

Atchison Municipal Court General Diversion Policy

By law, you will absolutely not be granted a diversion for *Driving Under the Influence of Alcohol or Drugs* (DUI) if:

1. You have previously been diverted for an alcohol related offense;
2. You have previously been convicted of an alcohol related offense in Kansas;
3. You have previously been convicted of a violation of K.S.A. 8-1567 in Kansas or convicted in any other state, municipality or political subdivision for an act which is prohibited by K.S.A. 8-1567; or
4. During the time of the alleged alcohol related offense was involved in a motor vehicle accident or collision resulting in personal injury or death.

You will not be granted a diversion for *Driving While Suspended* (DWS) if you have been convicted or diverted for DWS within the past two years; are suspended for DUI or no insurance; or if a prior DWS charge has been amended to no DL in possession within the past two years.

You will not be granted a diversion for *Domestic Violence Battery* if there has been a prior conviction or diversion for *Domestic Violence Battery* in the past two (2) years.

You may be denied diversion for other reasons, such as criminal history, driving history etc. Other factors that will be considered are:

1. The nature and the circumstances surrounding the charge;
2. The probability that the applicant will cooperate and benefit from the diversion program;
3. The impact on the community of placing the applicant on diversion;
4. The recommendations of the involved law enforcement officers;
5. The recommendations of any victims involved;
6. The amount of restitution owed, if any; and
7. Any mitigating and aggravating circumstances surround the charge.

If you have questions about this policy, the application, consequences or the law do not contact the city attorney for advice. You should contact your own attorney. The City Attorney will not give legal advice concerning your charges.



**All fines and fees have to be paid in full at the time the diversion is entered**

<input type="checkbox"/> diversion fee	\$100 / \$200	<input type="checkbox"/> KBI Lab fee	\$ 400.00
<input type="checkbox"/> court costs	\$80.50	<input type="checkbox"/> restitution of	\$
<input type="checkbox"/> fine	\$	<input type="checkbox"/>	\$
<input type="checkbox"/> court appointed attorney fees	\$300.00	<input type="checkbox"/>	\$
<input type="checkbox"/> blood draw fee	\$ 32.00	<input type="checkbox"/>	\$

Total anticipated costs, fees and fines: \$ \_\_\_\_\_