

OFFICE OF THE PROSECUTING ATTORNEY
CLINTON COUNTY, INDIANA

INFRACTION DEFERRAL PROGRAM

FREQUENTLY ASKED QUESTIONS.....

WHAT IS INFRACTION DEFERRAL PROGRAM?

The infraction deferral program is primarily used to defer the prosecution of violations that considered infractions. The program focuses on mainly traffic violations. The benefit to persons who have received traffic tickets is that they will have an opportunity to not have the violation appear on their driving record. This is a benefit to them as no points will be assessed to participants driving records, automobile insurance rates may not increase, and the charge will be dismissed upon the successful completion of the requirements of the deferral infraction program.

WHO QUALIFIES?

Licensed drivers who commit the following speeding, moving and non-moving violations:

SPEEDING:

- 1-15 mph over the limit
- 16-25 mph over the limit

OTHER MOVING VIOLATIONS:

- Disregarding an automatic signal
- Disregarding a stop sign
- Driving left of center
- Improper passing
- Failure to signal
- Failure to yield the right of way
- Following too closely
- Improper lane usage - unsafe lane movement
- Improper stopping or standing
- Improper turn at intersection
- Unsafe start
- Operating an unsafe vehicle

NON-MOVING VIOLATIONS (6 month deferral for these.)

Equipment violation, expired drivers license, expired license plate, false/fictitious registration, littering, muffler violation, no license in possession, parking violation, permitting unlawful operation of a water craft,

- * SPECIAL NOTE Probationary license holders (learner's permits)
Will be subject to Defensive Driving Course.

WHO DOES NOT QUALIFY:

The following persons will not qualify for the infraction deferral program:

- * A person already on the deferral program - (They would now be violated)
- * Any person who has had a ticket within the last year *2 yrs*
- * Any person whose license has been suspended for any reason in the last 5 years
- * Habitual traffic offenders
- * Any person who has received a DUI charge in the last 5 years
- * Received a ticket as a result of passing a school bus
- * Failing to yield to an emergency vehicle
- * Railroad crossing violations
- * Speeding at a rate higher than 25 miles per hour over the speed limit.
- * Involved in an accident involving property damage/personal injury
- * Child restraint violations
- * CDL/Chauffer license holders are not eligible
- * Driving while license suspended
- * Operating while never licensed

DEFERRAL PROCESS - STEP BY STEP

Law Enforcement Agency **Issues Ticket** with a Court Date

Ticket forwarded to Court for processing
Tickets entered into Court computer system

Violator may come in advance of Court Date to Clerk to Pay ticket. Clerk's can direct violator to attend their Court date and to consider deferral program. (They can send them to Prosecutor's Office as well to sign-up in advance of the Court date.) We will give clerks a supply of cards to hand out with basic information about deferral program.

Court Date arrives - Judge or DPA directs those interested in deferral to Infraction Deferral Coordinator, who will be present during traffic court. (Sales Pitch)

Coordinator has individuals complete intake form and sign blank agreement.

Judge grants a 6 week continuance on the ticket.

Upon return to the office prospective participants are entered into Infraction Deferral data base for tracking by the coordinator.

Coordinator reviews driving record with BMV - (Out of state must obtain and provide their own driving record.)

Coordinator mails acceptance or rejection letter within 7 days of application.

If **rejected** participant is notified by receiving a rejection letter from the Coordinator. Coordinator notifies DPA of rejection. Cause proceeds as a regular ticket. Violator attends next regular court date.

If accepted coordinator completes agreement and stamps signature of DPA.

Participant is directed to pay fees to Clerk along with receipt. Has 6 weeks from date of initial court date to pay fees.

Clerk notifies Coordinator on a weekly basis of the names of persons who paid deferral fees.

Coordinator updates data base and as conditions are met. Prepares paperwork for DPA to file motion to dismiss with the Court. This is done once all conditions are satisfactorily completed.

Judge signs the order, clerk notified to remove case from active docket.

OFFICE OF THE PROSECUTING ATTORNEY
CLINTON COUNTY, INDIANA
INTERACTION DEFERRAL INTAKE FORM

*****PLEASE PRINT CLEARLY AND LEGIBLY*****

DATE: _____

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

■ HOME PHONE: _____ WORK PHONE _____

EMPLOYER: _____

DOB _____

DRIVER'S LICENSE*: _____ ISSUE STATE: _____

Have you received a traffic ticket or violation in the last 2 years? Yes or No

If "yes," please give date, location and offense: _____

Have you been arrested for, or convicted of any criminal offenses
in the last 5 years Yes or No

Do you have a CDL or Chauffeurs license? Yes or No

In the last two years have you been on the deferral program? Yes or No

Is your license currently on a Learner's permit or Probationary Status Yes or No

I AFFIRM UNDER THE PENALTY OF PERJURY AS SPECIFIED IN INDIANA CODE
35-44-2-1, THAT THE FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT.

Signature

STATE OF INDIANA

IN THE CLINTON SUPERIOR COURT

COUNTY OF CLINTON

CAUSE NO. 12D01-_____-IF-_____

STATE OF INDIANA

vs.

INFRACTION DEFERRAL AGREEMENT

Comes now the State of Indiana by Anthony J. Sommer, Prosecuting Attorney for the 45th Judicial Circuit, and his agent for the Infraction Deferral Program, and the Defendant, to enter into the following Agreement pursuant to Indiana Code 34-28-5-1.

I. The State of Indiana hereby agrees to withhold prosecution of the charges in this cause and to dismiss said charges at the end of 12 months if, and only if, the Defendant complies with each and every term of this Agreement.

II. The Defendant agrees to:

A. Pay user's fee and Court costs of \$252.50, by certified check or money order to the Clinton County Clerk. **DO NOT SEND PAYMENT TO THE PROSECUTOR'S OFFICE. PAYMENT MUST BE MADE AT THE CLERK'S OFFICE.**

B. Defendant agrees that he/she will not commit any criminal infraction, ordinance violation, or traffic offenses during the 12 month period of this agreement.

C. Defendant further agrees that upon initial review of driving record he/she may be required to participate in the any of the following:

____ Complete a Defensive Driving Course and provide verification of such to the Deferral Program Coordinator.

____ Other: _____

D. Defendant agrees that he/she will promptly notify (within 7 days) the Deferral Program Coordinator of any change in name, address, or telephone number by calling (765) 659-6350.

E. Defendant .agrees that he/she will immediately notify (within 48 hours) the Deferral Program Coordinator of any subsequent traffic or ordinance violations/citations, or further criminal charges by calling (765) 659-6350.

Defendant acknowledges that the signing of this agreement is the entry of a plea of "No contest" to the allegation(s) and he/she is giving up the following rights: The right to a trial; The right to be represented at trial, and the right to appeal after finding liability if the Defendant had gone to trial.

Defendant specifically acknowledges that failure to comply with any section of this agreement may result in the Prosecuting Attorney redocketing /or refileing this case with the Court. This may be done without notice and will result in the entry of judgment against the Defendant. The judgment will be sent to the Bureau of Motor Vehicles to become a part of the Defendant's permanent driving record. All fees paid to the participate in the Infraction Deferral Program will be forfeited.

Defendant admits to the violation charged in this cause. _____(initial please)

I have read. and understand all of the provisions of this agreement and I accept them as binding upon me and enter into this agreement knowingly and of my own free will.

Signature of Defendant

Date

Deputy Prosecuting Attorney 45th Judicial Circuit

INFRACTION DEFERRAL PAYMENT SLIP

*****This form must be returned with your payment.*****

DEFENDANT NAME: _____

CAUSE NUMBER: 12D01- -IF- _____

AMOUNT DUE: \$252.50 _____

DATE FEES DUE: _____

Please mail or deliver your payment and **all forms** to:

Rhea A. Harris, Clerk of the Superior Court
Clinton County Clerk's Office
265 Courthouse Square
Frankfort, IN 46041

**Payment must be in the form of a money order or certified check, payable to the Clerk of Clinton County. If you wish to pay in person they will accept cash.

If you have any questions about payment, please call the Clerk's Office at (765)659-6338.

Clerk Use:

252.50 = 170.00 User Fee Fund
49.00 State
21.00 City/County
2.00 Jury Fee
5.00 Document Storage
5.00 Auto Record Fee
0.50 Work Zones

\$114.00 = 112.00 User Fee
Fund 2.00 Jury Fee