections to this process being eliminated. If a Defendant does choose to appeal their ticket there is \$105.00 non-refundable fee.

- 7. Rationale for recommendation:** Jury trials are rarely used and are very expensive. Most State's Attorney's offices and judges are overburdened. The elimination of traffic ticket jury trials would speed up the appeals process. Allowing a bench trial to occur would be cost effective and easier to process. In addition there are three types of appeals that can occur: 1) On the record – where the District Court judge reviews the tape/recording of the hearing. 2.) Jury trial and 3.) Hearing with the States Attorney. Each type of appeal requires the defendant to pay \$105.00 (non-refundable filing fee). In 2013 there were a total of 143 traffic tickets appealed. Chittenden County had 57 traffic tickets appealed of that 21 were dismissed or suspended. Bench trials would be a more efficient way to deal with traffic ticket appeals.

8. Specific modifications that would be needed to recommend support of this bill:

Traffic court has a much broader jurisdiction than just traffic violations. (4 VSA 1102) This bill only speaks to one portion of what traffic court judges do and does not address municipal ordinances.

Secretary/Commissioner has reviewed this document



Date: 2/11/14

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