

DOUGLAS COUNTY DISTRICT ATTORNEY

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Traffic Infraction Diversion Program Guidelines

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

Diversion is a privilege, 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. A driver or holder of a commercial driver's license may **NOT** enter into a diversion agreement pursuant to K.S.A. 8-2,150.
2. The current citation was issued as a result of an accident or if alcohol was a factor.
3. The offense was combined with certain major traffic offense, including but not limited to reckless driving, fleeing or attempting to elude, or leaving the scene/failure to report an accident.
4. The current citation is for a speed of 25 mph or more 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 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
6. The applicant has active warrants.

Traffic Infraction Diversion Procedure

1. Applicant must attend all court appearances until finalized diversion agreement is filed. The process takes about four to six weeks from the date application and agreement is submitted.
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 the application.
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 (Monday through Friday, 8:30am-12pm, 1pm-5pm)
5. Applicant will be responsible for a diversion fee of \$100, the fine amount(s), and court costs of \$108.
6. **Payment shall be made with a personal check, cashier's check, or money order made payable to 'DA Custodial Fund'. Cash will not be accepted. Payment must be turned in with the diversion agreement.**

**DOUGLAS COUNTY DISTRICT ATTORNEY'S OFFICE
TRAFFIC DIVERSION APPLICATION**

A \$25.00 **non-refundable** application fee must be submitted with this application. Online payment, personal check, cashier's check, or money order should be made payable to "DA Custodial Fund." If paying with cash, exact cash is required.

Full Name _____ Case Number _____
Charge(s) _____ Next court date and time _____
Ticket Number _____ DOB _____ SS# _____ Gender _____
(As on ticket)
DL Number & State _____ Phone _____
Email _____
Address _____
City/State/ZIP _____

COMMERCIAL DRIVER'S LICENSE HOLDERS ARE NOT ELIGIBLE FOR TRAFFIC DIVERSION

I solemnly swear that I have read the foregoing Diversion Application and all of the information is true and correct to the best of my knowledge. I understand that giving false information will be a basis for denial of diversion or revocation of diversion including the reinstatement of charges against me.

Printed Name Signature

Attorney for Defendant (if any)

NOTARY CERTIFICATE

State of _____
County of _____

This agreement was signed before me on _____, by _____
_____.

Notary Public: _____
My appointment expires: _____

Notary Stamp

Accepted by:

Return this agreement with payment to: **District Attorney's Office, 111 E 11th St Unit 100,
Lawrence, KS 66044**