

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

9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
12

13 Relating to Colbert County; to amend Sections  
14 45-17-81.12 and 45-17-81.17 of the Code of Alabama 1975,  
15 relating to the pretrial diversion program for the  
16 Thirty-first Judicial Circuit; to further provide for the  
17 offenses that a person participating in the pretrial diversion  
18 program may be charged with in order to participate; and to  
19 further provide for the fees to participate in the program.  
20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 "§45-17-81.12.

24 "(a) A person charged with a criminal offense  
25 specified in subsection (b) whose jurisdiction is in the  
26 circuit or district court of the Thirty-first Judicial Circuit

1 may apply to the District Attorney of the Thirty-first  
2 Judicial Circuit for admittance to the pretrial diversion  
3 program.

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

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

8 "(2) A property offense.

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

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

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

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

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

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

21 ~~"(3) (2) Any sex offense.~~

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

1           "~~(5)~~ (4) Any offense involving serious injury to a  
2 person.

3           "~~(6)~~ (5) Any offense involving death.

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

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

11           "§45-17-81.17.

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

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

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

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

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

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

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

13          "(3) Traffic offenses: Up to three hundred dollars  
14 (\$300).

15          "If the traffic offense involves alcohol, then the  
16 following nonrefundable fees shall apply:

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

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

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

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

1           "(d) The district attorney may use fees collected by  
2     the pretrial diversion program to help support local and state  
3     law enforcement, or any agency or department of city or county  
4     government which assists local law enforcement. This support  
5     shall be provided to help employ more officers or staff, buy  
6     needed equipment or supplies, provide training opportunities,  
7     or any other law enforcement purposes.

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

14           Section 2. This act shall become effective  
15    immediately following its passage and approval by the  
16    Governor, or its otherwise becoming law.