

# INFRACTION PROCEDURES

Infractions are non-criminal violations of the law and include such violations as speeding, failure to wear seatbelt, no proof of liability insurance, etc. They can also include non-traffic cases such as animal violations and code enforcement violations. When you receive an infraction from an Aberdeen police officer or an infraction by mail from Aberdeen Municipal Court, you have been charged with a civil infraction. An infraction is not a crime.

Please read the instructions printed on the citation. You must respond within 30 days of the date of the citation by either requesting a hearing, by paying the fine in full, or by requesting a payment plan.

## **Mitigation Hearing**

A mitigation hearing is where you admit you committed the violation but wish to explain the circumstances of the infraction. The Judge, depending on the explanation given and your driving record, may adjust the penalty you pay.

## **Contested Hearing**

A contested hearing is where you believe you did not commit the violation or that you have a valid defense to the violation. Unless you request that the officer be subpoenaed, the judge will read the sworn statement of the officer. You may testify, present evidence, and call witnesses on your own behalf. If you desire the officer to be present, please advise the court in writing at least ten (10) days before your hearing date. As a result of a contested hearing, the penalty may stay the same or the ticket dismissed. You may, at your own expense, have an attorney appear to represent you at your hearing. A public defender is not provided for traffic and parking infraction cases.

## **Deferred Finding**

A deferred finding per RCW 46.63.070(5)(a) allows for the dismissal of the infraction. Not all cases are eligible for a deferred finding and dismissal. If eligible, the infraction will be dismissed at the end of the time period imposed by the Judge if you do not commit another infraction or criminal offense and you pay the costs imposed to monitor your case. A person is only allowed one deferral in a seven-year period for moving violations and only one in a seven-year period for non-moving violations. A finding of committed will be entered with the Department of Licensing if you receive a new violation during the deferral period or you fail to pay the costs imposed by the court.

## **Failure to Respond/Appear/Pay**

If you fail to respond within 30 days, fail to appear at your scheduled hearing, or fail to pay the penalty either in full or in accordance with your payment plan, a late fee is added to the original penalty, and you are declared to have committed the offense. Your driver's license may be suspended. All delinquent cases will be referred to a collection agency in accordance with state law.