

1 HB803  
2 122138-2  
3 By Representative Baker (L) (N & P)  
4 RFD: Local Legislation  
5 First Read: 01-APR-10

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2 ENROLLED, An Act,

3           Relating to Houston and Henry Counties and the  
4 Twentieth Judicial Circuit; to amend Section 8 of Act  
5 2003-225, 2003 Regular Session (Acts 2003, p. 566), as last  
6 amended by Act 2005-121, 2005 Regular Session (Acts 2005, p.  
7 201), relating to the pretrial diversion program; to further  
8 provide that certain fees shall be mandatory and to provide  
9 further for the distribution of the fees.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11           Section 1. Section 8 of Act 2003-225, 2003 Regular  
12 Session (Acts 2003, p. 566), as last amended by Act 2005-121,  
13 2005 Regular Session (Acts 2005, p. 201), is amended to read  
14 as follows:

15           "Section 8. (a) An applicant shall be assessed a fee  
16 when the applicant is approved for the program. The amount of  
17 the assessment for participation in the program shall be in  
18 addition to any court costs and assessments for victims or  
19 drug, alcohol, or anger management treatment required by law,  
20 and are in addition to costs of supervision, treatment, and  
21 restitution for which the person may be responsible. Pretrial  
22 diversion program fees as established by this act may be  
23 waived or reduced for just cause at the discretion of the  
24 district attorney. A schedule of payments for any of these  
25 fees may be established by the district attorney.

1           "(b) The following fees shall be applied to  
2 applicants accepted into the pretrial diversion program:

3           "(1) Felony offenses: up to eight hundred fifty  
4 dollars (\$850).

5           "(2) Misdemeanor offenses (excluding traffic): up to  
6 five hundred dollars (\$500).

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

9           "(4) Violations: up to two hundred dollars (\$200).

10          "(c) The following additional fees shall be applied  
11 to each applicable case in the following amounts:

12          "(1) Clerk of court in the filing county on all  
13 offenses: up to one hundred dollars (\$100).

14          "(2) Arresting/ticketing agency on all offenses:

15           "a. Felony offenses: up to one hundred dollars  
16 (\$100).

17           "b. Misdemeanor/violation offenses: up to fifty  
18 dollars (\$50).

19           "c. Traffic offenses: up to twenty-five dollars  
20 (\$25).

21          "(3) Department of Forensic Sciences Dothan Lab on  
22 drug-related offenses (including unlawful possession of drug  
23 paraphernalia):

24           "a. Felony offenses: up to one hundred dollars  
25 (\$100).

1 "b. Misdemeanor offenses: up to fifty dollars (\$50).

2 "(4) Up to fifty dollars (\$50) which shall be  
3 allocated to the district attorney who may use the proceeds to  
4 fund other organizations that pertain to law enforcement.

5 "(5) The Houston County Commission, to be deposited  
6 into the Houston County General Fund, for offenses filed in  
7 Houston County, and to the Henry County Commission, to be  
8 deposited into the Henry County General Fund, for offenses  
9 filed in Henry County:

10 "a. Felony offenses: up to one hundred dollars  
11 (\$100).

12 "b. Misdemeanor offenses: up to fifty dollars (\$50).

13 "c. Traffic/violation offenses: up to twenty-five  
14 dollars (\$25).

15 "(6) The Southeast Alabama Child Advocacy Center:

16 "a. Felony offenses: up to one hundred dollars  
17 (\$100).

18 "b. Misdemeanor offenses: up to fifty dollars (\$50).

19 "c. Traffic/violation offenses: up to twenty-five  
20 dollars (\$25).

21 "(7) The Wiregrass Angel House, or its successor  
22 organization:

23 "a. Felony offenses: up to one hundred fifty dollars  
24 (\$150).

25 "b. Misdemeanor offenses: up to fifty dollars (\$50).

1            "c. Traffic/violation offenses: up to twenty-five  
2 dollars (\$25).

3            "(d) All fees collected under subsections (b) and  
4 (c) allocated to each individual entity are to be used at that  
5 entity's discretion to support its operations. These uses may  
6 include but are not limited to hiring employees, buying needed  
7 equipment and supplies, providing training opportunities, or  
8 any other lawful purposes.

9            "(e) The district attorney may use fees collected by  
10 the pretrial diversion program to help support local and state  
11 law enforcement, or any agency or department of city or county  
12 government which assists local law enforcement. This support  
13 may be provided to help employ more officers or staff, buy  
14 needed equipment and supplies, provide training opportunities,  
15 or any other law enforcement purposes.

16            "(f) All fees required by this act, including those  
17 set out in subsections (b) and (c), shall be collected and  
18 disbursed by the circuit clerk's office in which the offense  
19 was filed. Those fees due to the district attorney shall then  
20 be disbursed to the district attorney and shall be deposited  
21 by the district attorney into the pretrial diversion fund as  
22 described in Section 10 of this act. The circuit clerk shall  
23 make the disbursement in a timely manner.

24            "(g) The district attorney shall be allowed without  
25 further legislative action to raise all fees (monies) to meet

1 and equal those prescribed by the Alabama Legislature in the  
2 event a state pretrial diversion program is enacted after the  
3 passage of this amended act. Any state pretrial diversion  
4 program may supersede this act or its amendment, but may be  
5 construed to require further and additional penalties."

6 Section 2. This act shall become effective  
7 immediately following its passage and approval by the  
8 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 08-APR-10.

Greg Pappas  
Clerk

Senate	<hr/>	21-APR-10	Amended and Passed
House	<hr/>	21-APR-10	Concurred in Senate Amendment