



Office of the Commissioner

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January 21, 2011

TO: Law Enforcement, District Court Judges, County Attorneys, City Attorneys, Public Defenders, Private Defense Lawyers

The State of Minnesota is moving to a statewide uniform citation (traffic ticket). To prepare for this transition, the Bureau of Criminal Apprehension, Minnesota Justice Information Services (BCA MNJIS), consistent with the authority and duties identified in Minn. Stat. § 299C.65, subd. 1 (b), formed a work group to develop the form and content of a single statewide citation. A draft of the citation was then extensively circulated for comment and input. A copy of the final version is attached.

The Commissioner of Public Safety, under Minn. Stat. 169.99, subd. 2, has the authority to prescribe the detailed form of the uniform traffic ticket. Further, Minn. R. Crim. P. 6.01, subd. 4 states, "Any citation, including an electronic citation, filed or e-filed with the court must be in a form prescribed by this rule and approved by the State Court Administrator and the Commissioner of Public Safety."

Having reviewed the standard citation developed by the BCA MNJIS workgroup as well as the comments and feedback received from individuals and agencies within the criminal justice system, the State Court Administrator and Commissioner of Public Safety hereby announce that the attached citation form has been approved and mandated for statewide use effective January 1, 2012. Paper citations must mirror the form and content of the attachment. Electronic citations must contain the data elements indicated on the paper form as well as the notice language required in Minn. R. Crim. P. 6.01, subd. 4(d). The text of the applicable Rules of Criminal Procedure and Minnesota Statutes is attached.

Although use of the uniform citation is not mandatory until January 1, 2012, law enforcement agencies are encouraged to begin using it immediately, particularly those agencies whose local courts have completed the transition of payable citation processing to the Minnesota Court Payment Center. The State Court Administrator's Office will offer an on-line citation ordering process and will provide some funding during the remainder of fiscal year 2011 (ending June 30, 2011) to assist law enforcement agencies in making the transition to the new citation. Further information and details about placing orders for the new standard citation will be available very soon.

Alcohol
and Gambling
Enforcement

Bureau of Criminal
Apprehension

Driver
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Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Traffic Safety

State Fire Marshal

January 21, 2011

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Please direct any questions you may have about the statewide uniform citation to:
state.standard.citation@courts.state.mn.us

Sincerely,

Handwritten signature of Michael Lippin in black ink.

Acting Commissioner
Department of Public Safety

Handwritten signature of Sue K. Doss in black ink.

State Court Administrator
Minnesota Judicial Branch

Amended Rules of Criminal Procedure

Rule 6.01, subd. 4

Subd. 4. Form of Citation.

(a) General Form. Any citation, including an electronic citation, filed or e-filed with the court must be in a form prescribed by this rule and approved by the State Court Administrator and the Commissioner of Public Safety, who shall, to the extent practicable, include in the citation the information required by Minnesota Statutes, section 169.99, subs. 1, 1a, 1b, and 1c, and Minnesota Statutes, section 97A.211, subd. 1. The citation must contain the summons and complaint, and must direct the defendant to appear at a designated time and place or to contact the court or violations bureau to schedule an appearance.

(b) Notices Regarding Failure to Appear. The citation must state that failure to appear or contact the court or violations bureau as directed may result in the issuance of a warrant. A summons or warrant issued after failure to respond to a citation may be based on sworn facts establishing probable cause contained in or with the citation and attached to the complaint.

The citation must contain notice regarding failure to appear when the offense is a petty misdemeanor as required in Minnesota Statutes, sections 169.99, subd. 1(b), and 609.491, subd. 1.

(c) Notice Regarding Fine Payment. The citation must contain the notice regarding fine payment and waiver of rights in Rule 23.03, subd. 3.

(d) Electronic Citation. If the defendant is charged by electronic citation, the defendant must be issued a copy of the citation. This copy must include:

- (1) the directive to appear or contact the court or violations bureau in paragraph (a); and
- (2) the notices in paragraphs (b) and (c).

Comment to Rule 6 (new third through fourth paragraphs)

The “uniform traffic ticket” as defined in Minn. Stat. § 169.99 is used to issue a citation under Rule 6. The citation is used to charge not only traffic offenses under Minnesota Statutes Chapter 169, but also criminal or Department of Natural Resources (DNR) offenses defined in other chapters. The State Court Administrator and the Commissioner of Public Safety determine the required content of the citation in consultation with the courts, law enforcement, and other affected agencies, including the DNR.

Rule 6.01, subd. 4(b) reiterates that the citation must contain the statutorily required notice that failure to appear for a petty misdemeanor offense results in a conviction. As stated in the rule, the citation must direct the

defendant to either appear or contact the court by a particular date. This means a conviction will be entered under the statutory process: (1) if the defendant fails to appear on the scheduled court date; (2) if the defendant fails to pay the fine or otherwise contact the court by the scheduled deadline; or (3) if the defendant requests an initial hearing on the citation but then fails to appear for it. The statutory conviction procedure is not applicable, however, if the defendant invokes the process available in the Rules of Criminal Procedure by making an initial appearance but then fails to appear for a subsequent hearing. See State v. Haney, 600 N.W.2d 469 (Minn. Ct. App. 1999) and Judicial Council Policy 515, Petty Misdemeanor Failure to Appear.

Rule 6.01, subd. 4(d) sets forth the content that must be included on the defendant's copy of an electronic citation. The defendant's copy of a paper citation typically contains additional information such as court contact information, payment methods, and collateral consequences. Since the Rules do not specifically require this information to be on the citation, when the defendant is issued an electronic citation, the additional information could be given to the defendant by other means such as directing the defendant to a website or providing a separate information sheet.

Rule 23.03 Violations Bureaus

Subd. 1. Establishment. The district court may implement and operate violations bureaus. The State Court Administrator may implement and operate the Minnesota Court Payment Center.

Subd. 2. Fine Schedules.

(1) Uniform Fine Schedule. The Judicial Council must adopt and, as necessary, revise a uniform fine schedule setting fines for statutory petty misdemeanors and for statutory misdemeanors as it selects. The uniform fine schedule is applicable statewide.

(2) County Fine Schedules. Each district court may establish by court rule, for each county, a fine for any ordinance that may be paid to the violations bureau in lieu of a court appearance by the defendant. When an ordinance offense is substantially the same as an offense included on the uniform fine schedule, the fine established must be the same.

Subd. 3. Fine Payment. A defendant must be advised in writing before paying a fine to a violations bureau that payment constitutes a plea of guilty to the charge and an admission that the defendant understands and waives the right to:

- a. a court or jury trial;
- b. counsel;
- c. be presumed innocent until proven guilty beyond a reasonable doubt;
- d. confront and cross-examine all witnesses; and
- e. to remain silent or to testify for the defense.

**Minnesota Statutes Containing Required Notice Language
Referenced in Amended Minn. R. Crim. P. 6.01, subd. 4(b)**

Minn. Stat. § 169.99, subd. 1(b)

(b) If the offense is a petty misdemeanor, the uniform ticket must state that a failure to appear will be considered a plea of guilty and waiver of the right to trial, unless the failure to appear is due to circumstances beyond the person's control.

Minn. Stat. § 609.491

Subdivision 1. Considered guilty plea.

If a person fails to appear in court on a charge that is a petty misdemeanor, the failure to appear is considered a plea of guilty and waiver of the right to trial, unless the person appears in court within ten days and shows that the person's failure to appear was due to circumstances beyond the person's control.

Subd. 2. Notice.

A complaint charging a person with a petty misdemeanor must include a conspicuous notice of the provisions of subdivision 1.