POTTAWATOMIE COUNTY
DIVERSION GUIDELINES

Effective June 14, 2012

The following is a listing of "set/standard" offenses, diversion fees, and terms of diversion approved by the Pottawatomie County Attorney, Sherri Schuck pertaining to adult criminal and traffic cases (CR/TR) only:

*OFFENSE	TERM OF DIVERSION	**FEE
Battery	**12 months**	**$250**
Criminal Damage to Property	**12 months**	**$250**
Criminal Trespass	**6 months**	**$200**
Disorderly Conduct	**6 months**	**$150**
Domestic Battery	**12 months**	**$300**
DUI	**12 months**	**$850**
Furnishing Alcohol to Minors	**12 months**	**$450**
MIP and TOC	**12 months**	**$600**
MIP/MIC	**6 months**	**$400**
Possession Marijuana/Paraphernalia	**12 months**	**$800**
Possession of Marijuana	**12 months**	**$600**
Possession of Drug Paraphernalia	**12 months**	**$600**
Sell Tobacco to Minors	**6 months**	**$250**
Theft	**12 months**	**$600**
Transporting Open Container	**6 months**	**$200**
Unlawful Use of DL	**6 months**	**$400**
Speeding	**90 days**	**See Below**

*** Other traffic offenses may be considered at the prosecutor's discretion.**
****The prosecutor may add additional fees depending on the facts and circumstances of the case.**

Speeding Diversion Fees

Speeding between 11-15 miles per hour over the speed limit - $100 plus court costs
Speeding between 16-20 miles per hour over the speed limit - $150 plus court costs
Speeding between 21-25 miles per hour over the speed limit - $200 plus court costs
Speeding between 26-30 miles per hour over the speed limit - $300 plus court costs
Speeding of 31 miles per hour or more over the posted speed limit is not eligible for diversion.
In order to be eligible for a speeding diversion:
Have no prior tickets, diversions, or amended tickets within the past 6 months. Diversions are prohibited on Commercial Driver's Licenses for any offense that would appear on a driving record.

Please Note: There will be additional diversion fees for each additional offense the respondent may have unless otherwise noted by the prosecutor handling the case, and the same shall be specifically set out in the diversion agreement. Court costs, monitoring fees, and/or court appointed attorney fees will be in addition to these fees. Court costs are due at the time of signing. Diversion fees and all other monies due must be paid within four (4) months of signing the diversion agreement if it is for a six (6) term, and within nine (9) months if it is for a twelve (12) month term. THERE WILL BE NO EXCEPTIONS, unless specifically approved by the prosecutor handling the case. All diversions will be set up on a monthly payment plan. Payment can be made by money order, cashier's check, or cash. (NO PERSONAL CHECKS WILL BE ACCEPTED).

● A $10.00 Monitoring Fee will be assessed to any diversion requiring additional supervision by the Diversion Officer.
● Restitution, if any, will be in addition to these fees.
● All DRUG RELATED diversions **REQUIRE** at a minimum, successful completion of the 3rd Millennium Marijuana 101 online course and/or an Alcohol Drug Information School (ADIS), with proof of attendance provided to the Diversion Officer. In addition, respondent must submit to random UAs at their expense.
● All DUI diversions **REQUIRE** a drug and alcohol evaluation, with proof sent to the Diversion Officer. The respondent will be required to follow any recommendations made in the evaluation and submit proof of compliance to the Diversion Officer.
● All MIP/MIC diversions **REQUIRE** successful completion of Alcohol Drug Information School (ADIS), with proof of attendance provided to the Diversion Officer.
● All THEFT diversions **REQUIRE** successful completion of the on-line STOPLIFTING course, with proof of compliance provided to the Diversion Officer.
|● All juvenile diversions will **REQUIRE** community service. Community service will be **20hrs for 6 month diversions and 40hrs for 12 month diversions.**
- Proof of Community Service Hours ***must*** **be provided to the Diversion Officer within four (4) months** of signing the diversion agreement if it is for a **six (6) month term**, and **nine (9) months** if it is for a **twelve (12) month term** or ***it will not be considered.***
- All Community Service Hours ***must be approved by the Diversion Officer prior to being worked.***
- The respondent will submit their request for community service to the Diversion Officer from the direct supervisor, on letterhead, detailing the work to be done, the hours to be worked, and verifying that no monetary compensation will be received by the respondent.
- Credit for the work will not be given ***UNTIL*** receipt from the direct supervisor, on letterhead, that the work was performed, the hours performed and verifying no monetary compensation was given to the respondent. This must be received by the Diversion Officer within ***one week*** of completion.
● All juveniles on diversion will be required to check-in (via: letter, e-mail or phone call) with the Diversion Officer once a month until all requirements of the diversion have been met. If a date of check-in is missed a letter will be sent out with a date requiring them to come visit the Diversion Officer.
● Diversions *must* be signed by coming in and meeting with the Diversion Officer. Diversions can be done by mail *only* if the prosecutor handling the case has approved it. However, if the diversion is done by mail, it *must* be returned to this office prior to the next court date.

Anyone wanting a diversion must submit an application along with a $10 application fee or diversion will not be considered, with the exception of speeding diversion.

Once the application has been received and approved, the case goes to the Diversion Officer. The application **MUST** be submitted to this office a minimum of one (1) week before the hearing date to allow sufficient time to prepare the paperwork. **IT IS THE APPLICANT'S RESPONSIBILITY TO MAKE SURE THE COUNTY ATTORNEY'S OFFICE HAS RECEIVED THE APPLICATION.**

All diversions will carry a Show Cause Hearing approximately 30 days prior to the expiration of the diversion. If an applicant is not in compliance with the terms and conditions of the diversion and/or is not paid in full, the applicant and a parent/guardian MUST APPEAR at the scheduled date and time listed in their agreement or a Motion to Revoke Diversion will be filed.