

Butler County Juvenile Traffic Court Information Sheet

Revised 10/3/2022

Scheduling: Many traffic cases can be resolved by either entering a plea by mail (waiver of hearing) or via a virtual teleconference hearing (The court uses a system known as Webex which is similar to Zoom). Some cases must be addressed via in-person hearings at the court facility.

Rights: Juveniles cited to traffic court have the right to be represented by an attorney and the right to request a continuance in order to consult with an attorney. Appointed attorneys are not available in traffic cases except those which may result in incarceration, such as OVI.

If the charge can result in the juvenile's incarceration, an in-person hearing will be required and the magistrate will advise the juvenile of his/her right to a court-appointed attorney. In order to proceed without an attorney, that right must be waived in writing (the court will provide that document).

IMPORTANT: Unless a waiver is granted by the court, all minors who are cited to Juvenile Traffic Court must appear in court or via Webex with their parent, legal guardian, legal custodian, or an attorney at law. *Any person appearing with a child who falsely claims to be a minor's parent, legal guardian, or legal custodian, may be subject to prosecution.*

Penalties: If a juvenile is found guilty (found to be a Juvenile Traffic Offender) the court may impose a wide range of penalties including, but not limited to: fines, costs, driver education, alcohol/drug intervention services, license suspension, probation, and (in some cases) incarceration. Please carefully review the MANDATORY PENALTIES mentioned later in this form.

Pleas: There are two pleas that may be entered in Juvenile Court in ANY case:

1. An ADMISSION (also known as a "true" plea) is essentially the same as a guilty plea.
2. A DENIAL (also known as a "not true" plea) is essentially the same as a not guilty plea. If this plea is entered, the court will not be able to proceed with the case and the case will be set for pre-trial with the prosecuting attorney on a later date.

A third plea, NO CONTEST, may only be entered where the juvenile has been cited for being **at fault in an automobile accident**. A NO CONTEST plea is very similar to an admission and IS NOT a substitute for a denial or a not guilty plea. A NO CONTEST plea tells the court that there is no opposition to the charges as filed in the citation and accompanying documents (such as the accident report).

A plea of true, guilty, or no contest to any violation in court will almost always lead to a conviction on the charge(s) in the citation. The Magistrate assigned to the traffic court docket will listen to what is said in the hearing but has no authority to reduce charges, points, or otherwise deviate from Ohio law.

Special

Situations: If parents or juveniles believe that a case deserves special consideration due to personal, factual, or legal issues, strong consideration should be given to whether entering a denial (a plea of not guilty) to the offense would be appropriate. If a denial is entered, the case will be scheduled for a pre-trial, the citing officer will be subpoenaed and the case will be assigned to a prosecutor. Only the prosecutor has the authority to withdraw or reduce a charge. Upon request the court can provide contact information for the prosecutor.

Costs: If there is a TRUE/ADMIT or a NO CONTEST plea entered, the costs for moving violations are \$129.00 (MOST violations are moving violations). Costs for non-moving violations are \$100.00. If there is a NOT TRUE plea, the court is legally required to assess higher costs based upon the types of documents which must be issued (such as subpoenas). Costs may only be assessed if there is a conviction.

Payment: Mail-in payments may be made by Money Order, Cashier's Check, by an Official Credit Union check. At this time, the court cannot accept payments made by phone, on-line, or by way of electronic funds transfer systems. In-person payment of fines and costs may be made by cash; by Cashier's Check, by an Official Credit Union check, or with a Visa® debit card or the following credit cards (subject to an additional processing fee of \$1.95 or 2.35% of the total, whichever is greater) Master Card®, American Express®, and Discover®. **Personal checks will not be accepted.** Fines and costs must be paid within thirty (30) days). If there is a failure to pay fines and costs in full within thirty days, notice will be sent to the BMV and the BMV may issue a forfeiture order regarding the juvenile's license.

MANDATORY PENALTIES

Local Penalties (Court imposed)

For some time now, the judges of this court, in response to teen-driver related crashes and fatalities in Butler County have directed that for first offenses, this court will issue (in most cases) the following orders:

1. A minimum (30) day suspension of driving privileges upon conviction for speeding 15 MPH or more over the speed limit and successful completion of CarTeens (see below) or the Driving Improvement Program (see below).
2. One of the following orders on all other two-point moving traffic violations (Examples: Speeding, Assured Clear Distance, Failure to Yield, Failure to Control and others):
 - successful completion of CarTeens (see below) or the Driving Improvement Program (see below).

or

 - A thirty (30) day total suspension of all driving privileges (no driving privileges).

Statutory Penalties (Penalties imposed by State Law)

Some offenses (such as OVI, Leaving the Scene of an Accident, Street Racing, Reckless Operation, and driving without insurance) have SIGNIFICANT mandatory penalties which are too complex for full explanation on this information sheet. Mandatory penalties imposed by state law can be confusing. In most cases, in-person hearings must be held regarding these charges. The most common of those include the following:

MANDATORY 90 day license suspension by the BMV: Upon conviction for two moving violations which were committed prior to the juvenile offender's 18th birthday.*

MANDATORY one year license suspension by the BMV: Upon conviction for **three moving violations** which were committed prior to the juvenile offender's 18th birthday.*

MANDATORY three year license suspension by the BMV for operating a motor vehicle without insurance at the time of the offense.

If a BMV suspension is imposed, such suspensions REQUIRE payment of a reinstatement fee, a remedial driving course, and a RE-TAKE THE DRIVING EXAMINATION prior to license reinstatement. **The court cannot waive these or any other BMV imposed requirements.**

Serious offenses, such as operation of a vehicle while intoxicated (OVI), leaving the scene of an accident, street/drag racing, speeding 30MPH or more over the speed limit, and reckless operation are enhanced point violations. Upon conviction for any of those offenses, the court will impose a significant license suspension. Convictions for such offenses may also have a significant effect upon insurance availability and cost.

Points: Points are assessed regarding juvenile traffic offenses based upon the offense of record in accordance with Ohio law. Points remain on the record for three (3) years. The assessment of points cannot be waived.

Other Information

Insurance: Proof of insurance (coverage for the vehicle and/or the driver) must be provided to the court either before or immediately after the hearing unless the citation issued by the officer indicates that proof of insurance was provided at the time the citation was issued. In order to provide proof of insurance to the court, the court will need proper documentation proving that the vehicle was covered by insurance at the time the citation was issued.

In cases where personal appearance is waived and a fine is paid or if there is to be a Webex hearing, proof of insurance (an insurance card is usually sufficient) should be included with the first mailed correspondence to the court. For in-person hearings, proof of insurance will need to be given to the payment clerk after that hearing. If proper proof is not provided to the BMV, it will result in a license suspension, possible revocation of the vehicle's registration, and other substantial financial penalties.

Out of County Residents

Ohio Residents Only:

Ohio Juvenile Rule 11 permits the court to transfer cases to a juvenile's county of residence in the State of Ohio. Any requests to transfer to another court should be forwarded to the court to the attention of the Traffic Clerk.

Special Programs:

The Juvenile Court utilizes two different educational/diagnostic services as follows:

CARTEENS:

CarTeens is a virtual televised (Zoom) classroom driving safety educational program that is conducted under the auspices of the local 4-H organization, the Ohio State Patrol, and the Ohio State University Extension Service. This program consists of one (1) class which lasts about two hours. The cost of this program is \$35.00 which must be paid electronically before the program. If participation in CARTEENS is ordered, parties will be provided with an information sheet. Juveniles ordered to attend CarTeens must successfully complete that program by attending and passing the test given to all juvenile participants. In most cases, both the child and a parent must attend in order to avoid a further license suspension or other penalty.

DRIVING INTERVENTION AND IMPROVEMENT PROGRAM (Formerly defensive driving):

This program is an in-person classroom driving safety program. This program is conducted by the Safety Councils of Hamilton and Middletown. This is a one-day program and the cost varies but is approximately \$70.00. If participation in THE DRIVING INTERVENTION AND IMPROVEMENT PROGRAM is ordered, a phone number will be provided to call for details.

- * After the BMV has issued a suspension on a juvenile's license as set forth above, a juvenile may file a petition (motion) with the court asking the court to grant occupational or educational driving privileges. The court may grant such privileges if continuing imposition of the suspension will seriously affect the person's ability to continue in employment or educational training or will cause undue hardship on the license holder or a family member of the license holder. The steps for requesting such privileges are as follows:

1. The suspension must be "in the system." In other words, the suspension must be entered into the records of the BMV before the order granting privileges is received by the BMV. Suspensions are usually entered into the system approximately seven to ten days AFTER the court hearing where the juvenile was convicted. Information regarding driving records is available on the BMV website.
2. A motion (A Motion for Reconsideration) must be filed (there is a filing fee of \$95.00 for such motions) requesting driving privileges. Forms are available from the clerk at nominal cost or on our website at: <http://www.butlercountyohio.org/JuvenileJusticeCenter>
3. A hearing may be held on the motion, if determined to be necessary by the court, where the court will either grant or deny the privileges requested (We will endeavor to expedite those hearings).