

## **Riley County Attorney's Office Traffic Court Information**

### **OPTIONS AVAILABLE**

You have three options for handling your traffic citation:

- 1.) Plead guilty or no-contest to the citation. If you cannot pay your fine today you may request the Judge give you time to pay the same.
- 2.) Plead not guilty and request a trial setting. Your case will be set for trial for a date in the future.
- 3.) Apply for Traffic Diversion with the Riley County Attorney's Office. If you choose this option you must plead not guilty and you will be given a future court date. If you are accepted into the diversion program you must pay all your cost by your next court date or appear in court, unless you are financially unable to pay. If you fail to pay, make arrangements for work release or appear by this date, the State may request that the court issue a warrant for your arrest.
- 4.) If you are financially unable to pay, the County Attorney's Office will offer a community service program to allow you to work off your fine and costs.

### **TRAFFIC DIVERSION PROGRAM**

Traffic Diversion is a privilege and not a right. There is no guarantee Traffic Diversion will be granted in any given case. The needs of the offender are subordinate to those of the public and the rights of the victim. However, the Riley County Attorney's Office has set these guidelines for offenses that are generally eligible for diversion.

### **GENERAL MINOR TRAFFIC OFFENSES**

- 1.) Diversion is allowed on the same infraction only once every 12 months.
- 2.) The following offenses are not eligible for the Traffic Diversion program:
  - Moving offenses in a construction zone, school zone or park
  - Running a red light
  - Running a stop sign
  - Speeding limitations: 21 mph or greater over posted zone
- 3.) Traffic Diversion is a 30-day to 6-month non-reporting program for most offenses. Any diverted offense will not be shown on your driving record; it will appear as a dismissed traffic citation.
- 4.) To be eligible for this program follow these steps:
  - a. Complete the Application for Traffic Diversion Program.
  - b. Go to the Riley County Attorney's Office and ask to speak to the Diversion Coordinator.

### **SERIOUS TRAFFIC OFFENSES**

- 1.) The following offenses *may* be eligible for diversion but you will have to first apply and be accepted to diversion: Driving Under the Influence of Alcohol (first lifetime offense), Fleeing/Eluding, Leaving Accident Scene, Reckless Driving and any cases deemed by the County Attorney's Office to involve special circumstances.
- 2.) To be eligible for this program follow these steps:
  - a. Inform the Court you intend to apply for diversion.
  - b. Receive a new court date from the Judge.
  - c. Go directly to the Riley County Attorney's Office Diversion Coordinator and obtain further instructions on the application process.
  - d. If you are not notified you have been accepted into the diversion program before your next court date, you must return to court and your case will be set for trial or plea.

## **FREQUENTLY ASKED QUESTIONS**

### **Can I sign up for Traffic Diversion by mail?**

You must make all your court appointed appearances unless and until you are accepted onto diversion. You can apply for diversion by mail but the Riley County Attorney's Office cannot excuse your court appearance.

### **Do I have to hire an attorney to represent me?**

It is not required that a Defendant have an attorney for the purpose of traffic diversion. However, a Defendant has the right to employ an attorney and have him/her present throughout the traffic diversion application process. Defendants are required to reimburse the "AID FUND" when represented by court appointed counsel.

### **How do I get my driving privilege reinstated?**

If your driving privilege was suspended or revoked, and you would like to know how to get it back, follow the three steps below:

- 1.) Determine the reason(s) why your driving privilege was suspended or revoked. This information is included in the letter(s) you received from the Driver License Bureau when your driving privilege was taken away or can be found on your current driver record. You may purchase a copy of your driver record from the Department of Revenue (DOR) in the State in which you live.
- 2.) Note all reasons why your driving privilege was taken away. A reason should be listed on each letter and all the reasons will be listed on your driver record. If all the dates show you may now get your driving privilege back, you will need follow the instructions from the DOR to reinstate your driving privilege.
- 3.) Once your driving privilege is reinstated, you will receive a letter from the DOR – bring it to court with you. If it is still too soon to get your driving privilege back, you will not be eligible for the Traffic Diversion program.

### **How do I get a copy of my Kansas driving record?**

You can go to any Kansas Driver's License Exam Station. You will need to show your current driver's license for identification and make a \$6.00 payment by check or money order payable to "Driver Control". You can also go to the Kansas Motor Vehicle Control Office at the Docking State Office Building in Topeka during business hours, or send a written request with your full name, driver's license number, date of birth and current address along with your \$6.00 payment to: Driver Control Bureau, P.O. Box 12021, Topeka, KS 66612-2021. For further information, you may call 785-296-3671. Phones are answered Tuesday through Thursday, 8:10 a.m. to 4:45 p.m. (This information is provided by <http://www.ksrevenue.org/faqs-dmvd.htm>.)

**STATE OF KANSAS**  
**Twenty-First Judicial District**  
**RILEY COUNTY ATTORNEY'S OFFICE**  
**BARRY R. WILKERSON, RILEY COUNTY ATTORNEY**

**TRAFFIC DIVERSION PROGRAM GUIDELINES**

The Riley County Attorney has established the following guidelines for a pretrial diversion program for adult and juvenile offenders charged with traffic related offenses.

The Traffic Diversion program is intended to give a "second chance" to offenders who commit relatively minor violations of the traffic laws of the State of Kansas.

Traffic Diversion is a privilege and not a right. There is no guarantee Traffic Diversion will be granted in any given case, as the needs of the offender are less important than those of public safety and the rights of the victim.

In determining whether or not to grant Traffic Diversion, the County Attorney or Assistant County Attorney will consider whether the Defendant demonstrates a genuine sense of remorse and is prepared to acknowledge the act(s) charged and accountability for the consequences of his/her actions.

It is not required that a Defendant have an attorney for the purpose of traffic diversion. However, a Defendant has the right to employ an attorney and have him/her present throughout the traffic diversion application process. Defendants are required to reimburse the "AID FUND" when represented by court appointed counsel. Additionally, if a Defendant wants to participate in the Traffic Diversion program without an attorney, the Defendant will be asked to sign a waiver of counsel form.

The Riley County Attorney makes all decisions regarding Traffic Diversion policy and authorizes the Assistant County Attorneys in his office to enforce such policies and determine Traffic Diversion eligibility including conditions for Traffic Diversion contracts. The Riley County Attorney has the final authority to approve or disapprove any Traffic Diversion application.

The Riley County Attorney does not and will not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its decision to approve or deny diversion applications.

The Riley County Attorney strives to make diversion available to everyone, regardless of a person's income level. The Riley County Attorney and/or an Assistant Riley County Attorney will allow a person to perform community service work, instead of paying a diversion fee, if a person is financially challenged.

**ELIGIBILITY CRITERIA FOR DIVERSION**

1. Applications must be made within thirty (30) days following the first appearance in court.
2. Persons shall be ineligible for diversion if they have any prior diversions and/or convictions for the same offense within the past 12 months. (12 months from date of conviction/diversion not arrest date)
4. Persons shall be ineligible for diversion if any pre-trial motions are filed with the court prior to the final decision by the Riley County Attorney's Office regarding the defendant's application for diversion.
5. All court appearances must be attended during the application process.
6. Offenses involving an accident will require that the victim and/or victim's insurance company be contacted regarding accident related issues. You will be required to provide a letter stating such from the insurance company.

There are two types of diversion offered by the Riley County Attorney's office: Direct Diversion and Non-Direct Diversion.

## **DIRECT DIVERSION**

Direct Diversion is an abbreviated application process that does not require a conference with the Diversion Coordinator. Typically the conditions imposed upon a person on Direct Diversion are to obey the law and pay the required diversion fee and court costs. The attached Traffic Diversion Check-Off Form sets out the offenses eligible for direct diversion along with the diversion fees and court cost. Subject to the disapproval by the Riley County Attorney, any person who has not had a direct diversion within the past 6 months and is charged with only direct diversion offenses will be eligible for direct diversion.

## **NON-DIRECT DIVERSION**

Non-Direct Diversion is for the more serious traffic offenses. It requires an application process and approval into the diversion program by the County Attorney or Assistant County Attorney

In determining whether or not to grant non-direct diversion, the Riley County Attorney will consider:

1. The nature of the offense charged and the circumstances surrounding it.
2. Whether the available diversion program is appropriate to the needs of the Defendant.
3. Recommendations, if any, of the involved law enforcement agency.
4. Whether the Defendant demonstrates a genuine sense of remorse and is prepared to acknowledge the act(s) charged and accountability for the consequences of his/her actions.

## **DIVERSION REQUIREMENTS**

If the Riley County Attorney agrees to either Direct or Non-Direct Diversion, the Defendant will be required to waive any and all rights arising under the laws and/or Constitution of Kansas or the United States to a speedy trial and all proceedings incidental thereto. The diversion agreement may include, but is not limited to, the provisions listed below:

- Fees: MONEY ORDERS ONLY
  - Diversion Fee:
  - Court Costs:
- Restitution for the victim or the community
- Defendant shall obtain/maintain full-time employment, full-time enrollment in school, or a combination of both
- Strict compliance with all federal, state and local laws
- Abstinence from the consumption of beer/alcoholic beverages and controlled substances
- Successful completion of an approved alcohol/drug/anger/mental health program

The terms of the diversion agreement will be reduced to writing and, upon approval of the parties involved, filed with the District Court. Upon satisfactory completion of the Diversion program, the County Attorney will move to have the charges against the defendant dismissed with prejudice, meaning the Riley County Attorney will not refile the charges. Participation in the Diversion program will appear on the defendant's record.

Failure to strictly comply with any provisions of the program may result in the reinstatement of prosecution.

Regardless on any of the above listed guidelines, the County Attorney has the authority to approve or disapprove any Diversion application.

# RILEY COUNTY ATTORNEY'S OFFICE TRAFFIC DIVERSION CHECK-OFF -FORM

Name of Defendant: \_\_\_\_\_

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_

Traffic Citation / Case #: \_\_\_\_\_

Date of Offense(s): \_\_\_\_\_

Assigned Court **M01, M02, D1, D2, D3**

Check if Accident Involved Ticket -

**ANY VIOLATION IN A CONSTRUCTION ZONE, SCHOOL ZONE OR PARK IS NOT DIVERSION ELIGIBLE.**

**Must Apply for Diversion in the County Attorney's Office (Check the Appropriate Box(es)):**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Driving While Suspended (KSA 8-262)        | <input type="checkbox"/> Fleeing/Eluding (KSA 8-1568)        | <input type="checkbox"/> Transporting an Open Container (KSA 8-1599)              |
| <input type="checkbox"/> Leaving Accident Scene (KSA 8-1602, et al) | <input type="checkbox"/> Reckless Driving (KSA 8-1566)       | <input type="checkbox"/> Refusal submit to a preliminary breath test (KSA 8-1012) |
| <input type="checkbox"/> Driving Under the Influence (KSA 8-1567)   | <input type="checkbox"/> Minor in Poss. Alcohol (KSA 41-727) | <input type="checkbox"/> Special Circumstances                                    |

**Direct Diversion Traffic Offenses (Check the Appropriate Box(es)):**

<u>Offense Description:</u>	<u>Diversion Fee:</u>	<u>Offense Description:</u>	<u>Diversion Fee:</u>
<b>Misdemeanor Traffic Offenses</b>			
<input type="checkbox"/> Drag Racing (KSA 8-1565)	\$300.00	<input type="checkbox"/> Failure to Yield Right of Way (KSA 8-1526)	\$75.00
***Must complete a defensive driver's education course***		<input type="checkbox"/> Failure to Yield to Emergency Vehicle (KSA 8-1530)	\$195.00
<input type="checkbox"/> No Driver's License (KSA 8-235)	\$100.00	<input type="checkbox"/> Following Fire Apparatus too Closely (KSA 8-1581)	\$75.00
***Must obtain valid driver's license***		<input type="checkbox"/> Following too Closely (KSA 8-1523)	\$75.00
<input type="checkbox"/> No Proof of Insurance (KSA 40-3104)	\$100.00	<input type="checkbox"/> Impeding Flow of Traffic (KSA 8-1561)	\$45.00
***Must provide proof of 6 months continuous liability insurance***		<input type="checkbox"/> Improper Backing (KSA 8-1574)	\$45.00
<input type="checkbox"/> <b>REGISTRATION</b> (KSA 8-142, et al.) (No Tag/Expired/etc...)		<input type="checkbox"/> Improper Cross-Over/U Turn (KSA 8-1524 & 8-1546)	\$75.00
<input type="checkbox"/> If renewed within 30 days of renewal date	Dismiss	<input type="checkbox"/> Improper Driving on Laned Roadway (KSA 8-1522)	\$75.00
<input type="checkbox"/> If renewed within 6 months of renewal date	\$50.00	<input type="checkbox"/> Improper Light Equipment (KSA 8-1703 to 8-1731)	\$45.00
<input type="checkbox"/> If renewed with 12 months of renewal date	\$100.00	<input type="checkbox"/> Improper Parking (KSA 8-1569, 8-1571 & 8-1572)	\$45.00
<input type="checkbox"/> No longer own vehicle	\$150.00	<input type="checkbox"/> Improper Passing (KSA 8-1516 & 8-1517)	\$75.00
***Must show vehicle is registered, sold, repossessed, etc***		<input type="checkbox"/> Improper Passing a School Bus (KSA 8-1556)	\$315.00
<input type="checkbox"/> Tint Violation (KSA 8-1749a)	\$50.00	<input type="checkbox"/> Improper Turn/Approach (KSA 8-1545)	\$75.00
***Must show proof of tint removal***		<input type="checkbox"/> Improper Stop or Turn Signal (KSA 8-1721)	\$45.00
		<input type="checkbox"/> No Lamp or Flag on Projecting Load (KSA 8-1715)	\$75.00
		<input type="checkbox"/> Passing in a No Passing Zone (KSA 8-1520)	\$120.00
		<input type="checkbox"/> Seatbelt Violation (KSA 8-2503)	
		<b>*no court costs*</b>	\$30.00
		<input type="checkbox"/> Seatbelt Violation – Child Age 14-17 (KSA 8-2503)	
		<b>*no court costs*</b>	\$60.00
		<input type="checkbox"/> <b>SPEEDING</b> (KSA 8-1558) (Const./School/Parks not eligible)	
		<input type="checkbox"/> 1-10mph over posted zone	\$45.00
		<input type="checkbox"/> 11-15mph over posted zone	\$75.00
		<input type="checkbox"/> 16-20mph over posted zone	\$115.00
		<input type="checkbox"/> Text Messaging Prohibited (KSA 8-15,111)	\$100.00
		<input type="checkbox"/> Unauthorized Signal or Sign (KSA 8-1512)	\$45.00
		<input type="checkbox"/> Unsafe Speed (KSA 8-1557)	\$75.00
		<input type="checkbox"/> Violate Flashing Traffic Signal (KSA 8-1510)	\$75.00
		<input type="checkbox"/> Violate Pedestrian Control Signal (KSA 8-1509)	\$45.00
		<input type="checkbox"/> Other offense listed in KSA 8-2118 (specify)	\$_____

**INSTRUCTION AND PAYMENT SCHEDULE:**

TAKE THIS FORM TO THE DIVERSION COORDINATOR IN THE RILEY COUNTY ATTORNEY'S OFFICE

MUST PAY BY CHECK OR MONEY ORDER MADE PAYABLE TO THE RILEY COUNTY ATTORNEY'S OFFICE

TOTAL DUE: \_\_\_\_\_ (DIVERSION FEE: \$\_\_\_\_\_ + COURT FEE \$108.00)

IF YOU CANNOT PAY IN FULL TODAY THE DIVERSION COORDINATOR WILL SCHEDULE A PAYMENT PLAN FOR YOU. YOU MUST PAY THE TOTAL AMOUNT DUE SET FORTH PRIOR TO THE END DATE OF YOUR DIVERSION CONTRACT. IF YOU FAIL TO PAY OR TO APPEAR TO ANY SCHEDULED COURT DATES, AN ARREST WARRANT MAY BE ISSUED AND A LETTER OF SUSPENSION MAY BE ISSUED AGAINST YOUR LICENSE.

Attorney's Initials & Date: \_\_\_\_\_

Forms Required By Diversion Office:  6 Months Insurance;  Proof of Registration;  Other: \_\_\_\_\_



COUNTY ATTORNEY'S OFFICE

Barry R. Wilkerson  
Riley County Attorney  
Carnegie Building  
105 Courthouse Plaza  
Manhattan, KS 66502  
Phone: 785-537-6390  
Fax: 785-565-6896

**TRAFFIC OFFENSE/FISH & GAME VIOLATION  
DIVERSION APPLICATION**

**(DUI APPLICANT'S MUST USE CRIMINAL APPLICATION)**

**\*copy of citation /valid identification must accompany this diversion application\***

**IT IS ENCOURAGED THAT ALL DIVERSION APPLICATIONS BE SUBMITTED TO  
THE RILEY COUNTY DIVERSION OFFICER VIA, MAIL, FAX, OR EMAIL  
DIVERSION APPLICATION CAN BE SUBMITTED IN PERSON TO:**

**Diversion Officer: Kim Lenhart  
Address: Carnegie Building, 105 Courthouse Plaza, Manhattan, KS 66502  
Phone: 785-537-6390  
Direct Line: 785-565-6828  
Fax: 785-565-6896  
Email: [klenhart@rileycountyks.gov](mailto:klenhart@rileycountyks.gov)**

.....  
Name: \_\_\_\_\_ Date: \_\_\_\_\_  
(PRINT FULL NAME )

Street Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone # \_\_\_\_\_ Work#: \_\_\_\_\_

Email address: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_

Citation#: \_\_\_\_\_ Date Issued: \_\_\_\_\_

Agency That Issued The Citation To You: \_\_\_\_\_

Have you been issued any citations within the last 5 years? Yes / NO (circle one)

If yes – provide the number of citations issued: \_\_\_\_\_

Have you ever been arrested or charged with a crime? Yes / NO (circle one)

If yes – provide the number of arrests/charges: \_\_\_\_\_

You are hereby notified that you will be considered for the Riley County Diversion program upon filing this Application. Any false or misleading statements on an application for Diversion will bar the application from participation in the Diversion program.

The prosecutor is prohibited from entering into a Diversion Agreement in lieu of being prosecuted for driving under the influence of alcohol and/or; drugs if said Defendant has a prior conviction of such an offense or has participated in a Diversion Agreement for such an offense.

Diversion is a privilege, not a right and may be offered or denied an applicant for any reason permitted by law. If a Defendant is granted a Diversion and successfully completes all requirements of the Diversion Agreement entered into with Riley County, the case against the Defendant will be dismissed with prejudice. You will be required to agree or stipulate that you committed the violation as charged on your citation. If you do not successfully complete diversion, the case will be set for trial on the agreed facts.

The Defendant will be financially responsible for all court costs, fines, and diversion fees associated with the diversion process.

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I hereby apply to participate in the Riley County, Kansas Traffic Diversion Program. I understand that if I am granted a Diversion in this matter, I am waiving my right to a speedy trial.

I agree to and authorize release of police reports and any information available concerning me to an authorized counselor or therapist.

I have read and understand the foregoing application. All the information is true and correct. I understand that if any of the foregoing information is not true and correct, this may be a basis for denial of Diversion or Revocation of Diversion. I admit the traffic offense alleged in the Uniform Notice to Appear and Complaint.

\_\_\_\_\_/\_\_\_\_\_  
DEFENDANT (please use legal signature) DATE

\_\_\_\_\_  
DEFENDANT'S PRINTED NAME

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public My Appointment Expires: