

1 HB687
2 127496-1
3 By Representative Black (N & P)
4 RFD: Local Legislation
5 First Read: 26-MAY-11

A BILL
TO BE ENTITLED
AN ACT

Relating to Colbert County; to amend Sections 45-17-81.12 and 45-17-81.17 of the Code of Alabama 1975, relating to the pretrial diversion program for the Thirty-first Judicial Circuit; to further provide for the offenses that a person participating in the pretrial diversion program may be charged with in order to participate; and to further provide for the fees to participate in the program.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§45-17-81.12.

"(a) A person charged with a criminal offense specified in subsection (b) whose jurisdiction is in the circuit or district court of the Thirty-first Judicial Circuit may apply to the District Attorney of the Thirty-first

1 Judicial Circuit for admittance to the pretrial diversion
2 program.

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

5 ~~"(1) A traffic offense, other than driving under the~~
6 ~~influence (DUI) Any traffic offense.~~

7 "(2) A property offense.

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

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

13 "(5) A misdemeanor other than one specifically
14 excluded in this section.

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

17 ~~"(1) Trafficking or distribution of drugs, or both.~~

18 ~~"(2) (1)~~ Any offense involving the abuse of a child
19 or an elderly person.

20 ~~"(3) (2)~~ Any sex offense.

21 ~~"(4) (3)~~ Any Class A felony, except in the case of
22 drug-related offenses when the defendant has rendered
23 substantial assistance to law enforcement, the defendant may
24 be accepted into the program at the discretion of the district
25 attorney.

26 ~~"(5) (4)~~ Any offense involving serious injury to a
27 person.

1 "~~(6)~~ (5) Any offense involving death.

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

5 "(e) The opinion of law enforcement officers
6 involved in the offense ~~shall~~ may be sought and used in the
7 decision of whether to approve the applicant for the pretrial
8 diversion program.

9 "§45-17-81.17.

10 "(a) An applicant shall pay a nonrefundable
11 application fee of ~~one hundred dollars (\$100)~~ one hundred
12 fifty dollars (\$150). The amount of the assessment for
13 participation in the program shall be in addition to any court
14 costs and assessments for victims or drug, alcohol, or anger
15 management treatment required by law, and are in addition to
16 costs of supervision, treatment, and restitution for which the
17 person may be responsible. Pretrial diversion program fees as
18 established by this subpart may be waived or reduced for just
19 cause at the discretion of the district attorney. A schedule
20 of payments for any of these fees may be established by the
21 district attorney.

22 "(b) The following nonrefundable fees shall be
23 applied to applicants accepted into the pretrial diversion
24 program:

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

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

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

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

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

10 "(3) Traffic offenses: Up to three hundred dollars
11 (\$300).

12 "If the traffic offense involves alcohol, then the
13 following nonrefundable fees shall apply:

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

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

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

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

24 "(d) The district attorney may use fees collected by
25 the pretrial diversion program to help support local and state
26 law enforcement, or any agency or department of city or county
27 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 on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.