

1 HB648  
2 152401-1  
3 By Representative Jones  
4 RFD: Judiciary  
5 First Read: 18-APR-13

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: This bill would allow the governing body of  
9 any municipality to establish a discretionary  
10 pretrial diversion program and would set basic  
11 operating standards for the program.

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT  
16

17 To provide for the establishment of a pretrial  
18 diversion program; to allow any governing body of a  
19 municipality to establish a discretionary pretrial diversion  
20 program; and to set basic operating standards for the program.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) The governing body of any  
23 municipality may establish a pretrial diversion program for  
24 that municipality.

25 (b) Any pretrial diversion program established  
26 pursuant to this act shall be under the supervision of the  
27 presiding judge for the municipality. The presiding judge may

1 contract with any agency, person, or business entity for any  
2 service necessary to accomplish the purpose of this act.

3 (c) The presiding municipal judge, acting in  
4 consultation with the municipal prosecutor, shall have the  
5 authority to establish all rules and terms necessary for the  
6 implementation of a pretrial diversion program.

7 Section 2. (a) A person charged with a criminal  
8 offense under the jurisdiction of the municipal court in a  
9 municipality that has established a pretrial diversion program  
10 may apply to the court for admittance to the program.

11 (b) Upon receipt of the application, the judge shall  
12 determine whether to grant the individual admittance to the  
13 program.

14 (c) Upon admittance to the program, the individual  
15 shall be required to enter a plea of guilty at which time the  
16 case shall be placed in an administrative docket until such  
17 time as the offender has completed all requirements of the  
18 pretrial diversion program. Imposition of any sentence shall  
19 be deferred until such time as the offender completes the  
20 pretrial diversion program or is terminated from the program.

21 (d) In the event the offender does not  
22 satisfactorily complete the program and all terms thereof, the  
23 court shall dismiss the case pursuant to the rules established  
24 by the municipality.

25 (e) Upon successful completion of the program and  
26 all terms thereof, the court shall dismiss the case pursuant  
27 to the rules established by the municipality.

1                   Section 3. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.