

TRAFFIC DIVERSION PROGRAM: POLICY

303 Court St.
Scott City, KS 67871
620.872.3600
caassistant@scottcountyks.com
Fax: 620.872.5666

The purpose of the Traffic Diversion Program is to provide an efficient process whereby eligible motorists may receive immediate dismissals of certain designated traffic infractions upon payment of a fine, court costs, and diversion fees, without requiring the motorist to appear for multiple court hearings.

ELIGIBILITY. In order to participate in the Traffic Diversion Program, a motorist must meet all of the following eligibility requirements. The motorist must:

1. Have a valid, state-issued driver's license and current proof of insurance for the vehicle in which he or she was ticketed;
2. Not have been driving a commercial vehicle when ticketed;
3. Have committed only qualifying offenses, traffic infractions;
4. Not have been involved with any vehicular crash in connection with the ticket;
5. Not have participated more than two times in the Traffic Diversion Program in Scott County, Kansas, within the past twelve months;
6. Attend all scheduled court hearings unless properly excused by the court, the prosecuting attorney, and/or the motorist's attorney;
7. Apply for participation in the Traffic Diversion Program no later than fourteen (14) days after the motorist's appearance date noted on his or her ticket.

If the motorist is charged with multiple offenses, each and every offense must be eligible for a Traffic Diversion. The motorist bears the burden of establishing that he or she meets the eligibility requirements to participate in the Traffic Diversion Program. The Scott County Attorney may in her sole discretion deny a motorist's application for a traffic diversion, so long as the denial is not made on the basis of a protected classification. **Those not qualifying for the Traffic Diversion Program may still be eligible for the Criminal Diversion Program and may apply separately.**

PROCEDURE. The following section outlines the procedures to be followed by the motorist and/or his or her attorney, the Scott County Attorney, and the district court in applying for and processing an application for a traffic diversion.

Motorist: Upon receiving a ticket in Scott County, Kansas, a motorist wishing to make application to the Traffic Diversion Program must:

- a. Obtain an application for the Traffic Diversion Program from the Office of the Scott County Attorney.
- b. Complete the application and return the completed application along with a photocopy of motorist's valid driver's license; of the current insurance for the vehicle ticketed; and of the ticket received.
- c. Once the motorist's application is approved, the motorist will receive a unsigned Journal Entry of Dismissal. The motorist will have thirty (30) calendar days within which to **complete the traffic diversion process by signing Journal Entry of Dismissal and returning it to the Scott County Attorney along with certified funds, made payable to the clerk of the district court, foundation and treasurer in the amount shown on the motion and Journal Entry of Dismissal.**
- d. Nothing in this process excuses your appearance in court as required unless the Journal Entry of Dismissal has been signed by the judge. Please call the clerk of the court to verify prior to your hearing.
- e. Unless other arrangements are made, the Journal Entry of Dismissal will be mailed to the motorist's address of record.
- f. Upon submission of the signed Journal Entry of Dismissal and appropriate payment, the motorist's case will be immediately dismissed with prejudice.
- g. A motorist's failure to submit all required documentation or complete any requisite step within the time limitations, set forth by this policy or otherwise, will result in a denial of the diversion. The motorist must then either plead to the charges and pay all fines and costs or appear in court to contest the charges.

Prosecutor: The Office of the Scott County Attorney will maintain a supply of Traffic Diversion Applications, Journal Entries of Dismissals, a current list of all offenses eligible for traffic diversion and their corresponding fines, and records of all motorists who have participated in a traffic diversion within the previous twelve (12) months in Scott County, Kansas. When receiving application, the Office of the Scott County Attorney will ensure eligibility for this program. Upon acceptance, the prosecutor will prepare a Journal Entry of dismissal and forward such to the motorist. If the traffic diversion is denied, or if the motorist is not eligible to participate in the program, the motorist will be informed of the denial either in person or through mail to the address on the application. The motorist will be given a court date on which to appear and contest the charges or pay the fine(s) and costs indicated.

Court: Upon being presented with a Journal Entry of Dismissal, the clerk shall verify that the Journal Entry is signed, and dismiss the case.

PLEASE NOTE: The Scott County Attorney makes no representation as to the effect of a diversion on your driving record, insurance rate or other consequences. Please consult private legal counsel if you have questions in this regard.

TRAFFIC DIVERSION PROGRAM: APPLICATION

INSTRUCTIONS: PLEASE COMPLETE THE FOLLOWING APPLICATION IN ITS ENTIRETY, LEAVING NO QUESTION BLANK. IF A QUESTION DOES NOT APPLY TO YOU, PLEASE WRITE "NOT APPLICABLE" OR "N/A." FAILURE TO COMPLETE THIS APPLICATION IN ITS ENTIRETY MAY BE GROUNDS FOR DENIAL OF YOUR APPLICATION. RETURN THIS COMPLETED APPLICATION TO THE OFFICE OF THE SCOTT COUNTY ATTORNEY ALONG WITH PHOTOCOPIES OF YOUR DRIVER'S LICENSE, CURRENT PROOF OF INSURANCE FOR THE VEHICLE IN WHICH YOU WERE TICKETED, AND YOUR TICKET.

Today's Date: ____/____/____

Full Legal Name: _____

Any Aliases Used: _____

Date of Birth: _____ **Social Security Number** ____ - ____ - _____

Driver's License Number and State: _____

Current Mailing Address: _____

E-mail Address: _____ **Preferred method of communication:** _____

Current Telephone Number: home (____) ____ - ____ cell (____) ____ - _____

Signature: _____

OFFICE USE ONLY

Date Received _____ Court Notified _____

Next Court Date _____ Case No. _____

Accepted _____ Date Agreement Sent Out _____

Denied _____ Date Denial Sent Out _____

Notes: