

AMIE L. BAUER
LINDSBORG CITY PROSECUTOR
P O Box 328, Lindsborg KS 67456 (T) 785-227-3632 (F) 785-227-4341

TRAFFIC DIVERSION POLICY & APPLICATION

ELIGIBILITY: If you have been charged with a traffic infraction, you may be eligible for diversion IF:

- (1) You have not been convicted of a moving violation or had a charge amended from a moving to a non-moving violation in this or any other court in the State of Kansas within the last 12 months. AND
- (2) You have not previously been afforded a traffic diversion in this or any other court in the State of Kansas within the last 12 months. AND
- (3) Your speeding citation (if applicable) is no more than 25 MPH over the posted speed limit, or 15 MPH if within a school zone. AND
- (4) You have a valid, non-commercial driver's license. (Those with a CDL are NOT eligible per Kansas State Statute 8-2,150). AND
- (5) You have current liability insurance. Proof may be requested.

CHARGES NOT ELIGIBLE: Citations for Driving While Suspended, No Proof of Insurance, Hit and Run, Failure to Report an Accident, Failure to Yield to an Emergency Vehicle, and Reckless Driving are NOT eligible for traffic diversion, but may be eligible for a misdemeanor diversion.

TERMS OF AGREEMENT: If approved, you understand the City will dismiss the charge(s) against you after six months diversion and **YOU MUST COMPLY WITH THE FOLLOWING TERMS:**

- (1) Pay all fines, costs and fees as required.
- (2) Agree to stipulate to the contents of the citation, police report(s) and any video or audio tapes regarding the charges herein.
- (3) Waive your right to speedy trial and consent to a stay of prosecution for 6 months.
- (4) Do not receive any moving violations within the 6 month diversion term. The diversion may be revoked if you receive a new citation or charge during the term. The City will file a Motion to Terminate, mail notice to the address on your application and a Court hearing will be set. At the Court hearing, you may consent to the revocation of the diversion or request a trial on the facts stipulated to in the diversion application. Failure to appear at the hearing may result in the City's Motion being granted and your conviction of the traffic charge(s)/citation(s).

COMPLETION OR REVOCATION:

The City Prosecutor may run your driving record to determine compliance. You will NOT be notified of the dismissal of the citation(s)/charge(s) at the end of the diversion.

The monies paid for the fines, fees and Court costs will not be refunded under any circumstance, even if you fail to successfully complete the diversion.

APPLICATION PROCEDURE:

You must apply for diversion within thirty (30) days of the issuance of your citation, SEE BACK for further instruction. Failure to follow directions could result in the denial of your application. The Prosecutor will notify you by letter of approval/denial within ten days of receiving required documents and will send a copy of this document. The terms stated in the policy and application become the terms of the diversion agreement if accepted. If diversion is denied, a court hearing will be set and notice mailed to you at the address on your citation.

Contact the City Prosecutor or Court Clerk regarding questions. However, be advised that the City Prosecutor, or the Court Clerk, cannot provide ANY legal advice to you. If you have questions about your legal rights as it pertains to a diversion, you must seek the advice of an attorney.

