

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

1 133130-2:n:08/16/2011:FC/tan LRS2011-3827R1

2

3

4

5

6

7

8

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
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) Any offense involving the abuse of a child
20 or an elderly person.

21 "(3) Any sex offense.

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

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

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

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

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

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

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

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

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

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

"(c) Twenty-five dollars (\$25) of the fee for each applicant accepted into the pretrial diversion program shall 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.