

CODE OF ALABAMA  
ALABAMA RULES OF JUDICIAL ADMINISTRATION

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Includes Amendments Received Through July 1, 2000.

Rule 20.

Magistrates' fine schedule and procedure if defendant elects to plead guilty.

(A) Schedule of fines for traffic infractions. If a defendant in a district or municipal court case elects to plead guilty before a magistrate to one of the traffic offenses listed in the schedule below, the fine established in this schedule shall apply:

OFFENSES	FINES
Driving on wrong side of road	\$30.00
Failure to dim headlights	10.00
Failure to stop at railroad crossing	10.00
Failure to use child restraint	10.00
Failure to wear <b>safety belt</b>	10.00
Failure to yield right-of-way	20.00
Following too closely	20.00
Improper backing	20.00
Improper brakes	20.00
Improper lights	20.00
Improper muffler	10.00
Improper or no rearview mirror	20.00
Improper passing	20.00
Improper signal	10.00
Improper tag	25.00
Improper tires	20.00
Improper turn	20.00
Improper window tinting	20.00
No helmet (motorcycle rider)	10.00
Operating a motor vehicle without a driver's license	25.00 [FN*]
Running red light	20.00
Running stop sign	20.00
Speeding:	
Less than 25 MPH over posted speed limit:	20.00
25 MPH or more over posted speed limit:	40.00
Stopping on highway	30.00
Violating driver's license restriction or endorsement	10.00 [FN*]

[FN\*] This amount does not include the \$50 penalty imposed pursuant to § 32-6-18 and § 32-6-19, Ala. Code 1975, as amended by Act No. 97-494, effective May 22, 1997.

(B) District court schedule of fines. Any district court, by action of a majority of the judges thereof, and subject to the limitations imposed in

section (D), may adopt, in whole or in part, the Supreme Court's extended schedule of fines appearing as Appendix B to this rule, and the schedule adopted by the district court shall apply in municipal ordinance violation cases and minor misdemeanor cases, including cases charging offenses pursuant to a rule or regulation promulgated by a state agency or department, not included in the schedule set out in section (A), wherein a defendant elects to plead guilty before a magistrate to a violation, misdemeanor, or infraction listed in the schedule. Provided, that in no event shall the schedule of fines include violations or misdemeanors involving the use or consumption of alcoholic beverages or any controlled substance; violations or misdemeanors connected with violent acts; or violations or misdemeanors requiring restitution to victims of crime.

If the district court adopts the Supreme Court's extended schedule of fines, in whole or in part, the district court may subsequently, by action of the majority of the district judges, omit from its local schedule of fines any particular offense listed on the Supreme Court's extended schedule of fines or may reject the Supreme Court's extended schedule of fines in its entirety.

Any district court, by action of a majority of the judges thereof, and subject to the limitations imposed in section (D), may adopt a local schedule of fines for other minor misdemeanors, municipal ordinance violations, or violations of rules or regulations promulgated by a state agency or department, not included in section (A) and not included in the Supreme Court's extended fine schedule, or, as to a particular offense, may set a fine amount different from that contained in the Supreme Court's extended fine schedule. This local schedule shall apply if a defendant elects to plead guilty before a magistrate to a violation, misdemeanor, or infraction listed in the schedule. Provided, however, that any local schedule that lists additional offenses or sets different fine amounts shall not be effective until it has been approved by the Supreme Court. The presiding district judge shall submit the local fine schedule listing other offenses or setting different fine amounts to the clerk of the Supreme Court, who shall present it to the Supreme Court for approval.

Any district court adopting a local fine schedule pursuant to this rule, whether it adopts the Supreme Court's schedule of fines, in whole or in part, or adopts a different schedule permitted by this rule, shall submit a copy of its schedule (or schedules) to the Administrative Office of Courts, and the district court shall maintain the original on file in the court clerk's office. Any district court rejecting the Supreme Court's extended schedule of fines in its entirety, shall notify the Administrative Office of Courts of that fact, furnishing the ADC a copy of the document indicating that action; the district court shall maintain the original document in the court clerk's office and shall distribute and post copies of it as this paragraph would have the clerk distribute and post copies of any schedule adopted. The clerk of the court shall distribute copies to the county sheriff, all chiefs of police for municipalities located within the county, and the state trooper office located within the county, and the clerk shall also post the schedule (or schedules) in a conspicuous place. (See section (G), dealing with "posting, distributing, and displaying schedules.")

(C) Municipal court schedule of fines. Any municipality may, by ordinance, adopt, in whole or in part, the Supreme Court's extended schedule of fines

appearing as Appendix B to this rule, and the schedule adopted shall apply in municipal ordinance violation cases or cases charging violations of a rule or regulation promulgated by a state agency or department and incorporated in municipal ordinances, not included in the schedule set out in section (A), wherein a defendant elects to plead guilty before a magistrate to a violation, misdemeanor, or infraction listed in the schedule. If a municipality adopts all or a portion of the Supreme Court's extended schedule of fines, it may subsequently amend its local schedule of fines, by ordinance, to include or exclude any or all of the offenses contained in the Supreme Court's extended schedule of fines or to reject the Supreme Court's extended schedule of fines in its entirety. Provided, that the adoption of a schedule of fines pursuant to this section shall be subject to the limitations imposed in section (D), and provided that in no event shall the schedule of fines include violations or misdemeanors involving the use or consumption of alcoholic beverages or any controlled substance; violations or misdemeanors connected with violent acts; or violations or misdemeanors requiring restitution to victims of crime.

A municipality may, by ordinance, and subject to the limitations imposed in section (D) and subject to the limitations that the schedule of fines not include violations or misdemeanors involving the use or consumption of alcoholic beverages or any controlled substance; violations or misdemeanors connected with violent acts; or violations or misdemeanors requiring restitution to victims of crime, adopt a local schedule of fines for municipal ordinance violations or violations of rules or regulations promulgated by a state agency or department and incorporated into ordinances, which offenses or violations are not included in the schedule of fines provided in section (A) or in the Supreme Court's extended schedule of fines, and as to which a defendant may elect to plead guilty before a magistrate. Provided, that the fines adopted may not be inconsistent with either the fine schedule set out in section (A) or the Supreme Court's extended schedule of fines and provided that the violations are minor offenses that do not require a court appearance.

(D) Limitations.

(1) No schedule of fines established for use by magistrates pursuant to sections (B) and (C) shall include any of the following traffic offenses:

(a) Operating or being in actual physical control of any vehicle while intoxicated or under the influence of drugs;

(b) Reckless driving;

(c) Felony offenses;

(d) Operating a motor vehicle while the driver's license is suspended, revoked, or cancelled;

(e) Fleeing or attempting to elude a police officer;

(f) Racing on the highway; and

(g) Operating or driving a commercial vehicle after the vehicle or driver has been placed "out of service" by a law enforcement officer.

(2) Notwithstanding that the particular misdemeanor or violation with which the defendant is charged is listed on a schedule adopted pursuant to this rule, that schedule shall have no application to the defendant's case if the offense charged resulted in personal injury or property damage.

(E) Procedure for pleading guilty to nontraffic offense.

(1) PERSONAL APPEARANCE OR REMITTANCE BY MAIL OR HAND DELIVERY. Any defendant electing to plead guilty to any nontraffic misdemeanor, municipal ordinance violation, or infraction of a rule or regulation promulgated by a state agency or department, which misdemeanor, violation, or infraction is listed in a schedule established pursuant to section (B) or (C) must, within seven days of the date of receiving the Uniform Non-Traffic Citation and Complaint ("UNTCC"), or, in the discretion of the magistrate, not later than 72 hours before the court date shown on the UNTCC, comply with one of the following requirements:

(a) Appear in person before a magistrate, sign the "Plea of Guilty -- Waiver of Rights" provision on the UNTCC, and pay the fine, all applicable court costs, and, for a misdemeanor offense in the district court, the minimum victim compensation assessment of \$25.00; in the event the defendant chooses this option, the magistrate should retain a copy of the UNTCC; or

(b) Sign the "Plea of Guilty -- Waiver of Rights" provision on the UNTCC and mail or hand deliver to the clerk of the court the signed page and payment for the amount of the fine, all applicable court costs, and, for a misdemeanor offense in the district court, the minimum victim compensation assessment of \$25.00. Remittance by mail or hand delivery of the fine, costs, and victim compensation assessment constitutes a guilty plea and waiver of trial, even if the "Plea of Guilty -- Waiver of Rights" provision on the UNTCC has not been signed by the defendant. If the amount sent is insufficient, then the money received by the clerk shall be considered to be a partial payment of the lawful penalty, and it shall be applied by the clerk to the fine, costs, and victim compensation assessment and shall be disbursed as required by law. The clerk may give notice of an insufficiency, and a supplemental summons or warrant of arrest shall be issued for the defendant's arrest, and a judgment shall be entered by the magistrate for the balance due.

(2) EXCEPTION FOR REPEAT OFFENDERS; MANDATORY COURT APPEARANCE. If the court has reason to believe that a defendant charged with a scheduled offense is a repeat offender, the court, in its discretion, may require the defendant to appear in court to answer the charged offense, in which case the defendant may not plead guilty before a magistrate.

(3) ISSUANCE OF NOTICE, SUMMONS, OR WARRANT. If a defendant fails to appear, the court may, in its discretion, issue further notice and, if the offense is contained in a schedule of fines, increase the amount of the fine above the scheduled fine for such an offense or it may issue a supplemental summons or warrant and forfeit bail according to law.

(4) FINES, COURT COSTS, AND VICTIM COMPENSATION ASSESSMENTS PAID TO CLERK OF

COURT; TRANSFER OF RECORDS FROM OUTSIDE THE CLERK'S OFFICE. Fines, court costs, and, in misdemeanor cases, victim compensation assessments collected in cases where the defendant pleads guilty shall be paid to the clerk of the court, who shall disburse the funds as provided by law; provided, however, that magistrates serving outside the office of the clerk shall transfer to the office of the clerk all records, including the UNTCC and "Plea of Guilty -- Waiver of Rights" provision, within 48 hours of receiving such records, and that such magistrates shall disburse all fines, court costs, and, in misdemeanor cases, victim compensation assessments, in accordance with rules adopted by the administrative director of courts.

(F) Declaration of approval of Uniform Non-Traffic Citation and Complaint. The Uniform Non-Traffic Citation and Complaint, appearing as Appendix A to this rule, is hereby approved and declared to be sufficient for each of the nontraffic offenses listed in the Supreme Court's extended schedule of fines and for those offenses listed in any schedule of fines approved by the Supreme Court or adopted pursuant to sections (B) and (C).

(G) Posting, distributing, and displaying schedule of fines. Each court clerk shall post, in a conspicuous place, the schedule of fines prescribed in section (A) and any schedule adopted pursuant to section (B) or (C). The schedule shall be distributed by the clerk of the court to all law enforcement agencies, and to state agencies and departments that will be using the UNTCC and to officers operating within the jurisdiction of the court, and it shall be prominently displayed in the offices of the magistrates and the clerk of court.

(H) Acceptance of plea as to offense not listed on schedule; Contempt. Any magistrate who accepts a defendant's guilty plea as to an offense not listed on a schedule adopted pursuant to this rule is subject to the power of the district court or the municipal court to punish for criminal contempt.

(I) Use of Uniform Non-Traffic Citation and Complaint. If a law enforcement officer chooses to cite and release the defendant for a violation, misdemeanor, or infraction listed in a schedule of fines adopted pursuant to this rule, the Uniform Non-Traffic Citation and Complaint ("UNTCC") shall serve as the charging instrument. However, in no event shall the UNTCC be used in regard to an offense listed in section (D) or in regard to a violation, misdemeanor, or infraction of a rule or regulation that is based on the use or consumption of alcoholic beverages or any controlled substance; that is connected with a violent act; or that requires restitution to a victim of crime.

(J) Issuance of forms to law enforcement officers. Each law enforcement agency and each agency or department of the state using the UNTCC shall issue copies of the UNTCC for use by each law enforcement officer or each officer who is responsible for the enforcement of the rules and regulations within that agency. Each law enforcement agency and each agency or department of the state using the UNTCC shall obtain its supply of copies of the UNTCC through purchasing and distribution channels prescribed by the administrative director of courts.

(Amended 11-9-76; Amended 6-5-79, eff. 8-1-79; Amended 11-6-79, eff. 1-1-80;

Amended 9-28-87, eff. 10-1-87; Amended 7-1-94; Amended 12-6-94, eff. 4-1-95; Amended 10-10-95, eff. 12-1-95; Amended 8-1-97; eff. 8-1-97; Amended eff. 9-10-97.)

<<ALABAMA RULES OF JUDICIAL ADMINISTRATION>>

<Adopted October 14, 1976.>

<As Revised effective October 1, 1987.>

<Includes Amendments Received Through July 1, 2000.>

COMMENT TO RULE 20 AS ADOPTED EFFECTIVE OCTOBER 1, 1987

Rule 20, which establishes a schedule of fines magistrates are required to use when accepting guilty pleas to any of the listed offenses, is an amended version of the schedule previously included in [Rules 18](#) and [19, ARJA](#). The schedule is now included in a separate rule under the specific heading "Magistrates Fine Schedule" to clearly establish the fine to be imposed by magistrates for the scheduled offenses.

Under the amended schedule, the fine for most offenses has been increased and the offense of "improper tag" has been included.

Subdivisions (B) and (C) provide procedures by which district and municipal courts may adopt a schedule of fines for other traffic and nontraffic offenses which may be disposed of by magistrates. However, specific provision is made in subdivision (A) to exclude certain serious offenses from such schedules. With the exception of "attempting to elude a police officer" and "aggravated speeding," these excluded offenses were originally included in [Rule 19\(B\) \(2\) \(b\) \(i\), ARJA](#).

Subdivision (B) also provides that any person who may be entitled to youthful offender status or juvenile treatment may not plead guilty to a nontraffic misdemeanor offense before a magistrate. This is to ensure that such persons do not involuntarily relinquish their rights. No similar provision exists for traffic offenses, since juveniles 16 years and older are not entitled to be tried as juveniles unless transferred by a municipal or district court judge. Since the attorney general has ruled that the Youthful Offender Act does not apply to DUI cases or to municipal ordinance violations, most defendants charged with violating traffic laws are not entitled to youthful offender treatment.

The offense of speeding is subclassified as "aggravated" and "unaggravated" and these terms are defined in the rule to conform with the point schedule

established by the Department of Public **Safety**.

Subdivision (D) provides that any defendant pleading guilty before a magistrate to a scheduled offense must complete a guilty plea and waiver form approved by the AOC.

Subdivision (E) requires the clerk to distribute fine schedules to law enforcement agencies and display the schedules in their offices.

Subdivision (F) of the rule includes a penalty provision subjecting magistrates who accept guilty pleas for offenses not covered by a fine schedule to the court's criminal contempt power.

**COMMENT TO RULE 20 AS AMENDED EFFECTIVE JULY 1, 1994.**

The amendments to Rule 20 effective July 1, 1994, make substantial changes with regard to fine schedules in the district and municipal courts and also adopt a new procedure for handling certain municipal ordinance violations and minor misdemeanors listed in the Supreme Court's extended schedule of fines or in a municipal court schedule of fines.

The title of this Rule was changed to read "Magistrates' Fine Schedule and Procedure if Defendant Elects to Plead Guilty".

The amendment to subsection (A), the schedule of fines for traffic infractions, added the offenses of failure to wear **safety belt**, failure to use child restraint, improper backing, improper or no rearview mirror, improper tires, no driver's license in possession, and violating a driver's license restriction.

The amendment abolished the distinction between aggravated and unaggravated speeding so that all speeding cases may be disposed of by the procedure in this rule.

The seven offenses previously listed at the end of subsection (A) as those offenses that should not be included in schedules adopted pursuant to subsections (B) and (C), were moved to new subsection (D).

The amendments to subsection (B) provide that a district court, by action of the majority of the judges thereof, may adopt the "Supreme Court's extended schedule of fines" (the list of fines approved by the Supreme Court, attached as Appendix B), in whole or in part for use by magistrates in receiving pleas of guilty for those offenses listed in the extended schedule.

If the district court elects not to adopt the extended schedule of fines in whole or in part, then the amendment to subsection (B) also allows a district court to adopt its own local schedule of fines or to propose fine amounts different from those contained in the Supreme Court's extended schedule of fines. If either of these options is chosen, the majority of the judges must act on the proposal and it must be approved by the Supreme Court. The amendment further provides that a district court may subsequently include in its schedule of fines, or exclude from it, any listed offense.

The portion of subsection (B) providing that summary disposition shall not be available to juveniles and youthful offenders was deleted because the attorney general has since ruled that the Youthful Offender Act may be applied in municipal ordinance violation cases; however, the attorney general has also ruled that a court is not required to advise a person that he or she is eligible for youthful offender status in those cases.

The amendment to subsection (C) provides that a municipality, by ordinance, may adopt the Supreme Court's extended schedule of fines in whole or in part. If the municipality subsequently elects to include or exclude any of the offenses, it may do so by ordinance. This subsection also gives the municipality the option to adopt its own local fine schedule, without the necessity of Supreme Court approval, so long as the fines are consistent with the Supreme Court's extended schedule of fines and the offenses do not require a court appearance.

Subsection (E) provides that any defendant electing to plead guilty before a magistrate to any nontraffic misdemeanor or municipal ordinance violation listed in schedules established pursuant to subsections (B) or (C) must, within the time limits (1) personally appear before the magistrate, signing the "Plea of Guilty -- Waiver of Rights" section on the UNTCC and paying the fine, costs, and, in misdemeanor cases, the minimum victim compensation assessment required by [§ 15-23-17\(b\), Ala. Code 1975, or \(2\)](#) sign the "Plea of Guilty -- Waiver of Rights" provision on the form, and send in the fine, court costs, and, in misdemeanor cases, the minimum victim compensation assessment, by mail or by hand delivery.

At any time, if the court has reason to believe that a defendant is a repeat offender, the court may require that the defendant appear in court.

Subsection (F) provides for the new "Uniform Non-Traffic Citation and Complaint" ("UNTCC"), found in Appendix A to this Rule. This form was developed to implement the provisions of [Rule 4.3, Ala.R.Crim.P.](#), which provides that law enforcement officers may issue a citation or a summons in lieu of taking a defendant into custody.

The UNTCC is designed as the instrument for charging a person with a

nontraffic municipal ordinance violation, a "minor misdemeanor," or an infraction of a rule or regulation promulgated by a state agency or department, listed in the Supreme Court's extended schedule of fines or listed in local fine schedules authorized in subsections (B) and (C). The UNTCC gives the accused the option of posting a bond in a certain amount and promising to appear before a magistrate, or mailing the fine, any court costs, and any crime victim's assessment to the clerk by a specified time.

It is envisioned that utilizing the UNTCC and the mail-in procedure will reduce court appearances for defendants cited for minor violations of the law, thereby resulting in a saving of court time and expense. Additionally, this process, when dealing with nonresident offenders, should assure more effective collection of fines, costs, and crime victim's assessments.

Subsection (E) was relettered (G) and subsection (F) was relettered (H).

Subsection (I) mandates that the UNTCC be used as the charging instrument in all courts of the State for all scheduled nontraffic municipal ordinance violations and minor misdemeanors, as well as for any regulations or rules of a state department or agency.

Subsection (J) provides that each law enforcement agency or agency of the state using the UNTCC must issue the UNTCC forms for use by each officer in that agency or department. The administrative director of courts is authorized to prescribe purchasing and distribution channels for the UNTCC.

**COMMENT TO RULE 20 AS AMENDED EFFECTIVE AUGUST 1, 1997.**

The amendment to Rule 20(D)(1) removes the offense of "operating a motor vehicle without a driver's license" from the list of offenses that require a mandatory court appearance; the amendment to Rule 20(A) adds that offense to the list of offenses that do not require a court appearance and as to which a magistrate may accept a plea of guilty and payment of the fines and costs by mail. The amendment to Rule 20(A) also adds to the list of offenses stated there the offense of "improper window tinting." See [§ 32-5C-1 et seq., Ala. Code 1975](#). The amendment to Rule 20(D) also restructures section (D) into a more logical arrangement; specifically, it makes the introductory sentence a part of subsection (D)(1).

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