



INFRACTION OFFER GRID

The Infractions Rules’ purpose is to secure the just, speedy, and inexpensive determination in infractions, and this offer grid is provided accordingly. See IRLJ 1.1

The citation for certain speed(s) and using a personal electronic device will be amended to RCW 46.16A.030(5)—Failure to renew an expired registration. The offer grid applies to moving violations for individuals who have 3 or less moving violations within 5 years.

Note: The offer grid is inapplicable in Commercial Diver License cases pursuant to 49 CFR § 384.226, RCW 46.25.

Number of committed, deferred, and amended moving offenses within 5 years:	<u>Where the current offense is a moving offense with:</u>	<u>Where the current offense is a moving offense with:</u>
	<ul style="list-style-type: none"> • No accident • Actual Speed 1 – 14 MPH over limit 	<ul style="list-style-type: none"> • No accident • Actual Speed 15 – 25 MPH over limit
0 prior committed, deferred, or amended moving offenses w/in 5 years	<ul style="list-style-type: none"> • RCW 46.16A.030.5.L • Fail to Renew Exp. Reg (“Tabs”) < 2 months; • \$150 	<ul style="list-style-type: none"> • RCW 46.16A.030.5.O • Fail to Renew Exp. Reg (“Tabs”) > 2 months; • \$242
1–2 prior committed, deferred, or amended moving offenses w/in 5 years	<ul style="list-style-type: none"> • Tabs > 2 months; • \$242 	<ul style="list-style-type: none"> • DDS Level 1; • Tabs > 2 months; • \$242
3 prior committed, deferred, or amended moving offenses (or amendments) w/in 5 years	<ul style="list-style-type: none"> • DDS Level 1; • Tabs > 2 months; • \$242 	<ul style="list-style-type: none"> • DDS Level 2; • Tabs > 2 months; • \$242
<p><u>Cell Phone Tickets:</u></p> <ul style="list-style-type: none"> • A first-time cell phone ticket can be amended to Tabs < 2 months, \$150 - RCW 46.16A.030.5.L. • Second and subsequent cell phone tickets will be committed as cited. 		

Additional Offer information

The offer is based on the defendant’s documented speed, rather than defendant’s cited speed.

Other active moving violations will not count as prior moving violations, unless they are found committed prior to the entry of an agreed order for the citation currently before the court.

Prior moving violations amended to nonmoving violations are included when counting the defendant's prior moving violations, as are prior moving violations that have been deferred. Dismissed or not committed cases are not counted.

The 5-year duration for counting prior moving violations begins 5 years prior to the date of the citation currently before the court.

A list of moving violations can be found under WAC 308-104-160.

Defendant's Attorney Steps

Agreed orders

1. Send a completed agreed order to trafficinfraction@co.kittitas.wa.us prior to the Wednesday before the scheduled contested hearing.
2. Where Defensive Driving School (DDS) is needed, proof of DDS completion must be sent to trafficinfraction@co.kittitas.wa.us with the signed agreed order on or before the Wednesday before the scheduled contested hearing.

Continuance

1. A continuance for DDS, requires the defendant/defendant's attorney to seek a continuance from the Court. *(The courts will generally agree to one courtesy continuance if no prior continuances have been requested in the matter.)*

Subpoenas

- A subpoena sent by the defendant/defendant's attorney will void all offers unless the defendant/defendant's attorney sends proof that the individual(s) subject to the subpoena(s) have been released. Proof of release of subpoena must be sent to trafficinfraction@co.kittitas.wa.us with the signed agreed order by or before the Wednesday prior to the scheduled contested hearing.

Prosecuting Attorney's Office Steps

Agreed Orders/Continuances

The Infraction Legal Assistant will forward all received agreed orders to the DPA for approval and will then respond to defense by either filing an approved signed agreed order with the Court and cc'ing the defense attorney in that email, or an email explaining why the order was not approved. These responses will be handled as soon as possible with an urgency to complete prior to the scheduled hearing.

Deferred findings/Mitigations

Requests for deferred findings or mitigations are granted at the discretion of the Court, and the Prosecuting Attorney takes no position.