



JOHN CREUZOT
CRIMINAL DISTRICT ATTORNEY
DALLAS COUNTY, TEXAS

DWLI
Pre-Trial Diversion Guidelines

I. Eligible Individuals:

- a. Any person charged with a DWLI offense as a result of fee-based suspensions; and
- b. Any person who has a driver license issued by the Department or whose privilege to drive has been suspended.

II. Requirements:

- a. 180 days to 1 year supervision period; and,
- b. Must clear driving record and obtain a valid driver license during the supervision period.

III. Fees:

1. \$120 money order paid to the Dallas County Probation Department on the start date of the Pre-trial Diversion Agreement. Any additional supervision cost will be assessed at the rate of \$60 per month.
2. Probation fees are only waived for jail pre-trial diversion programs.
3. The following section applies to a waiver of Texas Department of Public Safety surcharges for an indigent defendant. The provisions of TSP 708.158 will be used to determine indigence, including:
 - a. (1) a copy of the person's most recent federal income tax return that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines;
 - (2) a copy of the person's most recent statement of wages that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines; or
 - i. (3) documentation from a federal agency, state agency, or school district that indicates that the person or, if the person is a dependent as defined by Section 152, Internal Revenue Code of 1986, the taxpayer claiming the person as a dependent, receives assistance from:
 1. (A) the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;
 2. (B) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;
 3. (C) the medical assistance program under Chapter 32, Human Resources Code;
 4. (D) the child health plan program under Chapter 62, Health and Safety Code; or



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5. (E) the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.
4. Defendants in custody will be presumed to be indigent and released on a personal recognizance bond, subject to holds that may prevent release.

IV. Reasons for Termination by the State can include but are not limited to:

- a. Failure to complete all conditions of the agreement by the end of the term; extra time extensions may be given and determined on a case by case basis by the Misdemeanor Division Chief or Deputy Chiefs.
- b. The defendant is charged with *subsequent* further criminal activity.

V. Upon successful completion, the State of Texas will:

- a. Dismiss the case;
- b. Agree that Defendant is immediately eligible to file for an expunction, but the Dallas County District Attorney's internal record of this Pre-trial Diversion Agreement will survive any such expunction; and,
- c. The State will agree to occupational license applications for defendants participating in this diversion program.