

Lindsborg Municipal Court
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Lindsborg, KS 67456
Phone: 785-227-3355
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Lindsborg City Prosecutor
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Lindsborg, KS 67456
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**Lindsborg Municipal Court
TRAFFIC DIVERSION POLICY**

ELIGIBILITY: If you have been charged with a traffic infraction, you may be eligible for diversion IF:

- (1) You have not been convicted of a moving violation or had a charge amended from a moving to a non-moving violation in this or any other court in the State of Kansas within the last 12 months. **AND**
- (2) You have not previously been afforded a traffic diversion in this or any other court in the State of Kansas within the last twelve 12 months. **AND**
- (3) Your speeding citation (if applicable) is no more than 25 MPH over the posted speed limit, or 15 MPH if within a school zone. **AND**
- (4) You have a valid, non-commercial driver's license. **(Those with a CDL are NOT ELIGIBLE per Kansas State Statute 8- 2,150). AND**
- (5) You have current liability insurance. Proof may be requested.

THE FOLLOWING MAY NOT BE ELIGIBLE: Hit and Run, Failure to Report an Accident, Driving While Suspended, No Proof of Insurance, Reckless Driving, Failure to Yield to an Emergency Vehicle

APPLICATION PROCEDURE:

You must apply for diversion within thirty (30) days of the issuance of your citation. Failure to follow directions could result in denial of your application. The Prosecutor will notify you in the manner requested on your application of approval/denial. If diversion is denied, a court hearing will be set and notice mailed to you at the address on your citation.

The terms stated in this policy are the terms of the diversion.

TERMS OF DIVERSION: If approved, the City will dismiss the charge(s) after six **months IF YOU COMPLY WITH ALL OF THE TERMS:**

- (1) Pay all fines, costs and fees as required, **and**
- (2) Agree to stipulate to the contents of the citation, police report(s) and any video or audio tapes **and**
- (3) Waive your right to speedy trial and consent to a stay of prosecution for 6 months, **and**
- (4) Do not receive any moving violations within the 6 month diversion term. The diversion may be revoked if you receive a new citation or charge during the term. The City will file a Motion to Terminate, mail the notice to the address on your application and a Court hearing will be set. At the Court hearing, you may consent to the revocation of the diversion or request a trial on the facts stipulated to in the diversion application. Failure to appear at the hearing may result in the City's Motion being granted and your conviction of the traffic charge(s)/citation(s), **and**
- (5) The City Prosecutor may run your driving record after 6 months to determine compliance.

COMPLETION OR REVOCATION OF COMPLETION:

You will NOT be notified of the dismissal of the citation(s)/charge(s) at the end of the diversion.

The monies paid for the fines, fees and Court costs will not be refunded under any circumstance, even if you fail to successfully complete the diversion.

*Contact the City Prosecutor or Court Clerk regarding questions; but neither can provide legal advice. **If you have legal questions you must seek the advice of an attorney.***