



INFRACTION DEFERRAL PROGRAM

It has come to our attention that you recently received a ticket. You may be eligible to participate in the Elkhart County Prosecutor's Infraction Deferral Program. By completing and returning the attached paperwork, the Prosecutor's Office will review your paperwork and driving record to determine if you qualify for the Infraction Deferral Program. If you participate in the Program and abide by the Program requirements, your ticket(s) will be dismissed. **Dismissing your ticket(s) means your offense will not be submitted to the Bureau of Motor Vehicles and additional points will not be assessed to your driver's license. Your auto insurance rates may not increase as a result of a dismissed ticket.** If you wish to participate in the Infraction Deferral Program, **do not pay** for your ticket(s) at this time. Fill out the paperwork and submit it to our Office. If you receive notification from our Office that you have been accepted into the Program before your scheduled court date, you will not need to appear in court. However, if you do not receive notification that you are accepted into the program or receive notice that you have not been accepted into the Program you **must** appear at your next court date.

Upon receipt of your paperwork, the Program Coordinator will determine if you qualify for the Infraction Deferral Program. *****CDL holders are not eligible for the Infraction Deferral Program if their ticket is for a moving violation***** The fee for participating in the Program is \$251.50 for moving violations and \$91.50 for non-moving violations. If you are accepted into the program, the fee will be due approximately eight (8) weeks after acceptance. **Do not send any fees until you are accepted into the Program.** While you are participating in the Program, you will be required to maintain a clean record for a period of twelve (12) months for moving violations or three (3) months for non-moving violations. In some cases, defensive driving courses, proof of a valid driver's license, and / or proof of auto insurance may be required. Acceptance into the Program is **final**. You may not withdraw from the Program once you have been accepted.

IF YOU WISH TO APPLY FOR THE INFRACTION DEFERRAL PROGRAM

1. Complete and sign the "Intake Form."
2. Sign and initial the second page of the "Deferral Agreement."
3. Enclose a copy of your ticket with your paperwork.
4. **If you are an out-of-state driver, submit a copy of your current driving record.** In most States this is available through the Secretary of State's Office or on-line.
5. **RETURN YOUR PAPERWORK BEFORE YOUR SCHEDULED COURT DATE.**

MAIL OR DELIVER PAPERWORK TO: Infraction Deferral Program, Elkhart County Prosecutor's Office, 301 South Main Street, Suite 100, Elkhart, IN 46516

After receiving your paperwork, and reviewing your driving record, the Prosecutor's Office will contact you at the address listed on your Intake Form to notify you of your acceptance status.

IF ACCEPTED: You will be provided with a final copy of the agreement and directions regarding the payment of your fees. You will be required to maintain a clean driving record and satisfy the terms outlined in your Deferral Agreement during your deferral term. Please read your agreement.

IF REJECTED: You must attend your court date or you may contact the Clerk's Office to pay your ticket. If you do not know your court date, contact the Clerk's Office.

If you have any questions, please contact the Program Coordinator at (574) 296-1836 (Goshen City Court, Nappanee City Court or Superior Court No. 4) or (574) 296-1837 (Elkhart City Court). Office hours are 8:00 am to 4:00pm.

STATE OF INDIANA) IN THE _____ COURT
) SS:
 COUNTY OF ELKHART) CAUSE NO. 20 _____

 STATE OF INDIANA)
)
 vs.)

INFRACTION DEFERRAL AGREEMENT

Comes now the State of Indiana by Deputy Prosecuting Attorney for the 34th 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 _____ 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 \$ _____, by certified check or money order payable to the _____ Clerk. **DO NOT SEND PAYMENT TO THE PROSECUTOR'S OFFICE. PAYMENT MUST BE MADE AT THE CLERK'S OFFICE.** The Clerk's Office will accept cash if paid in person.

B. Defendant agrees that he / she will not commit any infractions, ordinance violations, traffic offenses, or receive any driver's license suspensions during the _____ 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 to the Deferral Program Coordinator within ninety (90) days of acceptance.

_____ Provide Deferral Coordinator with proof of a valid driver's license/automobile registration/plates within ninety (90) days of acceptance. (By _____)

_____ Provide Deferral Coordinator with proof of current auto insurance with proof of current auto insurance within ninety (90) days of acceptance. (By _____)

- 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. This must be done in writing and mailed to the Elkhart County Prosecutor's Office, 301 South Main Street, Suite 100, Elkhart, IN 46516.
- 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 in writing to the Elkhart County Prosecutor's Office, 301 South Main, Suite 100, Elkhart, Indiana, 46516.
- F. The Defendant agrees that the information provided on his / her application is accurate.

Defendant acknowledges that by signing this agreement he / she is admitting to the violation alleged as charged, and knowingly and voluntarily waives the right to a trial, and the right to an appeal.

Defendant specifically acknowledges that failure to comply with any section of this agreement shall result in a final judgment against the defendant. This judgment shall be for the full amount of the deferral fees, as well as fines and costs as determined by the Court applicable to the violation. No exceptions.

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 voluntarily.

Signature of Defendant

Date

Signature of Parent/Guardian (if under 18)

Infraction Deferral Agent

Deputy Prosecuting Attorney
34th Judicial Circuit