

HB232 INTRODUCED



1 7BDC22-1
2 By Representative Almond (N & P)
3 RFD: Tuscaloosa County Legislation
4 First Read: 04-Apr-23
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A BILL
TO BE ENTITLED
AN ACT

Relating to the City of Tuscaloosa; to amend Section 8 of Act 2011-660, 2011 Regular Session (Acts 2011, p. 1751) to further provide that crime prevention programs and the Behavioral Health Unit of the Tuscaloosa Police Department shall share in the disbursement of application fees from the pretrial diversion program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 8 of Act 2011-660, 2011 Regular Session (Acts 2011, p. 1751) is amended to read as follows:

"Section 8.(a) An offender may be assessed a nonrefundable application fee when the offender is approved for the pretrial diversion program. The amount of the assessment for participation in the program shall be in addition to any court costs, fees, and assessments for the Crime Victim's Compensation Fund, Department of Forensic Sciences assessments, drug, alcohol, or anger management treatment required by law, and any costs of supervision, treatment, and restitution for which the offender may be responsible. A schedule of payments for any of these fees may be established by the city attorney.



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29 (b) The following application fees shall be applied to
30 offenders accepted into the program:

31 (1) Misdemeanor offenses and Driving Under the
32 Influence: One thousand dollars (\$1,000).

33 (2) Traffic offenses not including DUI: Five hundred
34 dollars (\$500).

35 (3) Violations: One hundred dollars (\$100).

36 (c) The amount of the application fee for each offender
37 shall be established by the city attorney.

38 (d) The application fee shall be allocated to the
39 general fund of the City of Tuscaloosa except that a minimum
40 of 25 percent shall fund technology and training for law
41 enforcement and a minimum of 25 percent shall fund crime
42 prevention programs, the Tuscaloosa Police Department's
43 Behavioral Health Unit, or the Indigent Treatment Fund as
44 established by the City of Tuscaloosa.

45 (e) An applicant offender may not be denied access into
46 the pretrial diversion program based solely on the inability
47 of the offender to pay the application fee. Application fees
48 may be waived or reduced for just cause, including indigency
49 of the offender, at the discretion of the city. Any
50 determination of the indigency of the offender for purposes of
51 program fee mitigation shall be made by the city but such
52 mitigation shall be done only upon the determination by the
53 city that there is no reasonable likelihood within the
54 reasonably foreseeable future that the offender will have the
55 ability to pay the application fee."

56 Section 2. This act shall become effective on the



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57 first day of the third month following its passage and
58 approval by the Governor, or its otherwise becoming law.