

DOUGLAS COUNTY DISTRICT ATTORNEY'S OFFICE
Traffic Infraction Diversion Program Guidelines
Charles E. Branson, District Attorney

The Douglas County District Attorney has established the following guidelines for diversion of traffic infraction charges. Traffic infractions are violations for which a standard penalty is listed at K.S.A. 8-2118. See K.S.A. 21-3105. In addition, misdemeanor violations of K.S.A. 8-2503 and K.S.A. 8-142 (expired tag only) may be combined with an infraction for diversion.

TRAFFIC INFRACTION DIVERSION ELIGIBILITY:

These guidelines are effective for any cases pending or offenses committed on or after April 1, 2007. **Diversion is a privilege and not a right.** No presumption in favor of diversion exists in any case. It is presumed that *diversion is not appropriate in the following circumstances:*

1. The Applicant has had a diversion or amendment through this office or in the Douglas County District Court in the 12 months preceding the date of the violation.
2. The current charges include more than one moving violation. However, nonmoving violations may be combined with a moving violation for diversion.
3. The current citation was issued as a result of an accident or if alcohol was a factor.
4. The current citation is for a speed in excess of 20 mph over the speed limit or for a violation committed in a construction or school zone or involving a school bus or emergency vehicle.
5. The offense was combined with a major traffic offense, including but not limited to driving without having liability insurance in force, driving while suspended, driving while revoked, reckless driving, fleeing or attempting to elude, or leaving the scene/failure to report an accident.
6. **A driver or holder of a commercial driver's license may NOT enter into a diversion agreement pursuant to KSA 8-2,150.**

TRAFFIC INFRACTION DIVERSION PROCEDURE:

1. APPLICANT MUST ATTEND ALL COURT APPEARANCES UNTIL FINALIZED DIVERSION AGREEMENT IS FILED.
2. The diversion application must be completed on forms provided by the District Attorney's office.
3. A legible copy of the ticket must be submitted with this application, or the application will not be accepted.
4. The application must be sworn and signed in the presence of a notary, which may be done in the District Attorney's office during regular business hours.
5. The diversion fee will be an amount equal to the total fine(s) established for the charged violation(s), up to a maximum of \$100. The applicant must pay the fine(s) and court costs. **The diversion fee, statutory fine(s), and costs must accompany the diversion application. Payment shall be made with a personal check, cashier's check or money order made payable to "D.A. Custodial Fund." Cash will not be accepted.**
6. **IF THE APPLICATION IS DENIED, NOTICE WILL BE IN WRITING AND THE MONIES PAID WILL BE REFUNDED LESS \$25 NON-REFUNDABLE DIVERSION COST.**