

TRAFFIC TICKET PLEA PROGRAM

The following is the Chautauqua County District Attorney's plea policy for traffic tickets issued in Chautauqua County. The procedure set forth below may be used by those individuals who wish to enter a plea of guilty by mail pursuant to these guidelines.

PURPOSE

The Chautauqua County Vehicle & Traffic Plea Program is an educational recidivism reduction program. The program offers drivers who are ticketed for relatively minor traffic infractions the opportunity to take an instructional course so that the driver may avoid points and other penalties associated with traffic tickets and at the same time reduce the likelihood that they will re-offend.

PLEASE READ THESE INSTRUCTIONS CAREFULLY

This policy is not intended to provide you with information about the charges or offer legal advice on whether or not to enter a plea of guilty. If you need any legal advice then you should consult an attorney.

^^^^^^DO NOT CONTACT THE DISTRICT ATTORNEY'S OFFICE^^^^^^

IF YOU CALL THE OFFICE YOU WILL BE TOLD TO FOLLOW THE ONLINE PLEA PROCEDURE

The following is the Chautauqua County District Attorney's plea policy for traffic tickets. This policy applies **ONLY** to tickets that are marked "**Infraction**" or "**Violation**" and were issued under the "Vehicle and Traffic Law" (VTL). NO Felony or Misdemeanor offenses can be handled by mail.

The Policy also **REQUIRES** that the accused complete and provide the court a certificate of completion of the Advent eLearning Traffic Safety course OR a comparable traffic safety course. The website for that course is: <https://www.adventfs.com/elearning-programs/#trafficsafety>

If a driver wishes to complete a program other than the one offered by Advent, the driver must submit that request in writing. An on-line or local defensive driving program comparable to the Advent Traffic Safety Course may be acceptable. Any request to take an alternative program should be sent to the Chautauqua County District Attorney's office, ATTN: Traffic Ticket Plea Reduction Policy, 1 N. Erie St., Mayville, NY 14757 and should include information sufficient for the investigator to verify that the proposed course is comparable to the Advent Traffic Safety Course. The office will notify you by mail if the course you selected is acceptable or not.

This program does **NOT** apply in the following situations:

1. If the ticket is marked “Felony” or “Misdemeanor”.
2. If there is also a charge with a penal law offense, a DWI offense, or ANY other misdemeanor or felony charge (other than a VTL 511),
3. If the ticket was issued after being involved in a serious injury/fatal accident,
4. If the ticket was written under a law other than the “Vehicle and Traffic Law” e.g., the “Transportation Law”.
5. You have had a Vehicle and Traffic offense within the previous 12 months
6. You have been convicted of any alcohol related driving offense.

If any of these situations apply to your case, then you or your attorney must deal directly with the District Attorney’s Office at your court appearance.

The sentence imposed on the plea reduction is entirely the Court’s decision. The Court is free to impose any fine, jail sentence or any condition that the judge deems appropriate and is within the boundaries of the law.

The Court and/or the District Attorney’s Office are free to revoke an offer at ANY time if it is determined that an individual has made any errors regarding the availability of the plea offer, the circumstances for the issuance of the ticket or their prior convictions.

IMPORTANT NOTE ON LICENSE SUSPENSION:

The local justice court can suspend your license for failure to answer any traffic ticket in a timely manner. If you are not timely in applying to this program or answering your traffic ticket your license may already be suspended. If your license is suspended there is a fee associated with lifting that suspension. Please note that participation in this program will satisfy the traffic ticket, but it will NOT SATISFY suspensions and suspension fees as a result of your failure to handle your traffic matter in the appropriate time frame. This is a separate issue entirely and must be handled by you directly with the local justice court. It is your responsibility to answer your ticket in the appropriate time frame. It is also your responsibility to keep the local court informed regarding the status of your participation in this program.

Reductions Shall be managed as follows:

VTL CHARGE SECTION

PLEA ON CHARGE

Any "100" Section

VTL 1203(b)*

Any "200" Section

VTL 1203(b)

Any "300" Section

VTL 1203(b)

Any "400" Section

VTL 1203(b)

Any "500" (Except Section 511)

VTL 1203(b)

The ONLY section under 511 that has an automatic plea available is 511-a-1.

511-a-1

VTL 509-1**

Any "600" Section

VTL 1203(b)

Any "1100" Section **Except VTL 1174(a), 1180 and 1192**

VTL 1203(b)

1174(a) (Passing a School Bus)

VTL 1110-(a)***

1180-(a)

VTL 1203(b)

1180-(b)

0-20 mph over speed limit

VTL 1203(b)

21-30 mph over speed limit

VTL 1110-(a)

Over 31 mph over speed limit

NO OFFER

1180-(c) (School Zone)

0-10 mph over speed limit

VTL 1203(b)

10-20 mph over speed limit

VTL 1110-(a)

Over 21 mph over speed limit

NO OFFER

1180-(d)

0-20 mph over speed limit

VTL 1203(b)

21-30 mph over speed limit

VTL 1110-(a)

Over 31 mph over speed limit

NO OFFER

1180-(e)

VTL 1203(b)

1180-(f)

0-10 mph over speed limit

VTL 1203(b)

10-20 mph over speed limit

VTL 1110-(a)

Over 21 mph over speed limit

NO OFFER

1180-(g)

0-10 mph over speed limit

VTL 1203(b)

10-20 mph over speed limit

VTL 1110-(a)

Over 21 mph over speed limit

NO OFFER

VTL SECTION 1192 (DWI OFFENSES) You MUST come to court. There is no Plea Offer by mail.

CHARGE SECTION

PLEA ON CHARGE

Any "1200" Section (Except VTL 1225 – c or d

VTL 1203(b)

1225 – c or d

VTL 1110-(a)

Any '1600" Section

VTL 1203(b)

Any "2100" Section (2130)

VTL 1203(b)

Any "2200" Section (2222-2288)

VTL 1203(b)

Any "2400" Section (2403-2413)

VTL 1203(b)

- * VTL 1203(b) is a parking ticket. – No Points are assessed to your license. No Surcharge is Assessed – Potential Fine is \$0 – \$150
- ** 509-1 is "Unlicensed Operator". – Potential Fine \$0 – \$300
- *** VTL 1110-(a) is "Failed to obey traffic control device". – Two (2) Points will be assessed to your license. – Potential Fine \$0 – \$150

If you wish to accept the plea offer, you **MUST** send the following to the **COURT**:

1. A copy of the front of your ticket,
2. A copy of your driver's license,
3. A copy of your driving abstract (obtainable from DMV),
4. A completed "Chautauqua County District Attorney's Plea Form" (Found Below)
5. A Traffic Safety certificate of completion from Advent eLearning or other approved program.
6. A self-addressed stamped envelope

It is your responsibility to provide all the required information. **IF YOU DO NOT PROVIDE ALL THE REQUESTED INFORMATION, WE WILL NOT MAKE YOU AN OFFER AND YOU WILL NEED TO APPEAR ON YOUR SCHEDULED COURT APPEARANCE.**

It is also your responsibility to make ALL required court appearances OR to obtain an adjournment from the court prior to your appearance date if necessary. Your failure to do so could result in your license being suspended and/or a warrant for your arrest. Upon receipt of the necessary materials, the Court will process your plea, and if accepted, will notify you of your sentence.

CHAUTAUQUA COUNTY DISTRICT ATTORNEY'S PLEA FORM

**YOU MUST COMPLETE AND SIGN THIS FORM – RETURN IT TO THE COURT LISTED ON YOUR TICKET
DO NOT SEND YOUR PAPERWORK TO THE DISTRICT ATTORNEY'S OFFICE – IT WILL BE RETURNED**

People v. _____
Your name as it appears on the ticket(s)

Village/Town/City Court _____

List of Charges(s): _____

I hereby certify the following:

_____ I have read and understand the warning that appears in bold face at the bottom of the ticket(s) issued to me.

_____ I have read and understand the Chautauqua County District Attorney's "Traffic Ticket Plea Policy".

_____ I understand that I have the right to be represented by an attorney, but I wish to proceed on my own and hereby waive that right.

_____ I understand I have the right to a trial on these charges. I hereby waive my right to a trial and wish to enter a plea of guilty as stated below.

_____ Pursuant to the District Attorney's "Traffic Ticket Plea Program" I hereby enter a plea of guilty to the following:

VTL CHARGE SECTION

PLEA ON CHARGE

Date: _____ Signature _____

Signature of Attorney (if applicable) _____

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