Superior Court of California
County of Alameda
Courthouse
1225 Fallon Street
Oakland, California 94612

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
GENERAL DIRECTIVE BY THE PRESIDING JUDGE

DIRECTIVE NO: 2011-41

SUBJECT: FAILURES TO APPEAR OR TO PAY A FINE OR INSTALLMENT OF BAIL IN TRAFFIC CASES

Upon the failure of a defendant to appear at traffic court or to pay all or part of a fine or installment of bail as required by law, the clerk's office is directed to electronically impose a civil assessment in the amount of $300.00 pursuant to, and in the manner provided by, Penal Code section 1214.1. No additional criminal charge will be filed as a result of the failure to appear or pay.

Upon the appearance at the clerk's office by a defendant who has previously failed to appear or to pay a fine or installment of bail, and who wishes to post the bail for the underlying offense or pay the outstanding fine, the clerk is directed to enter a dismissal of any criminal charges which have been added in the case due to the failure to appear or pay.

Whenever a defendant who has previously failed to appear in traffic court requests an appearance before a judicial officer, the case shall be added onto the court calendar for the limited purpose of adjudicating the outstanding criminal charges, but not to make orders relating to any civil assessments that have been imposed.

An application by a defendant to vacate a civil assessment imposed upon a failure to appear shall be submitted in writing and ruled upon by the presiding judge or his designee.

Except as provided below, a civil assessment imposed upon a failure to pay a fine or an installment of bail that has been turned over to collections is a civil obligation, and shall not be returned to court.

In a case in which a trial by written declaration in absentia was held as provided in Vehicle Code section 40903 and a civil assessment has been imposed upon failure to pay a fine, a defendant who has not previously done so may submit a written application to vacate the civil assessment, which shall be ruled upon by the presiding judge or his designee.

This directive shall expire on December 31, 2011.

Issued: January 3, 2011

Hon. Jon R. Rolefson – Presiding Judge
Superior Court of California, County of Alameda