

Ellis County Attorney's Office
Traffic Infraction Diversion Program

The Ellis County Attorney's Office is implementing a diversion program for certain traffic infractions. The following guidelines serve as the eligibility requirements for the traffic diversion program. **Eligibility for diversion ultimately rests in the discretion of the Ellis County Attorney's Office. Meeting the requirements listed below does not create a presumption that diversion will be granted.**

ELIGIBILITY REQUIREMENTS:

1. Applicant must **not** have had a diversion or other traffic amendment through the Ellis County Attorney's Office or District Court in the 12 months preceding the date of the violation.
2. The current charge must be for a single moving violation. However, nonmoving violations may be combined with a moving violation for diversion.
3. The current citation must **not** be a result of an accident, or alcohol-related incident.
4. The current citation, if for speeding, cannot exceed 15 mph over the posted speed limit. The citation must **not** have been committed in a construction or school zone. The citation cannot be the result of a violation involving a school bus or emergency vehicle.
5. **Drivers or Holders of Commercial Driver's Licenses, whether in current use or not, are not eligible for diversion.**

DIVERSION PROGRAM PROCEDURE:

1. Applicant must attend all court appearances as scheduled until the diversion agreement is filed with the Ellis County District Court. Applicant is responsible for verification that his/her appearance is no longer required.
2. The diversion application must be completed on the form provided by the County Attorney's Office. Any applications which are incomplete, or not in conformity with the requirements established will be returned to the applicant.
3. A legible copy of the ticket must be submitted with the application, or the application will not be accepted. Additional copies of tickets, should applicant lose the copy provided by law enforcement, are available through the District Court Clerk.
4. A diversion fee of \$50, non-refundable, along with the applicable fine(s) and court costs must accompany the diversion application.
 - a. Payment **MUST** be in the form of a cashier's check or money order made payable to the "Ellis County District Court."
5. **Both Application and payment must be turned in to the Ellis County Attorney's Office at 107 W. 12th St., Hays, Kansas 67601.**

IN THE DISTRICT COURT OF ELLIS COUNTY, KANSAS

State of Kansas

vs.

Case No. __TR-_____
Office Use Only

TRAFFIC DIVERSION AGREEMENT

Charge: _____, in violation of K.S.A./Section No. _____

Ticketing Agency: _____

Next Court Date and Time: _____, 20__, at __:_____.m.

Full Name _____

Date of Birth: __/__/____

Address: _____

Phone Number: ____-____-____

City: _____ State: _____

Zip Code: _____

Email: _____ Do you want to receive receipt via email? Yes No

Gender: ____ Driver's License State/No.: _____ Last four of SSN: XXX-XX-____

Commercial Driver's License? Yes No

Accident? Yes No

If charged with Speeding: Construction Zone? Yes No

School Zone? Yes No

If "Yes" to any of the above, you are NOT eligible for diversion.

Upon acceptance of this agreement, the defendant agrees to:

1. Pay the diversion fee of \$50 and the "total amount due" written on ticket \$_____, via Money Order or Cashier's Check made payable to "Ellis County District Court."
2. The defendant hereby waives all statutory and constitutional rights to a speedy trial; and, if proceeding without the advice of counsel, waives any right to an attorney.
3. Upon receipt of payment in full of the amount specified above, and a determination of eligibility, the State agrees to dismiss the case, in its entirety, with prejudice.

I solemnly swear that I have read the foregoing, and that all information is true and correct to the best of my knowledge.

Printed Name

Signature

Assistant County Attorney

Attorney for Defendant