

# Decriminalization of Minor Traffic Violations

---



## Executive Summary

Traffic violations can range from minor infractions (e.g., speeding, illegal parking) to serious crimes (e.g., DWI, hit and run) and may result in arrest and subsequent jail time. Fines from traffic violations generate general operating revenue for local governments and municipalities. Traffic violations can lead to a cycle of debt and incarceration for motorists of low socio-economic status. Currently, 22 states and Washington, D.C., have reduced minor traffic violations from criminal offenses to non-criminal offenses or civil infractions to decrease the associated costs related to court appearances, jail operation, and probation supervision.

## Highlights

- In 2019, Missouri law enforcement agencies reported 1,524,640 vehicle stops, resulting in 102,755 searches and 74,553 arrests.
  - Black motorists were twice as likely to be stopped compared to White motorists.
- The cost associated with court proceedings and jail time for those who fail to pay fines and fees may create shortfalls in general operating revenue.
- Unpaid traffic tickets and missed court appearances result in warrants for arrest and possible jail time, which may lead to lost wages, employment, or housing.

## Limitations

- Law enforcement agencies report vehicle stop data grouped by race and exclude other variables such as age and sex.
  - It is unknown to what extent the traffic stops reported are considered pretextual in nature.
- The Missouri Department of Corrections and local jails combine traffic violations with other non-violent crimes. Therefore, it is unknown how many individuals are incarcerated or in jail for traffic offenses only.
- The effects of decriminalizing minor traffic violations on the behavior of motorists and law enforcement officers remains unknown.

---

## Research Background

### Traffic Violations

There are two types of traffic violations: moving and non-moving. Moving violations occur when the vehicle is in motion (e.g., speeding and reckless driving). Non-moving violations occur when the car is not in motion (e.g., improper parking, lack of registration, improperly displayed license plate).

Certain traffic violations are more serious and can be classified as a misdemeanor or felony resulting in arrest and jail time (e.g., hit and run, DWI). Minor traffic violations (those infractions

*This science note was prepared by MOST Policy Initiative, Inc., a nonprofit organization aimed to improve the health, sustainability, and economic growth of Missouri communities by providing objective, non-partisan information to Missouri's decision-makers. For more information, contact Dr. Jill Barnas, Human Services, Public Safety & Corrections Policy Fellow – [jill@mostpolicyinitiative.org](mailto:jill@mostpolicyinitiative.org) This was prepared on 9/2021.*

that range 0-4 points on [Form 899](#); RSMo [479.350](#)) are not punishable by immediate incarceration; the motorist's failure to appear in court or inability to pay fines associated with minor traffic violations can result in a suspended license, an arrest warrant, subsequent jail time, and more fees. Driving with an expired or suspended license and expired registration, can also be punishable by jail time. Depending upon the severity, traffic violations have a fine or fee to the motorist ranging from \$10.00–149.50 in addition to any court fees and processes.<sup>1</sup> These fees are used to help generate general operating revenue for local governments and municipalities (RSMo [479.350](#)). Fines and fees are set by the municipal court and can vary between counties. Missouri Statute (RSMo [479.359](#)) capped the amount of revenue that can be collected from traffic tickets statewide at 20%.

### **Traffic Stops**

The Missouri 2019 Vehicle Stops Report (RSMo [590.650](#)) compiles data from 96.3% of law enforcement agencies in the state.<sup>2</sup> There were a total of 1,524,640 vehicle stops, resulting in 102,755 searches and 74,553 arrests.<sup>2</sup> In 2019, 76.2% of all vehicle stops were White individuals and 19.5% were Black individuals. Those vehicle stops that resulted in searches were 70.4% White motorists and 25.6% Black motorists; of the 74,553 arrests, 70.9% were White and 24.7% were Black. Given that Black Missourians represent approximately 11% of Missouri's population, these individuals experience a higher rate of vehicle stops, vehicle searches, and arrests by law enforcement than would be expected based on population proportion alone.

Based on the 2019 Vehicle Stops Report, it is unknown to what extent the traffic stops that are reported are considered pretextual (i.e., when a law enforcement officer pulls over a motorist for a minor traffic violation to investigate the possibility of more serious crime when no probable cause exists).<sup>2</sup> Additionally, the Missouri Department of Corrections and local jails combine traffic violations with non-violent crimes. It is, therefore, not clear how many individuals are incarcerated or in jail for minor traffic offenses only.<sup>3</sup>

### **Decriminalization of Minor Traffic Violations Legislation**

Some states have statutes permitting law enforcement officers to place motorists under full arrest (including booking and mugshots) for minor traffic offenses. The costs associated with incarceration have increased significantly over the last decade with Missouri spending approximately 8% of its budget on public safety and corrections.<sup>4</sup> The cost associated with court proceedings and jail time for those who fail to pay may create shortfalls in general operating revenue. It has been found that some counties in Texas and New Mexico are spending 41 cents for every dollar of revenue they raise from fees and fines on in-court hearings and jail costs alone.<sup>5</sup>

Recent decriminalization efforts have focused on imposing fines rather than jail time for minor traffic violations. Currently, 22 states and Washington D.C. have passed laws reducing traffic violations from criminal offenses to non-criminal or civil infractions to decrease the associated costs related to court appearances, jail operation, and probation supervision.<sup>6-8</sup> In the last year, 10 states (Arkansas, Arizona, Colorado, Illinois, Indiana, Michigan, Minnesota, Nevada, Utah, and

Washington) have passed reform legislation on the severity of traffic violations.<sup>7</sup> Other states like Georgia, New Jersey, and Pennsylvania have explored how criminal offenses and definitions can be improved to match severity of the crime.<sup>8</sup> Michigan's [HB 5853](#), passed in 2020, changed a number of misdemeanor traffic violations to civil infractions to reduce the associated costs of jail operation and probation supervision. A fiscal analysis for how this bill may impact the state of Michigan is ongoing.

### **Poverty, Incarceration, and Unpaid Fines**

Traffic violations can lead to a cycle of debt and incarceration for motorists of low socio-economic status.<sup>5</sup> Unpaid traffic tickets and missed court appearances result in warrants for arrest and possible jail time, which may lead to lost wages, employment, or housing. In a majority of these instances, motorists have a warrant for an arrest related to non-moving violations, such as expired plates, expired registration, no insurance, or a suspended license; these types of violations may be income-related.<sup>6</sup>

Approximately 13% of Missourians earn below the federal poverty line.<sup>4</sup> Twenty-six percent of the Black population is living in poverty, compared to 11% of the White population.<sup>9</sup> The rate of traffic stops is higher for Black and Hispanic Missourians who reside in high-poverty areas than White Missourians living in the same area.<sup>2</sup> The 2015 Ferguson Report also indicates that Black motorists are more likely to be cited and arrested following a stop regardless of why the stop was initiated, and are more likely to receive multiple citations during a single incident.<sup>10</sup>

### **References**

1. Missouri Judicial Branch of Government. (2021). State Traffic Fine Schedule. Retrieved September 2021 from <https://www.courts.mo.gov/page.jsp?id=310>
2. Missouri Attorney General. (2019). 2019 Annual Report: Vehicle Stop Report. Retrieved September 2021 from <https://ago.mo.gov/home/vehicle-stops-report/2019-executive-summary#background>
3. Missouri Department of Corrections (2021). Offender Profile FY 20. Retrieved August 2021 from <https://doc.mo.gov/media/pdf/offender-profile-fy-20>
4. Missouri Budget Project. (2021). Missouri State Budget Overview. Retrieved September 2021 from <https://www.mobudget.org/wp-content/uploads/2021/02/MO-Budget-Overview-2021.pdf>
5. Menendez, M., Crowley, M.F., Eisen, L.B., & Atchison, N. (2019). The Steep Costs of Criminal Justice Fees and Fines: A Fiscal Analysis of Three States and Ten Counties. Retrieved September 2021 from [https://www.brennancenter.org/sites/default/files/2020-07/2019\\_10\\_Fees%26Fines\\_Final.pdf](https://www.brennancenter.org/sites/default/files/2020-07/2019_10_Fees%26Fines_Final.pdf)
6. Woods, J. B. (2015). Decriminalization, police authority, and routine traffic stops. *UCLA L. Rev.*, 62, 672.
7. Fines and Fees Justice Center (2021). Free to Drive. Retrieved from <https://finesandfeesjusticecenter.org/campaigns/national-drivers-license-suspension-campaign-free-to-drive/>
8. National Conference of State Legislatures. (2019). Misdemeanor Sentencing Trends. Retrieved September 2021 from <https://www.ncsl.org/research/civil-and-criminal-justice/misdemeanor-sentencing-trends.aspx>
9. Missouri Community Action Network and Missourians to End Poverty. (2020). 2020 Missouri Poverty Report. Retrieved September 2021 from <https://www.communityaction.org/poverty-reports/>
10. United States Department of Justice. (2015). Investigation of the Ferguson Police Department. Retrieved September 2021 from [https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson\\_police\\_department\\_report.pdf](https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf)