



The Drive to Jail

Why States Should Decriminalize Minor Traffic Offenses and Stop Using Bench Warrants to Enforce Traffic Laws

Fines & Fees
Justice Center

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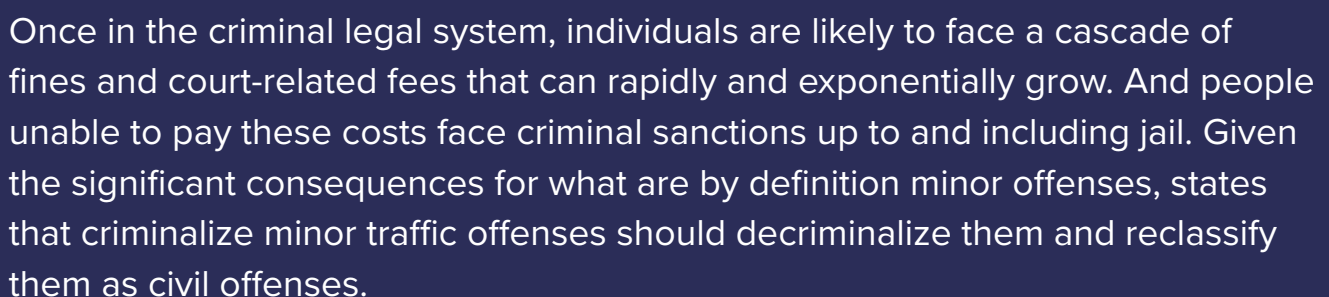
About Us

The **Fines and Fees Justice Center (FFJC)** is catalyzing a movement to eliminate the fines and fees that distort justice. Our goal is to create a justice system that treats individuals fairly, ensures public safety and community prosperity, and is funded equitably. We work together with affected communities and justice system stakeholders to eliminate fees in the justice system, ensure that fines are equitably imposed and enforced, and end abusive collection practices. Visit ffjc.us and follow [@FinesandFeesJC](https://twitter.com/FinesandFeesJC) on Twitter to get the latest updates on local, state and national fines and fees reforms.

Contact

If you have any questions on any information within this report or for any media inquiries, please contact Jessey Neves, Communications Director, at jneves@ffjc.us.

Imagine being arrested and jailed for rolling through a stop sign. In seventeen states,¹ that may be a real possibility. In these states, minor traffic offenses are criminalized, meaning that they are arrestable offenses that come with a criminal record. Although what constitutes a minor traffic offense varies from state to state, generally they are moving violations (such as speeding, failing to stop, or failing to signal); equipment offenses (such as broken lights or a cracked windshield); or administrative regulations (such as driving without proof of insurance or with an expired registration).



Decriminalization alone, however, is not enough. Even in states that have decriminalized minor traffic offenses, people can still end up in jail because many jurisdictions allow bench warrants to be used for nonpayment. True decriminalization must be coupled with a prohibition on using bench warrants as a mechanism for jailing people who are unable to pay their civil fines and fees or who miss a hearing in a fine-only case. Additionally, states that have decriminalized traffic offenses but continue to use warrants to enforce civil citations, have decriminalized in name only.

No one should go to jail simply because they are too poor to pay—and no state should use warrants to enforce civil citations.



I. Committing a Minor Traffic Offense Should Not Make Someone a Criminal

Traffic offenses are the way that most people are drawn into the legal system, impacting nearly twenty-five million motorists and their passengers each year.² Legal scholars and law enforcement officials acknowledge that, given the vast array of low-level traffic rules and regulations in any given jurisdiction, it is nearly impossible for a person to drive within the limits of the law for any significant period of time.³ As one South Carolina county deputy explained, “[n]early everyone does something illegal if you follow them long enough.”⁴ Many of these offenses are unintentional, limited, or pose little to no public safety harm.

Fifty years ago, about a dozen states treated minor traffic offenses as civil matters, while most classified them as criminal offenses. In the 1970s, the federal government studied the benefits of addressing traffic offenses through the civil system, and the National Highway Safety Advisory Committee ultimately recommended that most minor traffic violations should be reclassified as noncriminal offenses.⁵ Since 1970, 23 states have decriminalized minor traffic offenses.⁶

Legislative and community support for decriminalization derived, in part, from the growing consensus that criminalization was too severe a sanction for minor traffic infractions. As the former Oregon Attorney General noted, “[t]he Criminal Code is designed primarily to deal with anti-social conduct where the deviation from social norms is substantial and where there is a great threat to persons or property,”⁷ something not true of most minor traffic offenses. Reformers also highlighted how criminalization imposed hefty, avoidable costs on the legal system and on taxpayers, from increased burdens on court dockets to the expense of housing people in jail.⁸ In short, any benefit of minor traffic criminalization was not worth the cost.

Yet, as of December 2023, 17 states still treat minor traffic offenses as crimes. This means that by statute, most, if not all, minor traffic offenses committed in these states are **misdemeanors**. When states criminalize minor traffic offenses they create a huge net, drawing untold numbers of people into the criminal legal system.

Enforcing the rules of the road and ensuring the safety of motorists, cyclists, and pedestrians is of paramount importance. Particularly threatening driving offenses—such as driving under the influence, reckless driving, hit and run, and fleeing from police—remain criminal in every state. But minor offenses—many of which are unintended, regulatory, and nonthreatening—should not result in criminal sanctions or a criminal record.

Beyond the life-long risks a criminal record can pose to housing and employment, criminal charges can also come with a host of criminal court fees, such as criminal administration fees,⁹ bench warrant fees,¹⁰ arrest and booking fees,¹¹ and prosecution fees.¹² Failure to pay the fine and fees attached to the original traffic misdemeanor is often considered failure to abide by the terms of a criminal sentence, which may land the person in jail, on probation, or facing other ongoing criminal sanctions, each of which can carry even more fees.¹³

Decriminalization vs. Legalization

As jurisdictions consider decriminalizing minor traffic offenses, jurisdictions should also examine whether some traffic infractions should be prohibited at all. Some minor infractions, such as prohibitions against objects hanging from rearview mirrors may not need to be illegal in the first place.¹⁴ For some conduct, states should consider whether any punishment, civil or criminal, is necessary.

II. Bench Warrant Reform Is Critical to Stop the Jailing of People for Being Unable to Pay Fines and Fees

Changing the classification of traffic offenses from criminal to civil, alone, will not automatically end the jailing of people who cannot afford to pay the underlying fines and fees. In jurisdictions that treat minor traffic matters as civil offenses, people will still spend time in jail for unpaid fines and fees if the civil courts have unchecked power to enforce payment through bench warrants.

Although courts have the power to simply issue a summons directing the person to come to court at a later day, many courts take a “warrant first, questions later” approach that raises constitutional concerns.

A bench warrant is a court order directing police to take someone into custody alleging that they violated some previous order of the court. In the civil traffic context, this can happen when someone does not pay their fine or fee on time or misses a court hearing related to either traffic fines and fees or the underlying civil offense. Though the terminology may differ from state to state, bench warrants are, in essence, civil contempt allegations that direct police to take the person into custody and bring them before the judge to explain themselves. As a practical matter, being taken into custody can result in days of jail time before ever seeing a judge, even if the person’s failures were ultimately justified or excusable. In this way, bench warrants criminalize otherwise civil proceedings.

Although courts have the power to simply issue a summons directing the person to come to court at a later day, many courts take a “warrant first, questions later” approach that raises constitutional concerns. The United States Supreme Court has long held that a person may not be incarcerated for failure to pay a court debt unless that failure to pay was *willful*.¹⁵ In other words, courts may not jail people

for nonpayment unless the person has the ability to pay the fine and fees and simply refuses to do so. Nevertheless, it remains common practice in some jurisdictions to issue bench warrants and seize people off the streets based solely on the mere fact of nonpayment, without any evidence the person is actually capable of paying. In 2020, the Idaho Supreme Court invalidated that state’s bench warrant regime finding that the presumptive jailing of people for nonpayment—even for short periods of time—was unconstitutional.¹⁶

Proponents of using civil bench warrants to enforce traffic fines and fees often argue that they have no other way of ensuring compliance. Yet, this is simply untrue. As a starting point, taking a person’s ability to pay into consideration when imposing fines or creating payment plans has been shown to increase payment compliance.¹⁷ The fact that other jurisdictions do not use bench warrants also demonstrates they are unnecessary.¹⁸ States have other measures for enforcing civil debts, such as garnishing tax returns, placing liens on property, or sending payments to collections. While each of these may raise other concerns of equity, they are short of imposing criminalized sanctions on civil offenses. If the real goal is to enforce payment, incarceration is the least likely to result in actual payment.¹⁹

Nevada: A Case Study for Successful Traffic Decriminalization



In January 2023, Nevada became the 34th state to decriminalize most minor traffic offenses,²⁰ making it an excellent case study for other states that want to do the same. Although Nevada's example illustrates one potential path to reform, states should undertake this work in a manner that makes most sense for them.

In Nevada, change did not come overnight. Advocates spent several years building a bi-partisan coalition of legislators, community groups, and justice system experts to bring attention to the issue. They talked with stakeholders, held town hall meetings to hear from impacted people, and began collecting data.

Although their efforts at decriminalization initially failed, the conversations generated by advocates and the information and data gathered persuaded lawmakers they needed to learn more. Between the 2017 and 2019 legislative sessions, the legislature created an interim study committee to consider decriminalization. The committee looked deeply at ten local jurisdictions to learn about warrant practices, collect revenue data, and develop a bigger picture of what was actually happening in practice. They found, as advocates had argued, that actual collections were typically tens to hundreds of thousands of dollars less than what was assessed.²¹ The state and local communities were not gaining much revenue, and people were struggling to pay.

Despite the committee's work, decriminalization failed in the 2019 legislative session. In 2020, the Fines and Fees Justice Center (FFJC) began working in Nevada and decriminalization was at the top of its legislative agenda. FFJC reinvigorated the decriminalization coalition, built new relationships with advocates from across the political and geographic spectrums, and worked closely with impacted individuals and communities, bringing them to the capital to speak directly to legislators. The coalition was able to effectively illustrate how minor mistakes resulted in the derailment of so many lives in Nevada in ways legislators never intended nor understood.

FFJC also worked with graduate students and faculty at the University of Nevada, Las Vegas on a study of traffic warrants that proved critical to the coalition's renewed campaign. The study found that, over an eight-year period in Las Vegas, 83% of open warrants were for administrative traffic offenses such as driving without proof of insurance, with a suspended vehicle registration, or with expired license plates²²—all issues unrelated to public safety. Additionally, the study found that nearly 60% of open warrants were issued to Black people from the poorest zip codes because they failed to pay ticket fees for these administrative traffic offenses.²³ This helped advocates address the misperception that criminalizing traffic offenses was necessary for public safety. The coalition also worked with law enforcement from across the state to argue that using officers to enforce warrants and collect traffic debts took them away from the real work of promoting public safety, something neither officers nor legislators wanted.

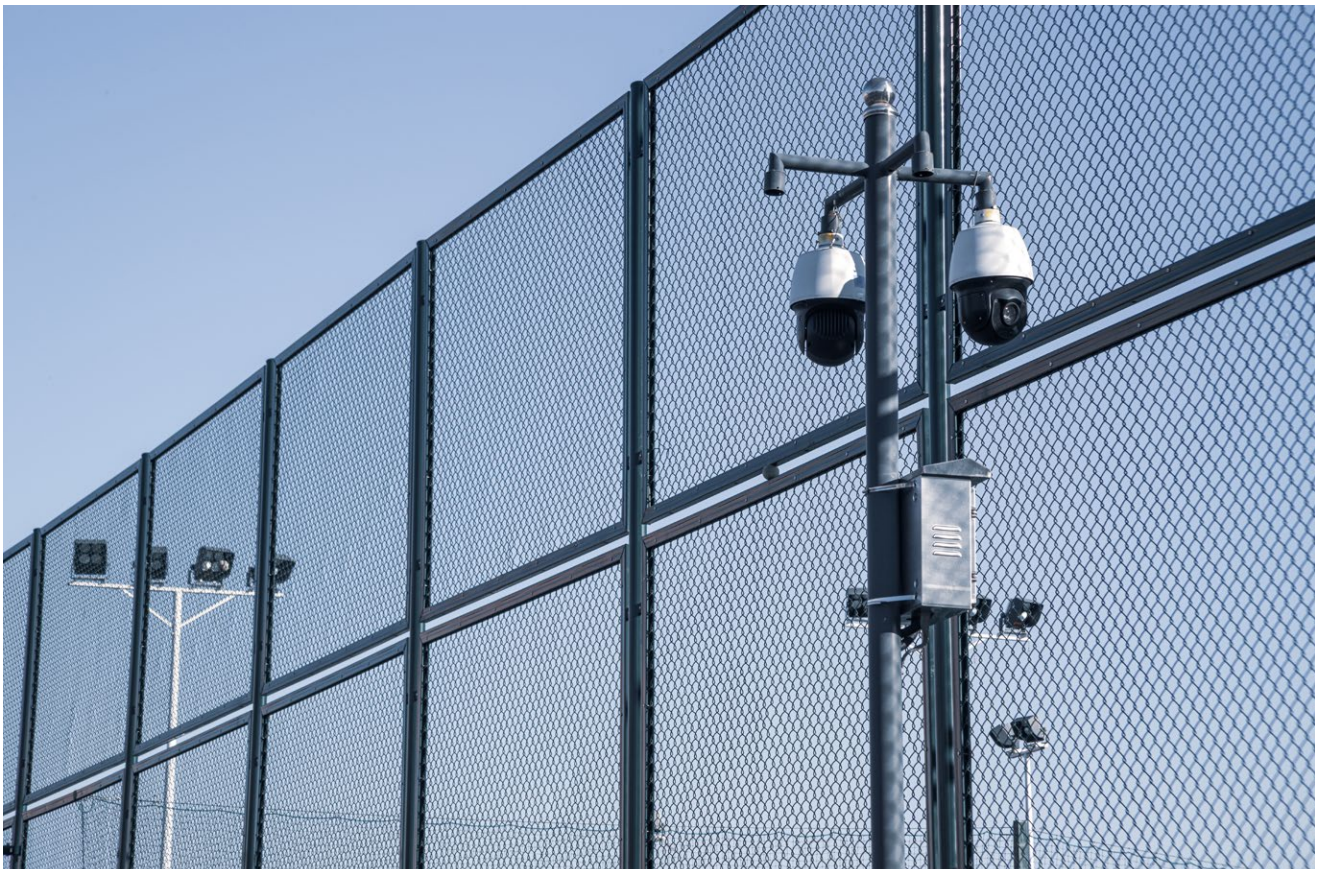
Armed with all this information and newfound support, the legislature passed a decriminalization bill by an overwhelming and bi-partisan majority, which Nevada's Governor signed into law on June 8, 2021.²⁴ Success was not instantaneous. But keeping the conversation alive, building public and legislative awareness of the problems, extensive data collection, and sharing the experiences of those impacted by criminalized traffic offenses ultimately led to wholesale, systemic change.

III. Conclusion

It is time for states to stop treating minor traffic offenses as crimes. It creates far-reaching and life-long consequences for offenses that are common, often unintended, and generally nonthreatening. Criminalization also wastes court, law enforcement, and taxpayer dollars, while entrenching people who are unable to pay their fines and fees in a cycle of criminal court involvement.

The effort to decriminalize minor traffic offenses must be coupled with meaningful limits on civil bench warrants—without these limits, civil offenses are still punished with criminal-like consequences. Instead of encouraging the growth of debtor's prisons, states should preemptively address a person's ability to pay traffic fines and fees, create actionable no-cost payment plans, or provide other non-financial sanctions, such as no-cost traffic courses or reasonable community service alternatives.

FFJC welcomes any legislator, advocate, or stakeholder interested in pursuing traffic decriminalization in their state reach out to us at info@finesandfeesjusticecenter.org.



Appendix of Statutes

The Fines and Fees Justice Center conducted a 50-state statutory analysis to determine the states where minor driving violations could result in criminal liability. For the purposes of this report, we considered a state to generally criminalize traffic offenses when the state's statute classifies them as misdemeanors or felonies, even if they may be fine-only offenses in practice. While we acknowledge that local practice can differ from statute, we focus on statutes because these are the universal legal authority that can be compared across states. From our research, we found

17 states (indicated in orange), that we classified as generally criminalizing minor traffic offenses. In some cases, the interplay between multiple statutes within a state makes classification a close call. In those circumstances, we provide context and statutory citations to explain our classifications. Note: this appendix does not address severe offenses—such as driving while intoxicated, reckless driving, fleeing police, or leaving the scene of an accident—which are criminal in virtually every state.

STATE	ARE MINOR TRAFFIC OFFENSES CRIMINALIZED?
Alabama	<p>Generally Criminalized</p> <p>It is a misdemeanor for any person to violate any of the provisions of this chapter [Rules of the Road] or of Title 32 [Motor Vehicles and Traffic], unless such violation is by this chapter or other law of this state declared to be a felony.</p> <p>Ala. Code § 32-5A-8</p>
Alaska	<p>Generally Criminalized</p> <p>It is a misdemeanor for a person to violate a provision of this title [Motor Vehicles] unless the violation is by this title or other law declared to be a felony or an infraction.</p> <p>Alaska Stat. §28.90.010(a)</p> <p>Although some minor offenses have been classified as lesser infractions—such as failing to use a seat belt (Alaska Stat. §28.05.099), failing to use headlines (Alaska Stat. §28.35.191), or driving with an open container of alcohol (Alaska Stat. § 28.35.029)—many others have not.</p> <p>In practice, court rules suggest that many of these offense may be fine-only. See Alaska R. Minor Off. Proc.</p>
Arizona	<p>Not Generally Criminalized</p>

STATE

ARE MINOR TRAFFIC OFFENSES CRIMINALIZED?

Arkansas	<p>Generally Criminalized</p> <p>(a) Any person violating any of the provisions of this act shall be guilty of a misdemeanor, unless the violation is by this act or other law of this state declared to be a felony.</p> <p>(b) Upon conviction, an offender shall be punished:</p> <p>(1) For a first conviction, by a fine of not more than one hundred dollars (\$100) or by imprisonment for not more than ten (10) days;</p> <p>(2) For a second conviction within one (1) year thereafter, by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than twenty (20) days, or by both fine and imprisonment; and</p> <p>(3) For a third or subsequent conviction within one (1) year after the first conviction, by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than six (6) months, or by both fine and imprisonment.</p> <p>Ark. Code § 27-50-305</p>
California	<p>Not Generally Criminalized</p> <p>Although California uses the term “criminal infraction” for many minor traffic offenses, these remain less than misdemeanors. Therefore, they do not met our definition of criminalization when comparing it to other states.</p>
Colorado	Not Generally Criminalized
Connecticut	Not Generally Criminalized
District of Columbia	Not Generally Criminalized
Delaware	Not Generally Criminalized
Florida	Not Generally Criminalized
Georgia	<p>Generally Criminalized</p> <p>It is unlawful and, unless otherwise declared in this chapter [Uniform Rules of the Road] with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.</p> <p>Ga Code Ann. § 40-6-1</p>
Hawaii	Not Generally Criminalized
Idaho	Not Generally Criminalized
Illinois	Not Generally Criminalized
Indiana	Not Generally Criminalized

STATE	ARE MINOR TRAFFIC OFFENSES CRIMINALIZED?
Iowa	<p>Not Generally Criminalized</p> <p>It is a simple misdemeanor for a person to do an act forbidden or to fail to perform an act required by this chapter [Motor Vehicles and Law of the Road] unless the violation is by this chapter or other law of this state declared to be a serious or aggravated misdemeanor or a felony.</p> <p>Iowa Code § 321.482</p>
Kansas	<p>Not Generally Criminalized</p> <p>Kansas law provides that any traffic offense listed in the code's traffic violation fine schedule is deemed a traffic violation, not a misdemeanor. Because the list of traffic infractions encompasses the vast majority of minor offenses, FFJC deems Kansas as not criminalizing these offenses, even though anything not listed is deemed a misdemeanor.</p> <p>Kan. Stat. Ann. §§8-2116, 8-2118</p>
Kentucky	Not Generally Criminalized
Louisiana	Not Generally Criminalized
Maine	Not Generally Criminalized
Maryland	<p>Not Generally Criminalized</p> <p>Maryland has a broad statute which provides that, unless a motor vehicle offense is expressly deemed civil in nature, the default penalty is a misdemeanor. See Md. Code, Transp § 27-101. Nevertheless, Maryland is in the “not generally criminalized” category because the vast majority of the minor traffic offenses are expressly deemed fine-only infractions.</p> <p>See, e.g., Md. Code, Transp § 21-803.1: School Zones and Maximum Speed Limits; Md. Code, Transp § 21-406.: Violations Contributing to Accidents resulting in Death or Serious Bodily Injury [failure to give way].</p>
Massachusetts	Not Generally Criminalized
Michigan	Not Generally Criminalized
Minnesota	Not Generally Criminalized
Mississippi	<p>Generally Criminalized</p> <p>It is a misdemeanor for any person to violate any of the provisions of Chapter 3 [Traffic Regulations and Rules of the Road], 5 [Size, Weight and Load] or 7 [Equipment and Identification] of this title, unless such violation is by such chapters or other law of this state declared to be a felony.</p> <p>Miss. Code Ann. § 63-9-11</p>

STATE	ARE MINOR TRAFFIC OFFENSES CRIMINALIZED?
Missouri	<p>Generally Criminalized (by way of individual statutes)</p> <p>Missouri lacks a single statute that broadly criminalizes minor traffic offenses. Furthermore, while some minor traffic offenses are infractions (e.g., speeding below 5 mph), far more minor offenses are deemed misdemeanors, enough for us to categorize it as general criminalization.</p> <p>See, e.g., Mo. Rev. Stat. § 304.012:</p> <p>(1) Every person operating a motor vehicle ... shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person</p> <p>(2) Any person who violates the provisions of this section is guilty of a class B misdemeanor, unless an accident is involved then it shall be a class A misdemeanor.</p> <p>Mo. Rev. Stat. § 304.015 Drive on Right of Highway:</p> <p>(9) shall be deemed a class C misdemeanor unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class B misdemeanor, or unless an accident results from such violation, in which case such violation shall be deemed a class A misdemeanor.</p> <p>Mo. Rev. Stat. § 304.016: Unlawful Passing Violation of this section shall be deemed a class C misdemeanor.</p> <p>Mo. Rev. Stat. § 304.017: Distance at Which Vehicle Must Follow Violation of this section shall be deemed a class C misdemeanor.</p> <p>Among others.</p>
Montana	<p>Generally Criminalized</p> <p>It is a misdemeanor for a person to violate any of the provisions of this chapter [traffic regulations] unless the violation is declared to be a felony.</p> <p>Mont. Code Ann. §61-8-711(1)</p> <p>It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor punishable as provided in 61-8-711 for any person to do any act forbidden or fail to perform any act required in this chapter [on traffic regulations].</p> <p>Mont. Code Ann. §61-8-104</p> <p><i>Note: Although speeding less than 10 miles above the posted limit has been decriminalized (Mont. Code Ann. §61-8-725(2)(a)) most other traffic offenses have not.</i></p>
Nebraska	Not Generally Criminalized
Nevada	<p>Not Generally Criminalized</p> <p>Most minor traffic violations were decriminalized in 2023, although there are some notable exceptions, such as Nev. Rev. Stat. §§ 484B.157 (not having a child under 6 in a child seat), 483.550 (driving without a valid license), and 482.456(driving with a suspended registration), which remain misdemeanors.</p>
New Hampshire	Not Generally Criminalized

STATE	ARE MINOR TRAFFIC OFFENSES CRIMINALIZED?
New Jersey	<p>Some Criminalization</p> <p>For a violation of a provision of this chapter or any supplement thereto for <u>which no specific penalty is provided</u>, the offender shall be liable to a penalty of not more than \$50.00 or imprisonment for a term not exceeding 15 days, or both; except that for a violation of a section of article 11, 13, 14 or 17 of this chapter or any supplement thereto for which no specific penalty is provided, the offender shall be liable to a penalty of not less than \$50.00 or more than \$200.00 or imprisonment for a term not exceeding 15 days, or both.</p> <p>N.J. Rev. Stat. § 39:4-203</p> <p>We classify New Jersey as quasi-criminal because for the traffic offenses where no penalty is provided, pursuant to, N.J. Rev. Stat. § 39:4-203 above, jail time is a technical possibility.</p> <p>Case law confirms: “[o]ur courts have stated that the Motor Vehicle Act is penal, and a violation of its provisions results in a prosecution of a quasi-criminal action.” State v. McCarthy, 30 N.J.Super. 6, 9, 103 A.2d 169, (App.Div. 1954); State v. Ring, 85 N.J.Super. 341, 343, 204 A.2d 716 (App.Div.1964), certif. den. 44 N.J. 407, 209 A.2d 142 (1965), cert. den. 382 U.S. 812, 86 S.Ct. 24, 15 L.Ed.2d 60 (1965).</p> <p>Other minor traffic offenses also explicitly set jail as a potential penalty, as with speeding which may carry up to 15 days in jail, at a judge’s discretion. See N.J. Rev. Stat. § 39:4-104.</p> <p>However, other minor traffic offenses are expressly civil-fine penalties only, such as: N.J. Rev. Stat. § 39:4-97.2, operating a vehicle in an unsafe manner; N.J. Rev. Stat. § 39:4-97.3, unlawful use of cell phone while driving; and N.J. Rev. Stat. § 39:4-88.1, lane violations.</p>
New Mexico	<p>Generally Criminalized</p> <p>It is unlawful and, unless otherwise declared in the Motor Vehicle Code with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in Article 7 of Chapter 66 NMSA 1978.</p> <p>N.M. Stat. § 66-7-3</p>
New York	Not Generally Criminalized
North Carolina	<p>Generally Criminalized</p> <p>Low-level moving and administrative violations can be an infraction or a misdemeanor, depending on individual statutes. Because enough of the statutes expressly classify such offenses as misdemeanors, we consider North Carolina to generally criminalize minor traffic offenses. See, e.g., N.C. Gen. Stat. §§ 20-141 (speeding more than 15 mph over the posted limit); 20-111 (registration violations); 20-28 (driving on a revoked license); 20-313 (driving without insurance); and 20-127 (exceeding window tinting restrictions).</p>
North Dakota	Not Generally Criminalized
Ohio	Not Generally Criminalized
Oklahoma	<p>Generally Criminalized</p> <p>It is a misdemeanor for any person to violate any of the provisions of this title [Motor Vehicles] unless such violation is by this title or other law of this state declared to be a felony.</p> <p>Okla. Stat. tit. 47 § 17-101</p>

STATE	ARE MINOR TRAFFIC OFFENSES CRIMINALIZED?
Oregon	Not Generally Criminalized
Pennsylvania	Not Generally Criminalized
Rhode Island	Not Generally Criminalized
South Carolina	Generally Criminalized <p>It is a misdemeanor for any person to violate any of the provisions of this chapter [Uniform Act Regulating Traffic on Highways] unless such violation is by this chapter or other law of this State declared to be a felony.”</p> <p>S.C. Code Ann. § 56-5-6190</p>
South Dakota	Generally Criminalized (by way of individual statutes) <p>While South Dakota does not have a broad criminalizing statute, nearly every minor offense under the “Rules of the Road” statutory section is classified as a misdemeanor. See S.D. Codified Laws §§ 32-26.</p> <p>See eg., S.D. Codified Laws § 32-26-22.1:</p> <p>No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in § 32-26-23 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal. . . A violation of this section is a Class 2 misdemeanor.</p>
Tennessee	Generally Criminalized <p>It is unlawful and, unless otherwise declared in this chapter [Operation of Motor Vehicles] and chapter 10, parts 1-5 of this title with respect to particular offenses, it is a Class C misdemeanor, for any person to do any act forbidden or fail to perform any act required in this chapter and chapter 10 of this title.</p> <p>Tenn. Code Ann. § 55-8-103</p>
Texas	Generally Criminalized <p>(a) A person commits an offense if the person performs an act prohibited or fails to perform an act required by this subtitle.</p> <p>(b) Except as otherwise provided, an offense under this subtitle [Rules of The Road] is a misdemeanor.</p> <p>Tex. Transp. Code § 542.301</p>
Utah	Not Generally Criminalized <p>Most moving and administrative violations are classified as infractions, though there are a few notable exceptions that are misdemeanors, such as Utah Code §§ 41-6a-1624 (failure to repair a damaged or deployed airbag), 41-6a-1715 (careless driving), and 41-6a-604 (speeding in a school zone).</p>
Vermont	Not Generally Criminalized
Virginia	Not Generally Criminalized

STATE	ARE MINOR TRAFFIC OFFENSES CRIMINALIZED?
Washington	Not Generally Criminalized
West Virginia	Generally Criminalized It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter [Traffic Regulations and Laws of the Road]. W. Va. Code § 17C-2-2
Wisconsin	Not Generally Criminalized
Wyoming	Generally Criminalized It is a misdemeanor for any person to violate any of the provisions of this act or rules and regulations authorized under this act unless the violation is by this act or other law of this state declared to be a felony. Wyo. Stat. Ann. § 31-5-1201

Endnotes

- 1 The 17 states that criminalize minor traffic offenses are Alabama, Alaska, Arkansas, Georgia, Iowa, Mississippi, Missouri, Montana, New Mexico, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, West Virginia, and Wyoming. FFJC considers New Jersey a quasi-criminal jurisdiction because state law considers all traffic offenses a crime unless an alternative treatment is articulated by individual offense statutes. In practice, most minor traffic offenses have been individually classified as non-criminal, though several minor offenses remain criminalized. See Appendix for details.
- 2 Erika Harrell & Elizabeth Davis, U.S. Dep't of Justice, "[Contacts Between Police and the Public](#)," Statistical Tables 4, tbl.2 (Revised February 2023).
- 3 Beth A. Colgan, "Revenue, Race, and the Potential Unintended Consequences of Traffic Enforcement Reform," *North Carolina Law Review*, Vol. 100, 889-958, 902 (2023).
- 4 Id., fn 38, (citing Nathaniel Cary, "[How SC Cops Swarm I-85 and I-26, Looking for 'Bad Guys'](#)," *Greenville News* (February 3, 2019).
- 5 Jordan Blair Woods, "[Decriminalization, Police Authority, and Routine Traffic Stops](#)," 62 UCLA L. Rev. 672, 701 (2015).
- 6 Id. at 679.; Camelot Todd, "[Law decriminalizing many traffic tickets goes into effect Jan. 1](#)," *Nevada Current* (December 26, 2022).
- 7 Statement of the Attorney General Lee Johnson, Administrative Handling of Traffic Offenses, Committee on Judiciary, Subcommittee on Adjudication, Oregon Secretary of State (1974).
- 8 See generally, Colgan, supra note 3; Nat'l Ctr. for State Courts, Traffic and Adjudication in Virginia: Report and Recommendations (1977) (concluding from the results of a survey distributed to judges and police officers in Virginia that the "statutory judgment that all traffic offenses are crimes is not shared by most people.").
- 9 Fines and Fees Justice Center, [Assessments and Surcharges: A 50-State Survey of Supplemental Fees](#) (2022).
- 10 Fines and Fees Justice Center, [Bench Warrant Fees, A 50 State Survey of Another Hidden Tax in America's Courts](#) (2022).
- 11 Adam Liptak, "Charged a Fee for Getting Arrested, Whether Guilty or Not," *New York Times* (December 26, 2016); Jeff Welty, "[Booking Fees](#)," *North Carolina Criminal Law*, University of North Carolina School of Government Blog (January 14, 2014).
- 12 See, e.g., Ga. Code § 17-11-1; Neb.Rev.St. §29-2207; Matthew Menendez & Lauren-Brooke Eisen, "[The Steep Costs of Criminal Justice Fees and Fines](#)," Brennan Center for Justice (Nov. 2019).
- 13 Brennan Center for Justice, "[Is Charging Inmates to Stay in Prison Smart Policy?](#)" Brennan Center webpage (2019); Sarah Lehr, "The Vast Majority of States Allow People to be Charged for Time Behind Bars," *NPR, Morning Edition*, National Public Radio (March 4, 2022); How To Justice, "[Explainer: Do Prisoners Really Pay \\$249 Per Day?](#)," website blog post, accessed July 11, 2023; Lauren-Brooke Eisen, [Charging Inmates Perpetuates Mass Incarceration](#), Brennan Center for Justice (2015); [Fines and Fees Justice Center, Electronic Monitoring Fees, A 50 State Survey of the Costs Assessed to People on E-Supervision](#), (2022).
- 14 For example, Tennessee does not have any statute regulating windshield obstructions from hanging objects. In some states, rather than prohibiting anything dangling from a rearview mirror, only items that actually obstruct a driver's view is prohibited. See, F.S.A. § 316.2004(b) ("[n]o person shall drive a motor vehicle with any sign, poster or other nontransparent material upon the rear windows of the vehicle *which materially obstructs, obscures or impairs the driver's clear view...*") (emphasis added); C.R.S.A. § 42-4-201(4) (" [n]o vehicle shall be operated upon any highway unless the driver's vision through any required glass equipment is normal and *unobstructed*.")) (emphasis added); *Contrast with*, N.Y. Veh. & Traf. Law § 375 (30) ("[i]t shall be unlawful for any person to operate a motor vehicle with *any object placed or hung in or upon the vehicle...*") (emphasis added).
- 15 *Bearden v. Georgia*, 461 U.S. 660 (1983) (finding that simply claiming the warrant is based on contempt of court, not nonpayment, does not change the analysis if the underlying reason for the order is payment related.).
- 16 *Beck v. Elmore County Magistrate Court*, 168 Idaho 909, 489 P.3d 820 (ID 2021).
- 17 Francine Byrne, [Report to the Legislature: Online Infraction Adjudication and Ability-to-Pay Determinations](#), Judicial Council of California (February 2023); Court Administrator Maxine Cortes, Justice and Municipal Court of Carson Township, letter to Leisa Moseley on file with the Fines and Fees Justice Center, March 8, 2021 (citing municipal data showing clear increases in rates of collection once the courts stopped issuing bench warrants for nonpayment and allowed individuals to enter payment plans.)
- 18 See, e.g., Colo. Rev. Stat. § 42-4-1710 (prohibiting bench warrants for failure to pay or failure to appear in traffic cases); Nev. Rev. Stat. §§ 178.508 & 171.106 (allowing for bench warrants in criminal proceedings without any statutory authorization for them in civil proceedings); Selwyn Harris, "[Nevadans will no longer go to jail for minor traffic offenses](#)," *Parham Valley Times* (January 24, 2023); State of New Jersey, Department of Law & Public Safety, "[Acting AG Platkin Issues Policy to Address Negative Consequences of Large Number of Outstanding Bench Warrants for Low-Level Offenses](#)," press release (May 25, 2022).
- 19 Tim Curry, "[Why Are We Still Sending People to Jail for Being Poor? It's Time to Truly Abolish Debtors' Prisons](#)," *Human Rights Magazine*, American Bar Association, Vol. 48, No. 3 (April 2023); Alexes Harris et al., "Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States," *American Journal of Sociology* (The University of Chicago Press) Vol. 115, Iss: 6, pp 1753-1799 (December 2010).
- 20 Fines and Fees Justice Center, "[New Nevada Law Decriminalizing Minor Traffic Violations Takes Effect January 1](#)," press release, December 27, 2022.
- 21 Bryan Fernley, "[Summary of Data Received from Various Courts](#)," Nevada Legislature Interim Committee to Study the Advisability and Feasibility of Treating Certain Traffic and Related Violations as Civil Infractions, Las Vegas, NV, August 24, 2018.
- 22 Foster Kamanga et al., "[Costs and Consequences of Traffic Fines and Fees in Nevada: A Case Study of Open Warrants in Las Vegas, Nevada](#)," *Social Sciences*, 10 (11), 7 (2021).

23 *Id.*

24 2021 Nevada Laws Ch. 506 ([A.B. 116](#)), effective as of January 1, 2023.