



Office of Saline County Attorney
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Saline County Traffic Diversion Program

Program Overview

Defendants charged with certain traffic infractions may be eligible for Diversion. Below is a brief overview of the Traffic Diversion Program. Please see the rest of this document for more detailed information.

- The Defendant must meet all eligibility requirements.
- The Defendant must apply for diversion and pay a non-refundable application fee of \$50.
- If the Defendant is granted diversion, they will pay the fine, a Diversion Fee, Court Costs, and \$100 to the Saline County Crime Victims' Reparations Fund:
 - The Diversion Fee is \$50
 - The Fine \$_____
 - The Court Costs are \$108.
- If the Defendant is granted Diversion, the court proceeding will be stayed for ninety days.
- The Defendant must make the application fee and costs at the time of signing the diversion agreement. The fine and \$100 payment to the Saline County Crime Victims' Reparations Fund are due within 90 days.
- If all costs and fees are paid within ninety days, the charges will be dismissed.
- If all costs, fees, and fines are not paid within 90 days, a motion to terminate diversion will be filed and the case will be placed on the next Traffic Court docket.

Eligibility

Diversion is a privilege and not a right. To be eligible for Diversion, a Defendant charged with a traffic infraction must meet the following requirements:

- Defendant must not have had any tickets, convictions, or diversions within the past 12 months.
- Defendant must not hold a commercial driver's license.
- Defendant must have no more than 3 charges on the citation they are seeking to divert.
- Defendant must not have been using a radar detector/jammer device at the time of the citation.
- Defendant must not be classified as a Habitual Traffic Violator.
- Defendant must not currently be on diversion for any other traffic infraction.
- Offense must not have been in a construction zone or a school zone.
- Offense must not be on the list of offenses that are ineligible for diversion. (*See below*)

Ineligible Offenses

Certain traffic offenses are ineligible for Diversion, regardless of if the Defendant meets the requirements listed above. These offenses that are ineligible for diversion are:

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|---|--|
| ➤ Certain speeding tickets: <ul style="list-style-type: none">○ 16+ mph in a 50-75 mph zone○ 11+ mph in a 20-45 mph zone | ➤ Ignition Interlock Device violations |
| ➤ No proof of insurance | ➤ Any ticket resulting from an accident |
| ➤ Driving While Suspended/Revoked | ➤ Improperly passing a school bus |
| ➤ Driving While a Habitual Traffic Violator | ➤ Any Commercial Vehicle violations |
| ➤ Drag Racing/Exhibition of Acceleration | ➤ Fleeing or Eluding |
| ➤ Making a U-turn on an Interstate | ➤ Failure to yield to an emergency vehicle |
| ➤ Reckless driving | ➤ Seatbelt/Child Restraint violations |
| | ➤ Running a red light |

Final determination regarding Diversion is at the discretion of the Saline County Attorney's Office. In determining whether Diversion is appropriate, the County Attorney will consider the factors in K.S.A. 22-2908 as well as the following (non-exclusive) list of factors:

1. The facts and circumstances of the citation, including the number of charges on the citation and whether the Defendant was cooperative with law enforcement.
2. Whether the Defendant has appeared at all required court dates.
3. The Defendant's driving record, including any history of citations, suspensions, or revocations.

Procedure

To make an application for an amended ticket, a Defendant will need to do the following:

1. Get a copy of your driving record from the Department of Motor Vehicles in Topeka. The phone number for that Department is **(785) 296-3671**. Out-of-state licenses need to be obtained from the Department of Motor Vehicles in the licensing state.
2. Send the copy of your driving record with a completed diversion application, a legible copy of the ticket, a self-addressed stamped envelope, your name, address, and phone number to:

Saline County Attorney's Office
Traffic Attorney
300 W. Ash, Room 110
Salina, KS 67401

3. Alternatively, you may email the copy of your driving record with a completed diversion application, your name, address, and phone number to traffic@salinecountyks.gov.
4. Pay the non-refundable Diversion Application Fee of \$50.
5. If you are granted Diversion, you will need to pay the fine, Diversion Fee, Saline County Crime Victims' Reparations Fund Fee and Court Costs
 - a. \$50 Diversion Fee
 - b. \$108 Court Costs
 - c. \$100 to the Saline County Crime Victims' Reparations Fund

6. Payments shall be made to:

Clerk of the Saline County District Court
300 W. Ash, Room 307
Salina, KS 67401

7. Upon being granted Diversion, the court proceeding will be stayed for ninety days.
8. Upon successful completion of the Diversion, the County Attorney shall dismiss the remaining charges with prejudice.
 - a. If the Defendant fails to successfully complete Diversion, the County Attorney will file a motion to revoke the Diversion Agreement. The matter will then proceed to a bench trial on stipulated facts and, if convicted, the Defendant will be sentenced by the Court.

Application for Traffic Diversion Program

Last Name: _____ First Name: _____ M.I.: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ Email Address: _____

Driver's License #: _____ State: _____

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Citation #: _____ Date Issued: _____

Issuing Agency: _____

Have you been issued any citations within the last 12 months?YES/NO

If "YES", provide the number of citations issued: _____

Are you currently on diversion for any other citations?.....YES/NO

Do you currently hold a Commercial Driver's License?YES/NO

I hereby apply to participate in the Traffic Diversion Program. I waive my right to a speedy trial and ask that the trial for my case be continued at my request for at least ninety days so I can complete the program. I understand that giving incorrect information or not giving the requested information is grounds to deny me diversion or remove me from the program. I admit that I committed the traffic offense alleged in the Uniform Notice to Appear and Complaint. _____ (Initial Here)

I have read the above and declare under penalty of perjury that the information in the application is true and correct.

Signature: _____ Date: _____

Printed Name: _____