

CITY OF KLAMATH FALLS MUNICIPAL COURT

COURT PROCESS

You are here to respond to a citation or complaint that has been issued to you.

The following information relates to this court process:

1. **WHY IS THE FINE SO HIGH?** The 2003 and 2005 Oregon Legislatures passed new laws that mandate a higher fine be imposed by the Court. It has the effect of eliminating public service work and requires a minimum fine be paid. In most cases this minimum is a substantial amount. Your concerns regarding these new laws should be directed to your Oregon state senators and representatives. The Court's discretion has been taken away by the Legislature.

Additionally, we no longer have sufficient staffing to monitor deferred and/or traffic school sentences, except in very limited situations.

2. **YOU HAVE FOUR (4) OPTIONS TODAY:**

- a. **ASK FOR A POSTPONEMENT.** This will give you more time to consider your decision on whether to ask for a trial, hire an attorney to speak on your behalf or to obtain documents you want the Judge to review before you are sentenced. You may ask for up to two (2) week extensions, if you have not been given a prior extension by the court or court clerk.
- b. **PLEAD NO CONTEST AND BE SENTENCED.** You may give an explanation before being sentence, if you ask to.

No Contest means that you do not want to admit all of the facts that are part of the matter you have been charged with, but are convinced that the City can prove the matter at trial. You are giving up your right to a trial and the matter you have been charged with will be entered as a conviction, just as if you pled guilty.

- c. **PLEAD GUILTY AND BE SENTENCED.** You may give an explanation before being sentenced, if you ask to.
- d. **PLEAD NOT GUILTY.** The court clerk will then set a date for you to come back for a trial before a judge, or you can use one of the other "Not Guilty" options as set forth on the back of your citation. You may hire an attorney at your expense to represent you. At trial the city must prove its case by a preponderance of the evidence. If you need to have witnesses subpoenaed for your trial you must provide that information to the city court clerk no later than 10 days before your trial. At the trial you will be able to ask questions of the city witnesses, testify yourself and ask questions of witnesses you present.

PLEASE BE AWARE

If you plead guilty or no contest, the Judge assumes that you feel you are responsible for the violation you have been charged with and the minimum fine laws apply. You may give an explanation of your actions to the Judge before sentencing. **HOWEVER, IN MOST CASES THE COURT MUST IMPOSE A MINIMUM FINE.** In fact it would be extremely unusual if the court did not impose a fine.

3. **THE \$ AMOUNT SHOWN ON THE CITATION IS NOT THE FINE AMOUNT.** It is the bail. The bail is the amount you would be asked to post as security should you wish to plead not guilty and request a trial and is set by the Supreme Court of Oregon. The actual fine the court can impose is determined by the Judge but controlled by the State Legislature. The fine amount is subject to the minimums/maximums established by State statute. Each type of violation has a different minimum/maximum fine. If you want to know the minimum or maximum fine for your offense, ask the Judge.
4. **SENTENCING:** In most cases, due to the changes from the State Legislature, the Judge is not able to keep traffic violations off your driving record and the Judge is not able to reduce the fine below the minimum.
5. **PAYMENTS OF FINES & FEES:** Any fine imposed is expected to be paid today.

If you cannot pay in full today, the Judge will expect that you will tell him or her how you are going to pay. If the full fine is paid within thirty (30) days, no additional charges will be imposed. If you propose to pay after 30 days from today, you will need to **sign a payment agreement and pay an additional Municipal Court fee to carry the account.** Generally, under a payment plan you will be expected to pay your fine in monthly or semi-monthly installments over the next few months. The fees for the payment plan are: \$45 for a 6 month plan, \$75 for a plan over 6 months, plus \$75 for each year after the first year of a plan. **ONCE FEE IS ADDED IT IS NOT WAIVED**

PUBLIC SERVICE IS NO LONGER AVAILABLE.

If you fail to pay your fines and fees when due and are not given an extension by the court, you may have your driving privileges SUSPENDED. Your account will be forwarded to a collection agency with a recovery fee of 40% of the total amount due being added and a Motion & WARRANT for contempt of court may also be issued at this time.

**MUNICIPAL COURT
(541)883-5311
FAX (541)883-5399**