

1 HB218
2 135594-1
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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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the Twenty-third Judicial Circuit in
14 Madison County; to amend Section 7 of Act 94-392 of the 1994
15 Regular Session (Acts 1994, p. 645), to further provide for
16 the assessment, payment, and allocation of fees related to the
17 pretrial diversion program.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

22 "Section 7.

23 "(a) An applicant may be assessed a fee when the
24 applicant is approved for the program. The amount of the
25 assessment for participation in the program shall be in
26 addition to any court costs, assessments for victims, or drug,
27 alcohol, or anger management treatment required by law, the

1 district attorney, or the court and shall be in addition to
2 costs of supervision, treatment, and restitution for which the
3 pretrial admittee may be responsible. Pretrial diversion
4 program fees as established by this section may be waived or
5 reduced due to indigency or reduced ability to pay or for just
6 cause at the discretion of the district attorney. The
7 determination of indigency of the offender, for the purpose of
8 pretrial diversion admission or fee waiver or reduction shall
9 be made by the district attorney. A schedule of payments for
10 any of these fees may be established by the district attorney.

11 (b) The following fees as set by the district
12 attorney shall be paid by applicants accepted into the
13 pretrial diversion program:

14 (1) Felony offenses: Up to one thousand dollars
15 (\$1,000).

16 (2) Misdemeanor offenses, excluding traffic
17 offenses: Up to seven hundred fifty dollars (\$750).

18 (3) Traffic offenses: Up to five hundred dollars
19 (\$500).

20 (4) Violations: Up to two hundred fifty dollars
21 (\$250).

22 (c) In addition to the application fee, the
23 offender shall pay an administration and supervision fee not
24 to exceed forty dollars (\$40) per week during the time that
25 the offender participates in the pretrial diversion program.

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

4 "a. The pretrial diversion program.

5 "b. The prosecution of state criminal cases.

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

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

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

11 "(2) Support shall be provided to employ more
12 prosecutors, law enforcement officers, investigators, or other
13 staff, to purchase necessary equipment or supplies, to provide
14 training opportunities, or any other prosecutorial or law
15 enforcement purpose.

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

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

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