

The District Court for Harford County, Maryland



Traffic Differentiated Case Management (DCM) Plan

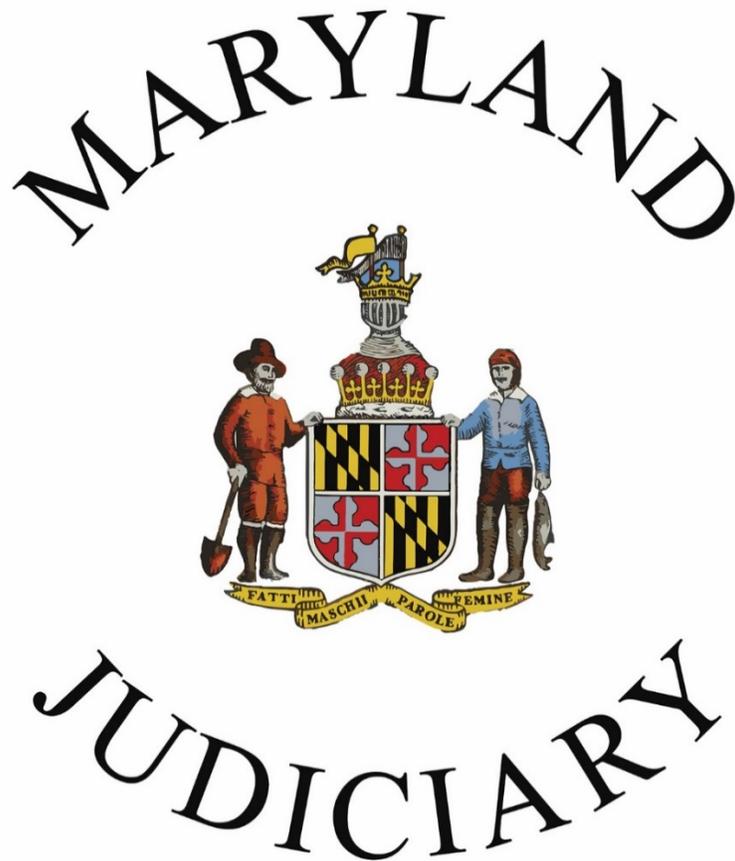


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Track 1 – Traffic Payable Cases

There are various types of traffic violations in Maryland, "payable", "must appear", and in Harford County, red light citations and parking citations. Traffic payable violations are those you may choose to plead "guilty" to and pay a fine without appearing in court.

Payable traffic violations are not punishable by jail time.

Payable traffic violations are issued by citation or summons and include, but are not limited to, the following:

- a) Speeding
- b) Failing to stop for a school bus
- c) Driving without current tags
- d) Unsafe lane changes

A sample traffic citation can be found at the link found below. It includes both violations that are payable and those that require an appearance in District Court. The officer who issues the citation is required to indicate a pre-payable fine amount if the citation is a payable. An example of a citation can be found at this [link](#).

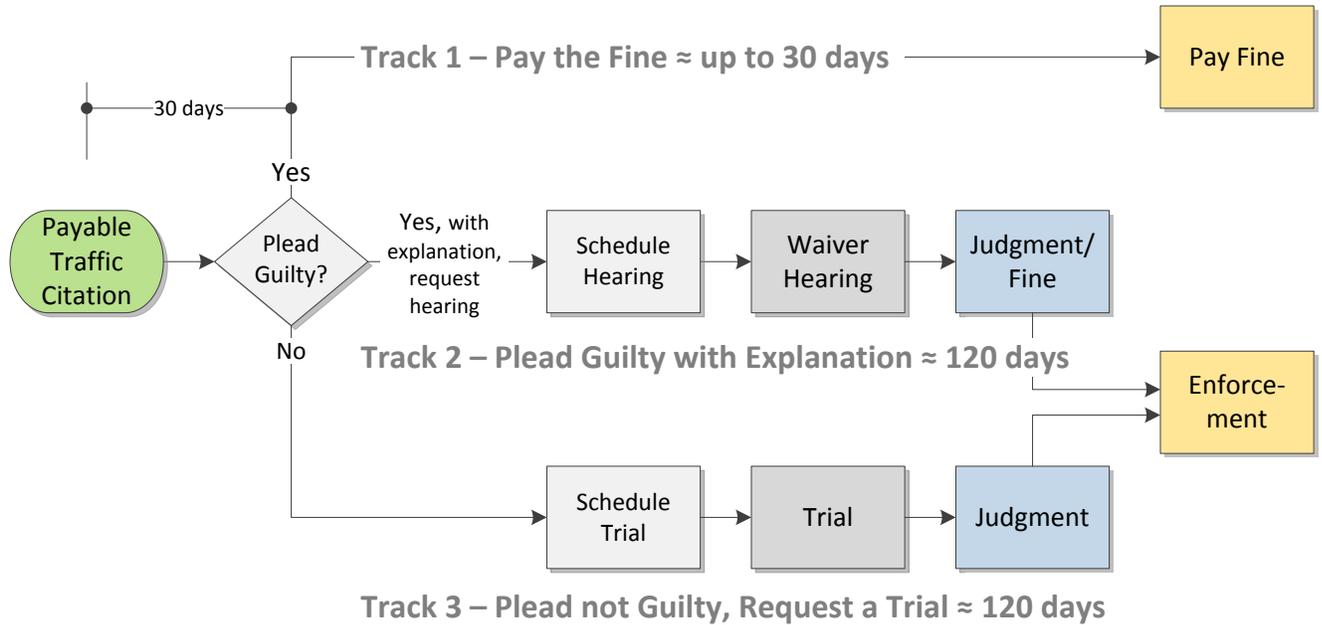
A defendant has three options when confronted with a payable traffic citation:

Option 1 – Pay the fine

Option 2 – Plead "guilty with an explanation" and appear in court for a waiver hearing

Option 3 – Request a trial date and appear in court for trial

If a defendant chooses not to pay the fine, they must request either a waiver hearing or a trial, at which they will be required to appear in person. If a defendant does not respond WITHIN 30 DAYS to one of the three options, MVA will be notified and may take action to suspend their license. Driving on a suspended license is a criminal offense for which a defendant could be incarcerated.



Plead Guilty and Pay the Fine

By paying the fine written on the front of a citation, the defendant is pleading guilty to the charge(s). The charge(s) and possible assessment of points on a driver's license will become part of the defendant's driving record. Points are assessed by the Motor Vehicle Administration (MVA), not by the District Court. Point values are assigned to different kinds of traffic offenses. The more serious the offense, the higher the point values. Those points may in turn increase insurance premiums. See <http://www.mva.maryland.gov/>.

If a defendant chooses to plead guilty and pay the fine, the following options are available.

- a) Pay online (credit card with a service fee assessed)
- b) Pay at the District Court (credit card with a service fee assessed, check, cash or money order)
- c) Pay by mail (check or money order)
- d) Pay by phone (credit card with a service fee assessed)
- e) Pay at an MVA kiosk (credit card with a service fee assessed)

Plead Guilty with an Explanation

If a defendant chooses to plead guilty but wants to request that his or her fine be reduced or waived, or ask for probation rather than a conviction, the defendant must make a request WITHIN 30 DAYS of receiving a citation.

Initiate a Traffic Payable Case

The following steps are required to initiate a traffic payable case in order to plead guilty with an explanation:

- a) Check the "**Request Waiver Hearing**" option box on the Return to Court copy of the handwritten citation and the envelope, or on the electronic version Option Form.
- b) Sign, date, and mail the form to:

District Court of MD.

PO Box 6676
Annapolis, MD. 21401
Or mail/appear at
Bel Air District Court Multi Service Center
District Court of Maryland
2 S. Bond Street, Suite 100
Bel Air, MD 21014

Schedule a Hearing

The court automatically schedules a hearing date before a judge. The defendant will be notified by first class mail of the date and time of the hearing.

Waiver Hearing

The hearing is not a trial. The officer who issues a citation will not be present at the hearing as a witness, nor will other witnesses be permitted to testify. The hearing gives a defendant the following options:

- a) Explain to the judge why an offense was committed

- b) Ask that the fine be reduced or waived
- c) Ask the judge to order probation instead of a conviction because of extenuating circumstances

Judgment

At the hearing, the judge may:

- a) Lower or increase a fine (up to a maximum of \$500)
- b) Order probation before judgment
- c) Place someone on probation and order conditions of probation

Enforcement

After the hearing, the defendant is required to comply with the court order. If fine and costs are imposed, a defendant may pay the fine at the court, or must pay in the manner described above in Track 1.

Post-Judgment

An appeal must be noted in the District Court within 30 days after the order has been entered (Md. Rule 4-509). There are non-refundable court costs for filing an appeal. A defendant cannot appeal probation before judgment.

Plead Not Guilty and Request a Trial

A defendant may plead not guilty and request a trial date within 30 days of receiving a citation.

Initiate a Traffic Payable Case

The following steps are required to initiate a traffic payable case in order to plead not guilty and request a trial date:

- a) Check the "**Request a Trial**" option box on the Return to Court copy of the handwritten citation and the envelope, or on the electronic version Option Form (used by defendants who have lost the paper copy of the citation).

- b) Sign, date, and mail the form to:

District Court of MD.

PO Box 6676
Annapolis, MD. 21401
Or mail/appear at
Bel Air District Court Multi Service Center
District Court of Maryland
2 S. Bond Street, Suite 100
Bel Air, MD 21014

Schedule a Trial

The court automatically schedules a trial date before a judge. The trial is set according to the police officer's schedule. The defendant will be notified by the District Court by first class mail of the date and time of the trial. The public is notified that this process may take several weeks.

Trial

At a trial, the officer who issued the citation and any witnesses that were summonsed will testify and the defendant will have an opportunity to present his or her side of the case. After hearing both sides, the judge will render a decision.

Judgment

When a verdict is rendered, the actual decision is either "guilty" or "not guilty." There is no finding of "innocent." However, a defendant, if found "not guilty," can be described as having been acquitted.

Post-Judgment

An appeal must be noted with the District Court within 30 days after the order has been

entered (Rule 4-509). There are non-refundable circuit court costs for filing an appeal. A defendant cannot appeal probation before judgment.

Postponements or Schedule Changes

The postponement policy for traffic payable cases in the Harford County District Court are based on the [District Court Administrative Regulations](#), as follows:

No motion for the postponement or continuance of any case shall be considered unless made in the following manner:

- a) **Five or More Days Prior to Trial.** Every person desiring a case continued or postponed shall, at least five calendar days prior to the scheduled trial date, file a motion for such postponement or continuance with the clerk of the court. Motions may not be granted except for good cause shown.

Good cause reasons five or more days prior to trial may include, at minimum, the following:

- 1) Written consent of both parties for the first trial postponement only;
 - 2) Scheduling conflict of either party or attorney with a trial on another case, with the notice for the conflicting trial attached;
 - 3) Serious illness or death of either party or attorney;
 - 4) Planned holidays or vacations of either party or attorney, with a motion filed at least 30 days prior to the trial date; or
 - 5) Other serious emergency conflict.
- b) **Less Than Five Days Prior to Trial.** Any motion for postponement or continuance of any case made within five days of the scheduled trial date shall be addressed directly to the presiding judge of that court.

Good cause reasons less than five days prior to trial shall NOT include the following:

- 1) Written consent of both parties;
 - 2) Scheduling conflict of either party or attorney with trial on another case; or
 - 3) Planned holidays or vacations of either party or attorney.
- c) **Designation of Postponement Clerk.** There is no designated postponement clerk in Harford County.
- d) **Attorney Hearing Dates.** Unless otherwise agreed by the clerk, all requests for postponements should be accompanied by three (3) proposed dates when the attorneys and parties are available. Counsel should attempt to contact opposing counsel, if possible, to find dates acceptable to both attorneys and parties. Payable traffic cases are scheduled Monday through Thursday on the afternoon docket.

Track 2 – Must Appear Traffic Cases

There are various types of traffic violations in Maryland, "payable", "must appear", and in Harford County, red light citations and parking citations. Traffic must appear violations are those you must appear before the court. Most "must appear" citations carry jail time.

Must appear traffic violations are issued by citation and may include, but are not limited to, the following:

- a) DWI – DUI
- b) Driving while suspended / driving without license
- c) Failure to remain at scene of accident
- d) Driving without insurance

The officer who issues the citation is required to indicate that the citation is a "must appear" offense.

Citation issued – Arrest Case

Must appear citations with arrest are initiated by complainant or after issuance of an arrest warrant.

Event	Timing
Citation issued	Case filing
Initial appearance	Within 6 to 8 hours of arrest
Bail review	Within 24 hours after no release on bail
Trial	Set 45-60 days from arrest
Sentence	Same day or post trial

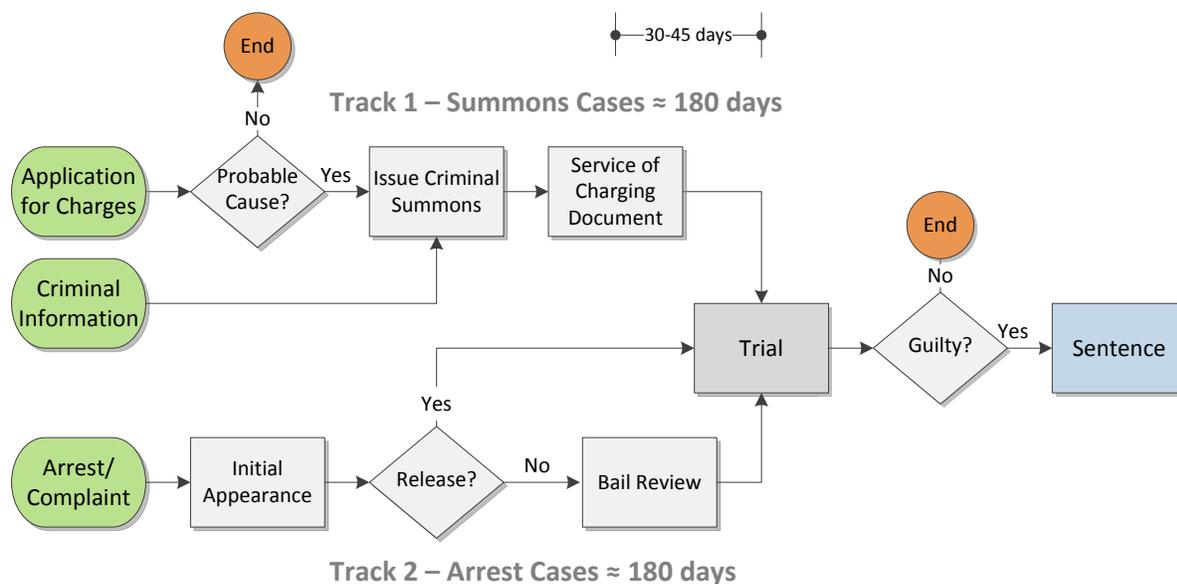
Subsequent case processing follows the same case management plan as for criminal cases (see Criminal DCM Plan).

Citation issued – Release Case

Some must appear citations are issued to the defendant, who must sign with a promise to appear in court on a date to be set. The defendant is subsequently released and not arrested.

Event	Timing
Citation issued	Case filing
Defendant signs and released	One hour
Trial	Within 60 days
Sentence	Same day

A defendant may be notified that they need to appear before a commissioner for a preliminary inquiry.



Trial

In Harford County, for both Tracks 1 and 2, must appear traffic dockets are held four days each week – Monday, Tuesday, Wednesday and Thursday for a total of sixteen sessions per week. Defendants are notified of the trial date via the computer or by first class mail. Cases are assigned by the officer’s scheduled court dates or picked by the court.

A demand for jury trial must be received no later than 15 days before the scheduled trial date, or in open court on the trial date by the defendant and the defendant’s counsel, if any. (Md. Rule 4-301). However, if they are filed after the 15 days, the clerk does not refuse them. If a jury trial is prayed before the trial date, it must be approved by a judge. If the jury trial is prayed in open court, the clerk will hand the defendant his or her court date for the initial appearance in circuit court approximately two or three weeks in the future.

Defendants may plead guilty, not guilty, NC or NCR. Not guilty pleas result in a trial, where both parties may present evidence to the court. No trial is required for a guilty plea.

Sentence

Before imposing a sentence, the court shall afford the defendant the opportunity to make a statement and to present information in mitigation of punishment. The court ordinarily

shall state on the record its reasons for the sentence imposed.

Sanctions imposed at sentencing may include incarceration, supervised or unsupervised probation, treatment, fines, restitution and community service.

After sentencing, the defendant is required to comply with the court order. If a fine is ordered, the defendant has 10 days in which to pay the fine under Md. Rule 27-103, or the Motor Vehicle Authority (MVA) may suspend their driver's license. The judge may also grant a deferred payment giving the defendant sufficient time to pay. If given a jail sentence, a defendant may be immediately taken to jail.

Post Judgment

An appeal must be filed within 30 days after the order has been entered. Non-refundable circuit court costs will be imposed in order to file an appeal. A defendant cannot appeal probation before judgment. Defendants may request a new trial within 10 days and file a motion to reconsider within 90 days of sentencing.

Postponements or Schedule Changes

The postponement policy for traffic must appear cases in the Harford County District Court are based on the District Court Administrative Regulations, as follows:

No motion for the postponement or continuance of any case shall be considered unless made in the following manner:

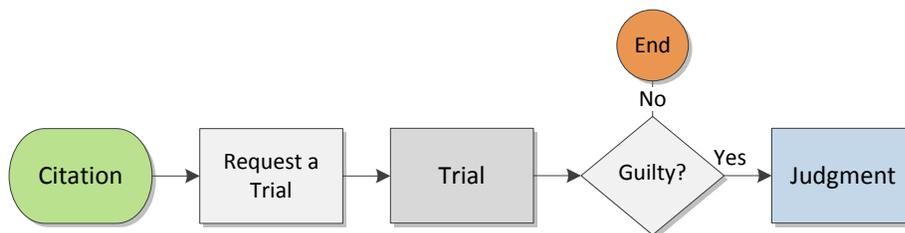
- a) **Motion for continuance.** Every person desiring to have any traffic case continued or postponed shall, at least five calendar days prior to the schedule trial date, file a motion for such postponement or continuance with the court. All motion for continuance are forwarded to the judge for review and are granted for good cause shown.

Good cause reasons five or more days prior to trial may include, at minimum, the following:

- 1) Written consent of both parties for the first trial postponement only;

- 2) Scheduling conflict of either party or attorney with a trial on another case, with the notice for the conflicting trial attached;
 - 3) Serious illness or death of either party or attorney;
 - 4) Planned holiday or vacations of either party or attorney; and
 - 5) Other serious emergency conflicts.
- b) All motions for continuance are handled by the judge. Motions for continuance requested in open court are decided by the judge at the time of the request. If granted, the case is reset on the next available officer's court date. Requests for continuance due to officer availability will be limited due to cases being set on court dates provided by individual agencies. Cases are set according to the officer's court dates and dates selected by the court. A motion for continuance of a must appear citation must be accompanied by a certificate of service.

Track 3 – Red Light Citations and Parking Citations



There are various types of traffic violations in Maryland, "payable", "must appear", and in Harford County, red light citations and parking citations. Red light citations are monitoring system devices which produce images. Parking citations are issued by local municipalities.

Red Light Citations

Transportation 21-202.1. Traffic Control Signal Monitoring Systems

(a)(5) A Traffic Control Signal Monitoring System is a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to produce recorded

images of motor vehicles entering an intersection against a red signal indication. (d)(1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (g)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a traffic control signal monitoring system while being operated in violation of 21-202(h) of this subtitle. The owner of the motor vehicle has the option to prepay the civil penalty or stand trial. (h) If the civil penalty is not paid and the violation is not contested, the Motor Vehicle Administration may refuse to register or reregister or may suspend the registration of the motor vehicle.

Failure to Pay or Contest Violation Transportation 21-202.1(h)

(h) If the civil penalty is not paid and the violation is not contested, the Administration may refuse to register or reregister or may suspend the registration of the motor vehicle.

Civil Prepayment Amount—Traffic Control Signal Monitoring Systems

According to District Court Administrative Regulation XXVIII, the amount which may be paid by any person choosing to prepay the civil penalty without appearing in the District Court of Maryland shall be \$75.00, which includes costs.

Transfer of Liability Defenses Transportation 21-202.1(g)(1)(ii), (iv)

(g)(1) The District Court may consider in defense of a violation:

(ii) Subject to paragraph (2) of this subsection, that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation; (iv) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation.

Evidentiary Burden Transportation 21-202.1(g)(2), (3)

(g)(2) In order to demonstrate that the motor vehicle or the registration plates were stolen

before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a police report about the stolen motor vehicle or registration plates was filed in a timely manner. (3) To satisfy the evidentiary burden under paragraph (1) (iv) of this subsection, the person named in the citation shall provide to the District

Court evidence to the satisfaction of the court of who was operating the vehicle at the time of the violation, including, at a minimum, the operator's name and current address.

Request a Hearing

The District Court will only receive red light citations if trial is requested. A request is made to the issuing agency who then forwards to the citation to the Court. The citations will not be processed in our automated systems. All trial scheduling and notification will be done by the law enforcement agency using court dates supplied to them by the District Court. Hearings on red light citations are scheduled on the last Tuesday of each month.

Postponements

First requests – the law enforcement agency will reset cases for the next red light docket; and notify the defendant. Second and subsequent requests for postponement will be referred to the court. If the request is granted by the judge, the clerk notifies the law enforcement agency of the judge's decision and a manual notice generated by the court is sent to all involved parties; and upon receipt of the notice, the issuing agency assigns a new hearing date and notifies all parties. If the request is denied, the clerk notifies the law enforcement agency of the judge's decision a manual notice generated by the court is sent to all involved parties and no further action is required of the agency.

Hearing

The hearing gives the defendant the option to explain to the judge why an offense was committed or present their side of the case.

Judgment

When a verdict is rendered, the actual decision is either “guilty” or “not guilty.” There is no finding of “innocent.” All appeals, motions, etc. will be processed and handled the same as in any other case.

In the event of an appeal, the court will notify the law enforcement agency of the appeal and the citation number. The law enforcement agency will forward the original citation (with photos) to the court. The court will process the appeal and transmit the case to the clerk of the circuit court.

Submit the form to the clerk's office of the courthouse where your hearing is scheduled by mail or in person.

Parking Citations

The schedule of parking fines in Harford County can be found at:

<http://www.harfordcountymd.gov/407/County-Code>

Request a Hearing

The District Court will only receive parking citations if trial is requested. Hearings on parking citations are scheduled according to officers’ schedules. The citations will not be processed in our automated systems. All trial scheduling and notification will be done by the law enforcement agency using court dates supplied to them by the District Court.

Postponements

First requests – the law enforcement agency will reset cases for the next red light docket; and notify the defendant. Second and subsequent requests for postponement will be referred to the court. If the request is granted by the judge, the clerk notifies the law enforcement agency of the judge’s decision and a manual notice generated by the court is sent to all involved parties; and upon receipt of the notice, the issuing agency assigns a new hearing date and notifies all parties. If the request is denied, the clerk notifies the law

enforcement agency of the judge's decision a manual notice generated by the court is sent to all involved parties and no further action is required of the agency.

Hearing

The hearing gives the defendant the option to explain to the judge why an offense was committed or present their side of the case.

Judgment

When a verdict is rendered, the actual decision is either "guilty" or "not guilty." There is no finding of "innocent." Payments can only be made to the Court on the day of trial, after which payments must be made to the agency that issued the citation. All appeals, motions, etc. will be processed and handled the same as in any other case. In the event of an appeal, the court will notify the law enforcement agency of the appeal and the citation number. The law enforcement agency will forward the original citation (with photos) to the court. The court will process the appeal and transmit the case to the clerk of the circuit court.

Personal Identifiers

It is the responsibility of the filer to redact personal identifiers, prior to submitting a filing with the Court. Filers include anyone filing documents with the Court, including police officers, the state's attorney, criminal complainants, landlords, petitioners, and others. The filer does not have to be a party to a case, and may include Federal Courts, military personnel, or relatives to a party in a case.

Per Md. Rule 1-322.1, unless otherwise required by law or permitted by court order, the following personal identifier information shall not be included in any electronic or paper filing with a court:

- a) an individual's Social Security number, taxpayer identification number; or
- b) the numeric or alphabetic characters of a financial or medical account identifier."

The rule also states that unless otherwise provided by law or court order, this Rule does

not apply to the following:

- a) a financial account identifier that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- b) the record of an administrative agency proceeding.

Do You Need a Court Interpreter or Other Special Accommodation?

The Maryland Judiciary provides court interpreters for hearings and proceedings conducted in court, as well as certain court-related services and events, at no cost, for individuals who are parties or witnesses in court proceedings.

Only court-appointed interpreters can serve as official interpreters in the courtroom. Your family or friends cannot serve as official court interpreters. You may have your family members or friends help you to communicate with the court staff outside the courtroom.

You should request an interpreter for your hearing 30 days before the court date, if possible.

Fill out a [Request for Spoken Language Interpreter](#) (CC-DC-041). If requesting a sign language interpreter or other special accommodation, use the [Request for Accommodation for Person with Disability](#) (CC-DC-049). You can also ask your attorney to fill out the form for you.

Submit the form to the clerk's office of the courthouse where your hearing is scheduled by mail or in person.

If you are a party in the case, you only need to submit a single interpreter request form. Once the court receives your first timely request, the court will assign an interpreter for all proceedings at which you are expected to appear. Other interested persons (victims and witnesses) must submit a new interpreter request form for each proceeding.

Harford County District Court and the Community

The following are resources available in the community to help with resolving a dispute.

Courthouse locations:

Bel Air District Court Multi Service Center

District Court of Maryland

2 S. Bond Street, Suite 100

Bel Air, MD 21014

Monday – Friday, 8:30 a.m. – 4:30 p.m.

Court telephone number: 410-836-4545

Location of clerk's office: First floor

Alternative Dispute Resolution	866-940-1729
Legal Aid	410-836-7772
Maryland Courts Self-Help Center	410-260-1392
People's Law Library	https://www.peoples-law.org/
Harford County Community Mediation Center	410-638-4807
Harford County State's Attorney – District Court Division	410-638-3231
Public Defender's Office	410-836-4880
Motor Vehicle Administration	800-950-1682

The link noted below for District Court of Maryland traffic citation information

<http://mdcourts.gov/legalhelp/traffic.html>

Forms

The following forms might be needed by the defendant in traffic cases.

CC-DC-070 [Motion for Postponement](#)

CC-DC 041 [Request for Spoken Language Interpreter](#)

CC-DC-049 [Request for Accommodation for Person with Disability](#)

CC-DC-089 [Request for Waiver of Prepaid Costs](#)

DC-001 [Request, Order](#)

DC-002 [Motion/Certificate of Service/Order](#)

DC-004 [Subpoena](#)

DC-065 [Address Change Request](#)

DC-CR-17 [Notice of Appeal](#)

DC-CR-72 [Petition for Expungement of Records](#)

[Sample of Handwritten Traffic Citation](#)

[Sample of Electronic Traffic Citation](#)

A growing amount of content on the Maryland Judiciary's web site is now available in languages other than English. The non-English pages provide forms, brochures, and other helpful information about the Maryland Courts. The materials are available in Spanish, French, Russian, Korean and Chinese. <http://www.mdcourts.gov/courtlanguage/index.html>.