

City of Topeka

Traffic Diversion Program



Topeka City Attorney
Prosecutors Office
215 SE 7th Street, Room 260
Topeka, Kansas 66603-3914
(785) 368-3910

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TRAFFIC DIVERSION PROGRAM

The City of Topeka has a traffic diversion program that is offered on a case by case basis. Diversion is an agreement not to prosecute you on your present traffic citation if you comply with certain conditions.

MINIMUM ELIGIBILITY REQUIREMENTS

The decision of whether to offer someone diversion is totally discretionary with the prosecutor. There are several factors a prosecutor will consider, but generally, a prosecutor will offer diversion if it appears to them a diversion is in the interests of justice, benefits the defendant and benefits the community. To be minimally eligible, you must:

- Not have entered into a prior diversion or had an amendment to a non-moving violation in the preceding 12 months.
- Not have been charged with speeding 20 miles per hour or more over the speed limit.
- Not have been cited for speeding in a school zone.
- Not have a commercial driver's license.
- Not have been cited with reckless driving, fleeing or eluding a police officer, driving while suspended, no proof of insurance or any citation resulting from an automobile accident.
- Have no prior felony convictions of any kind;

If you meet each of the above requirements and wish to seek a diversion, please contact the City Attorney Prosecutor's Office before your arraignment date and request diversion. The City Attorney's office will pre-screen cases and will sign a diversion agreement upon payment of necessary costs and fees, if appropriate.

REQUIREMENTS

To be granted a diversion, you must do each of the following:

1. Set an appearance date in municipal court within 14 days of receiving the citation. You must personally appear. The court will not set an appearance date by telephone.
2. Contact the City Attorney Prosecutors's office before your arraignment date and ask for diversion.
3. If your arraignment date occurs before the diversion is finalized, you need to appear in court and request a continuance for diversion. Do not enter a plea if you intend to participate in diversion.

4. **Payment plans are not available for diversions.** You must be prepared to pay all fines and fees before the City will sign your diversion agreement. The cost for a traffic diversion is generally the standard fine amount, plus a \$50.00 diversion fee, plus court costs, normally around \$186.00
5. You will be required to waive all rights under the law to a speedy arraignment, speedy trial and the right to a trial. You have the right to an attorney, but if you choose to proceed without an attorney, you must waive your right to be represented by an attorney.
6. You must stipulate or agree to the facts of the case with the City Attorney, and that any trial or subsequent appeal will be based on those stipulated facts.
7. You must refrain from committing a similar violation for three months after you sign your diversion agreement.

EFFECT OF DIVERSION

If you are granted diversion and you comply with all the conditions set forth in the agreement, your citation will be dismissed and cannot be refiled.

Because the charge is dismissed at the end of the diversion term, no conviction will appear on your driving record.