

Lindsborg Municipal Court
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Lindsborg City Prosecutor
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LINDSBORG MUNICIPAL COURT TRAFFIC INFRACTION DIVERSION PROGRAM POLICY AND GUIDELINES

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.
2. You have not previously been afforded a traffic diversion in this or any other court in the State of Kansas within the last 12 months.
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.
4. You have a valid, non-commercial driver's license. (*Those with a CDL are not eligible per Kansas State Statue 8-2150*).
5. You have current liability insurance. Proof may be requested.
6. **THE FOLLOWING CHARGES ARE NOT ELIGIBLE:** Hit and Run, Failure to Report an Accident, Driving While Suspended, No Proof of Insurance, Reckless Driving, Failure to Yield to Emergency Vehicle.

DIVERSION FEES AND COSTS

An application for diversion will not be processed by the City Prosecutor until a non-refundable application fee of \$30.00 is paid to the Clerk of the Court.

Drivers who are granted diversion will still be responsible for payment of court costs, the fine amount as written on their ticket, and a diversion fee.

APPLICATION PROCEDURE

You must apply for diversion withing thirty (30) days of the issuance of your citation. Failure to do so will result in the 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.

TERMS OF DIVERSION

If approved, the City will dismiss the charge(s) after one year IF YOU COMPLY WITH ALL OF THE FOLLOWING TERMS:

1. Pay all fines, costs and fees as required.
2. Agree to stipulate to the contents of the citation, police report(s) and any video or audio tapes.
3. Waive your right to speedy trial and consent to a stay of prosecution for 12 months.
4. Do not receive any moving violations within the diversion ter. The diversion may be revoked if you receive a new citation or charge during the ter. The City will file a Motion to Terminate, mail 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 your 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).
5. The City Prosecutor may run your driving record after six months to determine compliance.

COMPLETION OR REVOCATION

You will be notified of the dismissal of the citation(s)/charge(s) at the end of the diversion. The money paid for the fines, fees and court costs will not be refunded under any circumstances, even if you fail to successfully complete the diversion.



Lindsborg City Prosecutor
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