

STANTON COUNTY

DIVERSION/REDUCTION POLICY

EFFECTIVE: JULY 1, 2014

The Stanton County Attorney's Office will offer the following program for diversions. **Anyone applying for a diversion must be represented by an attorney, unless it is for a speeding ticket or reduction of speed.** If the person is eligible after completing the application for diversion and if the person successfully completes the diversion program, the charge will be dismissed. If the person is eligible after completing the application for reduction and does not have any moving violations within the past year, shown by a certified driving record, the charge will be reduced to a non-moving violation. (Reduction in speed is only available to those who hold CDL's)

ALL FINES, COURT COSTS AND DIVERSION/ADMINISTRATION FEES MUST BE PAID AT THE TIME THE DIVERSION AGREEMENT/JOURNAL ENTRY IS SIGNED, NO EXCEPTIONS.

SPEEDING TICKET

1. The Defendant will be required to pay the full fine as noted on the ticket and Court costs of \$108.00 to the Clerk of the District Court of Stanton County, Kansas.
2. If eligible for a diversion, the Defendant will also have to pay a diversion fee based on the number of miles per hour over the speed limit as follows:

| | |
|------------------------|------------------------|
| a.) Speeding 66-74 mph | \$65.00 diversion fee |
| b.) Speeding 75-79 mph | \$115.00 diversion fee |
| c.) Speeding 80-85 mph | \$215.00 diversion fee |
| d.) Over 85 mph | No Diversion |

REDUCTION

1. The Defendant will be required to pay the full fine as noted on the charge and Court costs of \$108.00 to the Clerk of the District Court of Stanton County, Kansas along with a \$215.00 administration fee made payable to the Stanton County Treasurer

The diversionary period for speeding tickets will be ninety-days (90) in duration, commencing from the date of signing of the diversionary agreement.

THE DEFENDANT WILL NOT BE ELIGIBLE FOR DIVERSION ON A SPEEDING TICKET OR OTHER CHARGE IF:

- 1.) The Defendant has a prior conviction of a serious traffic offense (i.e. driving under the influence of alcohol or drugs, driving while suspended, driving without liability insurance, reckless driving, failure to stop or report an accident, etc.)
- 2.) The Defendant is a holder of a Commercial Driver's License (CDL). The law does not allow diversions for holders of a commercial driver's license, and if you have a commercial driver's license, no diversion can be granted, regardless of whether you were in a commercial vehicle at the time of the offense. *** However, the Stanton County Attorney's office may provide a reduction of speed, if the Defendant was in their personal vehicle at the time of the incident, and the circumstances otherwise warrant a reduction. Said individuals that were in a commercial vehicle at the time of the incident do not qualify for reduction in speed.
- 3.) The arresting officer reports that the Defendant was belligerent, insulting or uncooperative.
- 4.) The Defendant has two (2) or more moving violations within the prior twelve (12) months preceding the ticket, including any previous diversion agreements.
- 5.) The Defendant has eight (8) or more moving violation convictions during the prior three (3) year period, including any previous diversion agreements.

DUI

Persons with their first DUI may be eligible for diversion. Defendants must pay the fines and fees as noted on the ticket, court costs of \$108.00/\$160.00, and sheriff processing fee of \$45.00 payable to the Stanton County District Court, along with a diversion fee of \$365.00 to the Stanton County Treasurer.

JUVENILE OFFENDERS

Juveniles charged with their first offense may be eligible for diversion. Juveniles must pay a fine, court costs of \$56.00 and a sheriff processing fee of \$25.00 to the Stanton County District Court, along with a diversion fee of \$100.00 or a diversion fee of \$25.00 and twenty-hours (20) of community service. Diversion fees shall be payable to the Stanton County Treasurer.

OTHER OFFENSES

Persons having no criminal record, except for traffic offenses, may be eligible for diversion. Defendants may pay a minimum fine and court cost of \$160.00/\$195.00 and sheriff processing fee of \$45.00 to the Stanton County District Court along with a diversion fee of \$215.00 to the Stanton County Treasurer.

Persons charged with sex offenses or crimes in which a child is the victim are not eligible for diversion.

Persons charged with any drug or drug paraphernalia charges are not eligible for diversion.

Persons with charges involving restitution maybe required to pay restitution in addition to fines, court costs and fees.

Persons with KBI or other lab fees may be required to pay the lab fees in addition to fines, courts costs and fees.

Persons with diversions involving the consumption or possession of alcohol must obtain a drug and alcohol evaluation and follow all recommendations at the chemical addiction center and pay all fees required directly to the chemical addition center.

The diversionary period for offenses other than speeding tickets will be six-months (6) in duration, commencing from the date of signing of the diversionary agreement.

In addition, the Stanton County Attorney's Office may consider other information and whether a diversion/reduction is an appropriate way to meet the needs of the Defendant and the community in deciding if a diversion/reduction is appropriate.

David C. Black
Stanton County Attorney