

**SPENCER COUNTY PROSECUTING ATTORNEY'S OFFICE**  
**INFRACTION DEFERRAL POLICIES AND GUIDELINES**  
**EFFECTIVE 1/1/2015**

Pursuant to Ind. Code 34-28-5-1, the Spencer County Prosecuting Attorney's Office maintains and operates a pre-trial Infraction Deferral Program. The program is operated pursuant to Spencer County Ordinance 1995-8. The purpose of the program is to allow eligible drivers cited for traffic violations to avoid having a conviction and points appear on their driving record in appropriate circumstances. This can be advantageous for the driver for a number of reasons including insurance rates and some educational and employment situations.

There is no right to participation in the Infraction Deferral Program and the Prosecuting Attorney retains the discretion to determine whether a driver is eligible for the program and when to offer participation in the program. However, the Prosecuting Attorney's Office will regularly review tickets that are filed in the Spencer Circuit Court and automatically mail information regarding the Infraction Deferral Program to drivers determined to meet the eligibility criteria.

**In order to be eligible for the Infraction Deferral Program, drivers must meet all of the following criteria:**

- The driver must not be currently enrolled in any other deferral program;
- The driver must not have participated in the Spencer County Infraction Deferral Program at any time in the past twelve (12) months;
- The driver must not be an habitual traffic offender;
- The driver must have a valid driver's license;
- The driver cannot possess a Commercial Driver's License (CDL);
- The driver cannot be a probationary license holder under the age of 18.

**The following offenses are NOT eligible for Infraction Deferral:**

- Tickets issued in relation to traffic accidents;
- Tickets issued in a school or construction zone;
- Tickets for failure to yield to an emergency vehicle;
- Tickets for speeds more than 30 mph over the speed limit.

The Infraction Deferral period shall be for eight (8) months from the date an Infraction Deferral Agreement is filed with the Court. No Agreements shall be filed unless accompanied by the full **Deferral Program fee of \$209.50**. Upon completion of the eight (8) month deferral period, the traffic ticket shall be dismissed if and only if the driver has not committed any criminal or infraction offenses during the term of the deferral.

Commission of a new criminal or infraction offense or otherwise failing to abide by the terms of the Infraction Deferral Agreement will result in a forfeiture of all program fees and reinstatement of prosecution for the original traffic citation.