

**Town of Hopkinton  
P.O. Box 139  
Hopkinton, RI 02833**

**MEMORANDUM**

**TO:** Town Council  
**FROM:** William A. DiLibero  
**DATE:** December 13, 2006  
**RE:** Municipal Court Details

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The following is the information that I have assembled to date regarding instituting a municipal court.

**Implementation:**

The proposed municipal court would be used for the local enforcement of traffic violations, minor police violations (disorderly conduct and trespassing), building and zoning violations. The current plan is to implement the municipal court in the March-April 2006 timeframe.

Timing: The benefits of handling police matters in municipal court are two-fold: From the perspective of the individual, municipal court procedure is faster and local resulting in less time involvement for the individual. For the police officer, less time is needed for the Police Officers to attend local as opposed to District Court hearings. Municipal Court matters result in greatly reduced travel time and time spent in court. It could be expected that overtime for Officers would be reduced by upwards of 75%.

Flexibility: The municipal court would have more flexibility in dealing with matters. Code enforcement violations would be handled more efficiently due to smaller court calendars that accommodate frequent returns to the municipal court to clear up matters. Larger enforcement problems (the many illegal apartments) could be more easily addressed through a local court then the District Court that would be rife with continuances and eat up a large amount of the Town's litigation budget.

Judge: A municipal court judge will need to be appointed similar to the probate court. For the onset, I will look for a local attorney that will work for a portion of the court fees.

Clerk: The Clerk currently working for the Town Manager has 5 years experience preparing dockets for the Town of West Warwick, and was hired with the intent that she would provide support to a municipal court.

Hardware-Software: A laptop computer from the Hopkinton Police Department will be used to support the municipal court. A HP deskjet printer is available to print out court documents. The IMC software used by the Hopkinton Police Department has a module for municipal court. There are sufficient licenses for the laptop to utilize the software.

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Tickets: Initially, Hopkinton Police address labels will be placed on the traffic tickets to accommodate mailing of the tickets to the Hopkinton Police Department until new tickets are printed for the next fiscal year. Sherry Stedman who tracks tickets using the IMC software system will facilitate the ticket returns and processing revenues to the Finance Department. (Currently a percentage of ticket receipts are wired to the Finance Department from the State Traffic Division). Similarly, the Court clerk would document the revenue received and provide the revenue to the Finance Department.

Prosecutions: The current District and Traffic Court prosecutions utilize Officers Michael Gillman and Christopher Lyman to prosecute traffic violators. The Solicitor would prosecute the building and zoning matters in municipal court that they typically prosecute in District and Superior Court.

**Budget:**

The primary expense for the municipal court will be for the municipal court judge.

Expenses:

Municipal Judge:	\$5,000.00
Supplies:	\$ 300.00
Court Clerk:	\$3,500.00*
Traffic Clerk:	\$1,500.00*

\* Worked performed by employees presently on payroll.

Revenues:

The primary source of income will be derived from traffic tickets. Under the current process, all traffic tickets are mailed to the State or Rhode Island Traffic Court. The Town receives \$25.00 for every ticket that is paid by a motor vehicle operator. (The standard penalty for a ticket is \$85.00).

The municipal court will institute a court fee of \$25.00 for appearance before the Court. (This is the typical charge by municipal courts.) Any driver who pleads “Good Driver Statute” (GDS) will not be assessed a penalty but will be required to pay the court fee. Persons who appear in court for their ticket will pay their penalty and the court fee; \$110.00. Persons who mail in their penalty will not be charged the court fee.

Taking Westerly as an example:

- 75% of the tickets are paid by mail to their Police Department
- 25% of their tickets go to municipal court
- 25% of the tickets that go to municipal court are dismissed under GDS.

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Hopkinton revenue from municipal court based on 1000 citations (currently 1667 have been issued for 2006) would produce the following revenue:

750 tickets mailed to HPD	$\$85 \times 750 = \$63,750$	
less state revenue (\$18,750)		
Net mailed ticket proceeds:		\$ 45,000.00
187 persons paying court fees and penalty:		
187 x (85 + 25) = \$20,570		
less state revenue (\$4,675.00)		\$15,895.00
63 GDS paying court fee		\$ 1,575.00
Total Revenue from traffic tickets		<b>\$62,470.00</b>

Other Police Arrests: During 2006 the Hopkinton Police Department processed 86 arrests for disorderly conduct and trespassing. It is assumed that at a minimum 90 individuals annually would pay court fees for these charges that would amount to: **\$2,250.00.**

Building and Zoning Fees and Penalties: An effort has not been made to assess the fees that would be raised from Building and Zoning violations but it is expected that prosecution times would be quicker, solicitor time would be minimized and more fee and penalty and court fees would be raised by the Town.

**Laws:**

There are three areas that need to be addressed to implement a municipal court.

Legislation:

First, Legislation needs to be adopted by the Rhode Island House and Senate authorizing the Town of Hopkinton to create a municipal court. There are currently sixteen municipal courts operating in Rhode Island. The Legislature authorized North Kingstown in May 2006 and Jamestown in June of 2006 and these two towns are in the process of creating a traffic court.

The Council will first need to approve a resolution to create the municipal court and the Legislation would then be presented to the House and Senate. I have drafted the necessary legislative amendment and forwarded it to Senator Breene and Representative Kennedy for review.

Municipal Court Ordinance:

Following the adoption of legislation, an Ordinance needs to be adopted by the Town of Hopkinton authorizing the creation and mechanics of the municipal court. This Ordinance has been drafted and is ready to be reviewed by the Town Solicitor.

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Local Ordinances:

The Building, Zoning and law enforcement Ordinances need to be reviewed and amended to assure that they can be enforced through the municipal court. I have requested that the Building/Zoning Official and the Police Chief begin this review and I will work with them to make revisions that will then be sent to the Town Solicitor for review.

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