



MARION COUNTY CIRCUIT COURT

TRAFFIC SAFETY DIVERSION INFORMATION

READ THE FOLLOWING INFORMATION AND THE ACCOMPANYING APPLICATION CAREFULLY BEFORE SIGNING IT. YOU MIGHT BE GIVING UP IMPORTANT RIGHTS.

You are charged with a traffic offense. This offense is a violation not a crime. As such, you do not have the same rights as a criminal defendant. A judge may sentence a person found “guilty” of this charge or who pleads guilty or no contest to this charge to pay a fine and statutory assessments. The court is mandated to impose such a fine and may reduce the statutorily required fine by no more than 50 percent. If you are unable to pay the fine completely at one time, the court will, in most cases, allow you to make regular, periodic payments toward the fine; however, an additional \$50.00 to \$200.00 processing fee will be imposed.

You may proceed in one of three ways. If you have questions about these choices, ask your attorney, if you have one. The following briefly explains these choices and their possible consequences:

1. Depending upon your driving record, your fine might be reduced by up to 50 percent. Your plea will be taken by the Violations Bureau clerk and you will not go before the judge. If you decide you want to go before the judge, you should understand that he or she will not have the discretion to reduce your fine by more than 50 percent and may sentence you to the maximum fine, which is higher than that listed on your citation.
2. You may apply for the Traffic Safety Diversion Program. You **MUST** be eligible (explained below) to be allowed to take part in the Diversion Program. If you are eligible, you may file an application to enter a no contest plea and enter diversion. The application is an agreement between you and the court that you will complete the terms of the diversion program. It requires you to plead no contest, and the court will hold that plea during the diversion. If you successfully complete the 120-day program and provide proof of your completion, the court will dismiss the charge. If you fail to fulfill the agreement, the court will enter the plea and sentence you without a trial. The reverse side of this document describes the diversion program. **Before you choose this option, read the entire document.**

ELIGIBILITY FOR DIVERSION PROGRAM

You are eligible to participate in the Traffic Safety Diversion Program if you:

- a) Have not been convicted of nor been on a diversion for any motor vehicle violation or charge (including DUII) within the three years immediately preceding the date of this citation; and
- b) Have no other pending motor vehicle violation charges (including DUII) in this or any other court; and
- c) There was not an accident associated with the alleged offense; and
- d) The alleged offense did not occur in a posted school zone or a highway work zone; and
- e) Plead no contest to the traffic offense with which you are currently charged.

AGREEMENT WITH THE COURT

To have your charge dismissed by completing the diversion program, you agree to do the following:

- a) Plead no contest to the traffic offense;
- b) Pay 50 percent of the base fine for the offense with which you are charged. The base fine includes the required statutory assessments and is listed on the citation. If you are unable to pay the fine completely at one time, the court will, in most cases, allow you to make payments on the fine. Payment in full must be received before the end of the 120 day diversion period.
- c) Attend and complete the court mandated traffic safety program to which you are referred within 120 days.
- d) Provide proof that you have completed the traffic safety program within the designated time. There will be **NO** extensions and **NO** exceptions.
- e) Obey all traffic laws of this and all other states during the 120 day diversion period.

If the court finds you are eligible for the diversion program, and if you keep these agreements, the court will dismiss the traffic offense with which you have been charged after 180 days.

The court will terminate the diversion agreement if the court finds that you have violated the terms of the diversion agreement or if you fail to complete the requirements within the diversion period. You will be convicted of the offense, it will go on your driving record, and you will be sentenced to pay the **maximum fine**, which is higher than that listed on your citation.

If you have any questions about whether you should apply for the Traffic Safety Diversion, ask your attorney. Because you are not accused of a crime, the court will not appoint an attorney to represent or advise you; however, you are entitled to hire an attorney at your own expense.