ADMINISTRATIVE ORDER #7, 2nd SERIES

State of Minnesota   **District Court**

Fifth Judicial District   **Administrative Order No. 7, 2nd Series**
                                               Date of Implementation: March 26, 2008

In Re: Passing FTA (Failure to Appear) on Petty and Non-Petty Misdemeanor Level
        Traffic Offenses to DPS

Purpose.
The purpose of this Administrative Order is to align the process of handling when to pass/certify an offense to DPS when a Defendant has failed to appear for both petty and non-petty level offenses. In light of the Court of Appeals' decision, State of Minnesota vs. Haney and Kantor, issued on August 31, 1999, it has been decided that we in the Fifth Judicial District will not pass an offense to DPS until the time the Defendant has paid a payable fine (thus admitting guilt), entered a guilty plea or is convicted of the offense.

Process for Handling FTA's on Both Petty and Non-Petty Level Offenses.
(Note: This process only applies to offenses that are certifiable to DPS per the Uniform Fine and Bail Schedule.)

At the time of the FTA, the staff would:
    A.   If the offense is a non-petty level offense, a warrant may be issued if ordered by the judge.
    B.   Enter a request for a driver's license suspension.
    C.   Fax the MNCIS generated suspension notice to DPS on the same business day and send to collections. (At such time as this is done electronically, the information shall be transmitted electronically.)

At the time the person pays the fine or the person enters a guilty plea and/or is convicted of the offense, the staff would:
    A.   Enter a disposition of "Convicted" (and a plea if appropriate).
    B.   *Quash the warrant, if one had been issued and hasn't already been done.*
    C.   Enter the reinstatement date on MNCIS.
    D.   Fax the MNCIS generated reinstatement notice to DPS the same day.

Result: Conviction goes on the driving record at the time of conviction.

This procedure was discussed and approved at the December 6, 2000 Judges' Meeting.

Date: March 26, 2008

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Judge George I. Harrelson, Chief Judge
Fifth Judicial District

Source: This Order is adopted from Administrative Order No. 14, originally
               issued on January 10, 2001.
               Rescinded March 16, 2011 - now governed by State Policy #515(a).