



FRANKLIN COUNTY TRAFFIC DIVERSION POLICY
(UPDATED JANUARY 1, 2025)

PLEASE NOTE: FOR DUI CHARGES SEE THE ADULT DIVERSION POLICY

The Franklin County Attorney has established the following guidelines for the diversion application process in all misdemeanor traffic cases, with the exception of DUI cases. These guidelines are effective for any cases pending or offenses committed on or after January 1, 2025. It is not required that a defendant have an attorney for the purpose of a traffic diversion.

Diversion is a privilege and not a right. No presumption in favor of diversion exists in any case.

General Eligibility

The County Attorney will consider a number of factors in determining whether or not diversion is appropriate. Generally, a person is eligible to receive a traffic diversion if they have no more than three (3) convictions or diversions for traffic-related offenses in the last three (3) years.

In addition to the above circumstances, a person will **NOT** be diversion eligible in the following circumstances:

- 1) Traffic offenses that result in personal injury of any kind to another.
- 2) Traffic offenses that result in a multi-vehicle accident.
- 3) Speeding offenses that exceed the legal limit by over 30 mph, or speeds in excess of 99 MPH.
- 4) Speeding offenses that occur in a school zone.
- 5) Speeding offenses that occur in a posted construction zone, even if no workers were present.
- 6) Driving while suspended (unless license is reinstated) or habitual violator.
- 7) Fleeing or eluding a police officer.
- 8) Disobeying a railroad crossing signal. (see K.S.A. 8-1551)
- 9) Disobeying a railroad crossing stop sign. (see K.S.A. 8-1552)
- 10) Failing to stop at a railroad crossing. (see K.S.A. 8-1553)
- 11) Passing a school bus. (see K.S.A. 8-1556)
- 12) Driving with no liability insurance (unless you now possess six (6) months of coverage).
- 13) Failure to yield to an emergency vehicle. (see K.S.A. 8-1530)
- 14) Reckless Driving.

- 15) Transporting an Open Container of Alcohol (TOC) 2nd Offense.
- 16) Circumvention of an Ignition Interlock Device.
- 17) Any traffic offense other than a parking violation if the person possesses a commercial driver's license (CDL) regardless of what type of vehicle the person was driving at the time of the offense. (See K.S.A. 8-2150)
- 18) Driving while suspended and driving with no liability insurance with one or more prior convictions for the same or similar offenses.

Procedures

- 1) **All court appearances must be attended during the application process unless there is prior approval from the Court or the County Attorney to miss a court date.** Only the Court, not the County Attorney, can grant a continuance of a court hearing.
- 2) If the ticket is for Driving While Suspended the defendant **MUST** submit a letter of reinstatement with the diversion application or the application will be denied.
- 3) If the ticket is for No Proof of Insurance the defendant **MUST** submit proof of current liability insurance or non-owner's insurance for six (6) months with the diversion application or the application will be denied.
- 4) If the ticket is related to an accident the defendant **MUST** submit proof of release of liability from the insurance company documenting that all claims have been satisfied. Applications will not be considered unless the proof of release of liability is included with the application.
- 5) The defendant (if *Pro Se* - representing oneself) or the defendant's attorney will be notified whether or not the diversion application has been approved or denied.
- 6) Full payment must be received upon the filing of the diversion agreement.
- 7) Traffic diversion terms are six (6) months in length with an additional thirty (30) days following the expiration of the diversion to allow the County Attorney's Office to discover any violations of the diversion which occurred during the term of diversion. If you have not had any violations of the law, including traffic tickets, within the six (6) month diversion period, your case will be dismissed.
- 8) Once granted diversion, you are required to keep the County Attorney's Office informed of all address changes and any criminal and/or traffic violations committed by you. Failure to inform the County Attorney's Office of such will result in the County Attorney's Office filing a Motion to Resume Prosecution in the case, which could ultimately lead to a conviction.
- 9) All questions with regard to the diversion should be directed to the County Attorney's Office.

Franklin County Attorney's Office
Brandon L. Jones, County Attorney
220 South Beech Street, Suite B
Ottawa, Kansas 66067
785-229-8970
785-229-8971 (facsimile)

FRANKLIN COUNTY TRAFFIC DIVERSION APPLICATION

(Please fully complete or your application will not be considered.)

Name: _____ Citation or Case No.: _____

Complete Address: _____
(Street) (City, State & Zip code)

Telephone Number(s): _____ Email: _____

DOB: _____ Sex: ____ Social Security #: _____ DL or ID#: _____ State: _____

Do you have a commercial driver's license? Yes or No If yes, from what state? _____

Employer: _____ How long? _____
(Name) (Complete Address)

Date Citation Issued: _____ Next Court Appearance: _____

Current Charge(s):

List all states other than Kansas, where you have lived:

Have you had other violations (speeding, etc.) reduced, amended, or diverted? Yes No

If yes, what were the charges, in what city, county and state did the event occur, and when did it occur?

List all offenses for which you have been arrested or charged at any time and in any jurisdiction. Include expunged offenses, juvenile offenses, and all traffic offenses. This section applies even if the charges were dismissed or someone told you the charges would not be on your record.

State any mitigating facts concerning the ticket that you believe might excuse your actions.

Explain why you feel you could successfully complete the Traffic Diversion Program. **This section must be completed in the defendant's own words.**

State in detail the facts which caused the citation to be issued. **This section must be completed in the defendant's own words.**

ATTORNEY INFORMATION:

Please mark one of the following:

I am represented by counsel. My attorney's name and information is as follows:

Name of Attorney: _____ Phone: _____
Street Address: _____
City/State: _____ Zip Code: _____
Email Address: _____

I am not represented by counsel at this time. I understand I have the right to counsel who would be able to assist me in the diversion application process, but I am knowingly and freely waiving my right to counsel as evidenced by my signature below and wish to proceed without the assistance of an attorney.

I solemnly swear that I have read the foregoing Traffic Diversion Application and all of the information is true and correct to the best of my knowledge. I understand that giving false information will be a basis for denial of diversion or revocation of diversion.

I hereby authorize the Franklin County Attorney's Office to release any information in the Franklin County Attorney's file pertaining to the offense for which I am charged to any agency which is performing the psychological, drug, alcohol, and/or other evaluation, any law enforcement agency, or any other such person or agencies for use in determining whether I am a suitable candidate for the Traffic Diversion Program. I further authorize any person, agency, or organization to release and provide, upon request, any information to the Franklin County Attorney's Office in consideration of my application for the Traffic Diversion Program.

I further authorize any person, agency, or organization that is conducting an evaluation or treatment as part of the Traffic Diversion Program to release information to any other person, agency or organization as needed for the evaluation or treatment process.

DATE: _____

Signature of Defendant

Return this application, either in person, by US mail, facsimile, or email to:

Franklin County Attorney's Office
ATTN: Traffic Diversions
220 South Beech Street, Suite B
Ottawa, Kansas 66067
785-229-8970
785-229-8971 (facsimile)
countyattorney@franklincoks.org

COMPLETED APPLICATIONS WILL NOT BE CONSIDERED IF YOU FAIL TO PROVIDE REQUIRED DOCUMENTATION.