

# Traffic Diversion Packet

## 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 because 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.

## Diversion Fee Schedule

*The court costs must be paid to the Clerk of the District Court at the time of turning in the signed Diversion.*

### *Court Costs*

- \$ 108 for Traffic cases
- \$ 158 for Misdemeanor cases
- \$ 193 for Felony cases

### *Restitution Payments*

- \$ varies

### *KBI Lab Fee*

- \$ 400.00

### *Attorney-Court Appointed*

- \$ varies

### *Fines*

- \$ varies

### *Agreement*

All other costs are to be paid to the Clerk of the District Court within three months of signing the Diversion Agreement. If payments are not made, the Diversion Agreement may be revoked, and the case will be returned to court docket for trial.

## Traffic Diversion Program 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.

*You must complete every empty field/question. If an evaluation is needed, it must be attached or the application will be returned.*

### *Applicant Information*

Full Name

Street Address

City

State

Zip

Phone Number

Email Address

Gender

City/State of Birth

Case Number

Next Court Date/Time

Charge

Ticket Number

Date of Birth

Social Security Number

Driver's License State/Number

*Commercial Driver's License Holders are not Eligible for Traffic Diversion*

I swear that I have read the foregoing Diversion Application and all 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.

Print Full Name

Applicant Signature

Attorney for Defendant (if any)

Signature Date

*Notary Public*

State of

County of

This agreement was signed before me on this date  
by (applicant name)

,  
.

Notary Public

My appointment expires on

Notary Stamp

Accepted By

*Return this agreement with payment to:*

District Attorney's Office, 111 E 11th St Unit 100, Lawrence, KS 66044