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Supreme Court to Consider Dismissal of Old Municipal Court Warrants in Minor Matters

Chief Justice Stuart Rabner today issued [an order](#) that sets up hearings to consider the dismissal of unresolved cases involving minor municipal offenses more than 15 years old. The order was filed on behalf of the Supreme Court.

A review by the Administrative Office of the Courts found hundreds of thousands of cases involving minor municipal offenses remain open and have not been prosecuted. There are, for example, 787,764 open warrants from 1986 to 2003 for failure to appear in cases that include parking violations, minor motor vehicle offenses and local ordinance violations. Among them are 355,619 parking tickets and 348,631 tickets for moving violations. Other warrants are even older.

Under the order, a three-judge panel would conduct a series of hearings in the northern, central and southern part of the state to give interested parties the opportunity to argue that these cases should not be dismissed.

More serious offenses – such as driving while intoxicated, reckless driving, major traffic violations, disorderly and petty disorderly persons offenses, and indictable offenses – would not be considered for dismissal under the order. The order lists the specific offenses that are not eligible for dismissal.

The order follows [a report released earlier this week](#) by the Supreme Court Committee on Municipal Court Operations, Fines, and Fees, which called for the dismissal of old bench warrants that involve minor offenses or minimal penalties.

Chief Justice Rabner's order notes that the dated warrants "raise questions of fairness, the appropriate use of limited public resources by law enforcement and the courts, the ability of the state to prosecute cases successfully in light of how long matters have been pending and the availability of witnesses, and administrative efficiency."

A 2016 U.S. Department of Justice report found that issuing arrest warrants for missed court appearances or failure to pay fines and fees, particularly against indigent individuals, did not ensure equal justice. The seriousness of the consequences raised concerns about individuals' due process and equal protection rights, the report determined.

In 2016, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) formed the National Task Force on Fines, Fees and Bail Practices, on which Chief Justice Rabner serves, to address the ongoing impact that legal financial obligations have and to draft model statutes and court rules for setting, collecting, and waiving court-imposed payments.

In the report by the Supreme Court Committee on Municipal Court Operations, Fines, and Fees issued earlier this week, the Committee presented various recommendations to enhance the work of the municipal court system. The report also highlighted concerns about the imposition of excessive discretionary sanctions, safeguards for defendants unable to pay fines, and an evaluation process for the appointment and reappointment of municipal judges, among other issues.

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