

HESSTON MUNICIPAL COURT GUIDELINES FOR DIVERSION

The City Prosecutor for the City of Hesston Kansas proposed Diversion Program for some traffic and misdemeanor offenders. **The following violations are INELIGIBLE for this diversion program:**

- *Reckless Driving
- *Attempt to Elude
- *Driving While Suspended
- *Driving Without Liability Insurance
- *Construction & School Zone Violations
- *Crosswalk Violations
- *Accident Cases where the Defendant(s) Caused
Or Contributed to the Cause of an Injury
Accident

Anyone is eligible to apply if they have no previous citation, conviction or diversion, for a moving violation in the prior 12 months and within the previous 5 years, no DUI or other serious offense.

Diversion is a privilege and not a right. There is no presumption in favor of diversion in any case and the defendant is required to show that diversion will serve the ends of justice and interests of the community. The City Prosecutor may deny the application for diversion for any reason permitted by law. **If accepted, the defendant will enter into an agreement for pretrial diversion and all costs of the diversion will be paid within 30 days.** The proceedings shall be continued for 12 months at defendants' request with a stipulation as to all facts contained on the citation or in the report. Upon successful completion of the diversion, the charges will be dismissed. Failure to successfully complete the diversion will result in the case being set for trial.

If the defendant wants to apply for diversion, taking into consideration all of the preceding information, they will fill out the application completely and submit it along with remittance of **\$25.00 for the application fee, which is non-refundable**, within 14 days of receipt of the citation. **An additional \$75.00 in traffic diversion fees will be required if approved.**

Other Diversions of a more serious nature will have a \$100.00 diversion fee.

You will be ineligible for a Diversion on an alcohol related offense if:

You have had a CONVICTION or DIVERSION on an alcohol relate offense,

If your actions DID result in an accident,

You REFUSED a breath or blood test,

Your test results were GREATER THAN .20?

The defendant should not pay the citation if applying for traffic diversion.

Proof of liability insurance must be sent in with the traffic diversion application.

If you have further questions, contact Hesston Municipal Court 620-327-2020 or Michael X. Llamas, 1-316-804-4990.