

1 HB218
2 135594-2
3 By Representatives McCutcheon, Williams (P), Johnson (W),
4 Sanderford, Patterson and Ball (N & P)
5 RFD: Local Legislation
6 First Read: 07-FEB-12

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ENROLLED, An Act,

Relating to the Twenty-third Judicial Circuit in Madison County; to amend Section 7 of Act 94-392 of the 1994 Regular Session (Acts 1994, p. 645), to further provide for the assessment, payment, and allocation of fees related to the pretrial diversion program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 7 of Act 94-392 of the 1994 Regular Session (Acts 1994, p. 645), is amended to read as follows:

"Section 7.

"(a) An applicant may be assessed a fee when the applicant is approved for the program. The amount of the assessment for participation in the program shall be in addition to any court costs, assessments for victims, or drug, alcohol, or anger management treatment required by law, the district attorney, or the court and shall be in addition to costs of supervision, treatment, and restitution for which the pretrial admittee may be responsible. Pretrial diversion program fees as established by this section may be waived or reduced due to indigency or reduced ability to pay or for just cause at the discretion of the district attorney. The determination of indigency of the offender, for the purpose of pretrial diversion admission or fee waiver or reduction shall

1 be made by the district attorney. A schedule of payments for
2 any of these fees may be established by the district attorney.

3 "(b) The following fees as set by the district
4 attorney shall be paid by applicants accepted into the
5 pretrial diversion program:

6 "(1) Felony offenses: Up to one thousand dollars
7 (\$1,000).

8 "(2) Misdemeanor offenses, excluding traffic
9 offenses: Up to seven hundred fifty dollars (\$750).

10 "(3) Traffic offenses: Up to five hundred dollars
11 (\$500).

12 "(4) Violations: Up to two hundred fifty dollars
13 (\$250).

14 "(c) In addition to the application fee, the
15 offender shall pay an administration and supervision fee not
16 to exceed forty dollars (\$40) per week during the time that
17 the offender participates in the pretrial diversion program.

18 "(d) (1) The district attorney may use fees collected
19 by the pretrial diversion program to fund all of the
20 following:

21 "a. The pretrial diversion program.

22 "b. The prosecution of state criminal cases.

23 "c. Support of state and local law enforcement.

24 "d. Education programs which relate to the
25 prosecution of, detection of, or prevention of crime.

1 "e. Benefit any agency or department of state, city,
2 or county government assisting local law enforcement.

3 "(2) Support shall be provided to employ more
4 prosecutors, law enforcement officers, investigators, or other
5 staff, to purchase necessary equipment or supplies, to provide
6 training opportunities, or any other prosecutorial or law
7 enforcement purpose.

8 "(e) Except for court costs which are payable by the
9 applicant directly to the clerk of court, fees required by
10 this section shall be collected by the office of the District
11 Attorney for the Twenty-third Judicial Circuit.

12 "(f) The district attorney, without further
13 legislative action, may raise fees to equal any fees
14 prescribed by general law in the event a state pretrial
15 diversion program is enacted."

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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 23-FEB-12.

Greg Pappas
Clerk

Senate

08-MAY-12

Passed