

## GUEST OPINION

The people of Porter County need to know about a piece of legislation now making its way to the House after being passed by the Indiana Senate on January 28<sup>th</sup>. Senate Bill 399 eliminates traffic fines for those defendants who pay their ticket by mail or at the Clerk's window, before their scheduled court date and sets the penalty as court costs only (currently \$114.50). If a defendant contests the ticket, and loses at trial, the maximum fine is \$50.50 based upon their previous good driving record. The fine increases for repeat offenders with multiple prior convictions. Who benefits by these limits and handcuffs on the traffic court judiciary? First and foremost, extremely poor drivers and traffic violators including speeders, those who drive around school buses, those who run through red lights, stop signs and those disorderly types who abuse and mistreat police officers doing their duty during a traffic stop. As long as they pay their ticket prior to their court appearance, their fine is \$0 and court costs only (\$114.50). No longer do they learn the valuable lesson that driving dangerously literally costs a lot of money. More importantly, no longer do they hear from the judge to slow down or correct their behavior.

Why would our local state senators, who unanimously voted for Senate Bill 399, and the Indiana State Senate, encroach upon the judiciary's authority to set fines and costs on a case-by-case basis? Because one Marion County jurist is seen as out of control by legislators stationed in Indianapolis, because apparently the local traffic judge imposes a fine of \$500 plus court costs for all traffic offenders, including anyone proceeding to trial and losing. Nobody should ever be punished for exercising their constitutional right to contest a ticket and proceed to trial and have their day in court. I routinely set a fine of \$1.50 to \$8.50 and costs for cases having unique circumstances or for persons with otherwise good driving records. At trial, I learn a lot about each case before me and driving habits, both good and bad. Sometimes it is not enough to take away driving privileges for many months and impose the maximum fine, especially for those drivers who abuse and mistreat the police officer. Also, many savvy offenders wait until their trial date to see if the police officers shows for trial, knowing that many officers have emergencies to attend to which forces them to miss court. Some, but not all CDL drivers

are keenly aware of how to play this cat and mouse game. When a ticket is contested, an officer is pulled off the street to attend trial and the decision to pay or dispute the ticket should never be allowed so late in the process. Senate Bill 399 will allow this game.

There are many ways to deal with an out of control judge, through disciplinary means and most important, the ballot box. To my knowledge, no person in Indianapolis has seen fit to file a disciplinary grievance against the Judge just for exercising their right to trial. But to tell Porter County traffic judges that a high school speeder should not pay a fine greater than \$50 and costs and have their license suspended for traveling 115 mph on Route 30 at 11pm with multiple passengers is just wrong. Senate Bill 399 is an encroachment upon the separation of powers between the legislative and judicial branch of government and wrong for reasons of traffic safety.

In Indiana, all monies collected for fines and costs on traffic and other cases revert to the State General Fund. In 2008, 775,000 persons paid fines and costs producing millions of dollars for schools, roads and the operation of state government. Senate Bill 399 would cut that figure by 75%. Please be clear on this point: Judges have little or no interest in collecting high fines as a revenue generating device. We neither know or care where the funds go. High fines serve the deterrent purpose of making faulty drivers obey the traffic rules. But, in this economy, can our legislators justify the need to spank a harsh Indianapolis judge by decreasing 75% of collected court costs for traffic offenders, many of whom are from out of state?

This is a bad piece of legislation. I ask that you contact your legislators and tell them Senate Bill 399 is a bad idea for all of us.

Judge David Chidester  
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