

1 SB90
2 133130-3
3 By Senator Irons (N & P)
4 RFD: Local Legislation No. 1
5 First Read: 07-FEB-12
6 PFD: 01/18/2012

1 SB90

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to Colbert County; to amend Sections
8 45-17-81.12 and 45-17-81.17 of the Code of Alabama 1975,
9 relating to the pretrial diversion program for the
10 Thirty-first Judicial Circuit; to further provide for the
11 offenses that a person participating in the pretrial diversion
12 program may be charged with in order to participate; and to
13 further provide for the fees to participate in the program.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 45-17-81.12 and 45-17-81.17 of
16 the Code of Alabama 1975, are amended to read as follows:

17 "§45-17-81.12.

18 "(a) A person charged with a criminal offense
19 specified in subsection (b) whose jurisdiction is in the
20 circuit or district court of the Thirty-first Judicial Circuit
21 may apply to the District Attorney of the Thirty-first
22 Judicial Circuit for admittance to the pretrial diversion
23 program.

24 "(b) A person charged with any of the following
25 offenses may apply for the program:

1 "(1) Any traffic offense.

2 "(2) A property offense.

3 "(3) An offense wherein the victim did not receive
4 serious physical injury.

5 "(4) An offense in which the victim was not a child
6 under 14 years of age, a law enforcement officer, a school
7 official, or a correctional officer.

8 "(5) A misdemeanor other than one specifically
9 excluded in this section.

10 "(c) The following offenses are ineligible for
11 consideration for the pretrial diversion program:

12 "(1) Any offense involving the abuse of a child or
13 an elderly person.

14 "(2) Any sex offense.

15 "(3) Any Class A felony, except in the case of
16 drug-related offenses when the defendant has rendered
17 substantial assistance to law enforcement, the defendant may
18 be accepted into the program at the discretion of the district
19 attorney.

20 "(4) Any offense involving serious injury to a
21 person.

22 "(5) Any offense involving death.

23 "(d) A person deemed by the district attorney to be
24 a threat to the safety or well-being of the community shall
25 not be eligible for the pretrial diversion program.

1 "(e) The opinion of law enforcement officers
2 involved in the offense may be sought and used in the decision
3 of whether to approve the applicant for the pretrial diversion
4 program.

5 "§45-17-81.17.

6 "(a) An applicant shall pay a nonrefundable
7 application fee of one hundred fifty dollars (\$150). The
8 amount of the assessment for participation in the program
9 shall be in addition to any court costs and assessments for
10 victims or drug, alcohol, or anger management treatment
11 required by law, and are in addition to costs of supervision,
12 treatment, and restitution for which the person may be
13 responsible. Pretrial diversion program fees as established by
14 this subpart may be waived or reduced for just cause at the
15 discretion of the district attorney. A schedule of payments
16 for any of these fees may be established by the district
17 attorney.

18 "(b) The following nonrefundable fees shall be
19 applied to applicants accepted into the pretrial diversion
20 program:

21 "(1) Felony offenses: Up to seven hundred fifty
22 dollars (\$750), plus a supervision fee of up to fifty dollars
23 (\$50) per month.

24 "If the offense is a drug-related offense, then the
25 following nonrefundable fees shall apply:

1 "1. The applicant shall pay an application fee of
2 two hundred fifty dollars (\$250).

3 "2. The accepted applicant shall pay a participation
4 fee of one thousand five hundred dollars (\$1,500).

5 "(2) Misdemeanor offenses (excluding traffic): Up to
6 five hundred dollars (\$500), plus a supervision fee of up to
7 fifty dollars (\$50) per month.

8 "(3) Traffic offenses: Up to three hundred dollars
9 (\$300).

10 "If the traffic offense involves alcohol, then the
11 following nonrefundable fees shall apply:

12 "1. The applicant shall pay an application fee of
13 two hundred fifty dollars (\$250).

14 "2. The accepted applicant shall pay a participation
15 fee of one thousand dollars (\$1,000).

16 "3. The accepted applicant shall pay a supervision
17 fee of fifty dollars (\$50) per month for a minimum of six
18 months.

19 "(c) Twenty-five dollars (\$25) of the fee for each
20 applicant accepted into the pretrial diversion program shall
21 be allocated to the Colbert County General Fund.

22 "(d) The district attorney may use fees collected by
23 the pretrial diversion program to help support local and state
24 law enforcement, or any agency or department of city or county
25 government which assists local law enforcement. This support

1 shall be provided to help employ more officers or staff, buy
2 needed equipment or supplies, provide training opportunities,
3 or any other law enforcement purposes.

4 "(e) Fees required by this subpart shall be
5 collected by the district attorney's office and shall be
6 deposited by the district attorney into the pretrial diversion
7 fund as described in Section 45-17-81.20. Those fees due to
8 the Colbert County General Fund shall be disbursed on a
9 monthly basis."

10 Section 2. This act shall become effective
11 immediately following its passage and approval by the
12 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB90

Senate 21-FEB-12

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives

Passed: 06-MAR-12

By: Senator Irons