

1 HB803
2 117627-2
3 By Representative Baker (L) (N & P)
4 RFD: Local Legislation
5 First Read: 01-APR-10

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Houston and Henry Counties and the
14 Twentieth Judicial Circuit; to amend Section 8 of Act
15 2003-225, 2003 Regular Session (Acts 2003, p. 566), as last
16 amended by Act 2005-121, 2005 Regular Session (Acts 2005, p.
17 201), relating to the pretrial diversion program; to further
18 provide for the distribution of the fees.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 8 of Act 2003-225, 2003 Regular
21 Session (Acts 2003, p. 566), as last amended by Act 2005-121,
22 2005 Regular Session (Acts 2005, p. 201), is amended to read
23 as follows:

24 "Section 8. (a) An applicant may be assessed a fee
25 when the applicant is approved for the program. The amount of
26 the assessment for participation in the program shall be in
27 addition to any court costs and assessments for victims or

1 drug, alcohol, or anger management treatment required by law,
2 and are in addition to costs of supervision, treatment, and
3 restitution for which the person may be responsible. Pretrial
4 diversion program fees as established by this act may be
5 waived or reduced for just cause at the discretion of the
6 district attorney. A schedule of payments for any of these
7 fees may be established by the district attorney.

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

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

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

14 "(3) Traffic offenses: up to three hundred dollars
15 (\$300).

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

17 "(c) The following additional fees may be applied to
18 each applicable case in the following amounts:

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

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

22 "a. Felony offenses: up to one hundred dollars
23 (\$100).

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

26 "c. Traffic offenses: up to twenty-five dollars
27 (\$25).

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

4 "a. Felony offenses: up to one hundred dollars
5 (\$100).

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

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

10 "(5) Up to one hundred dollars (\$100) which shall be
11 allocated to the Houston County Commission and deposited into
12 the Houston County General Fund, for offenses filed in Houston
13 County, and to the Henry County Commission and deposited into
14 the Henry County General Fund, for offenses filed in Henry
15 County.

16 "(6) up to one hundred dollars (\$100) which shall be
17 allocated to the Southeast Alabama Child Advocacy Center.

18 "(7) Up to one hundred dollars (\$100) which shall be
19 allocated to the Dothan Chapter of the Angel House.

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

26 "(e) The district attorney may use fees collected by
27 the pretrial diversion program to help support local and state

1 law enforcement, or any agency or department of city or county
2 government which assists local law enforcement. This support
3 may be provided to help employ more officers or staff, buy
4 needed equipment and supplies, provide training opportunities,
5 or any other law enforcement purposes.

6 "(f) All fees required by this act, including those
7 set out in subsections (b) and (c), shall be collected and
8 disbursed by the circuit clerk's office in which the offense
9 was filed. Those fees due to the district attorney shall then
10 be disbursed to the district attorney and shall be deposited
11 by the district attorney into the pretrial diversion fund as
12 described in Section 10 of this act. The circuit clerk shall
13 make the disbursement in a timely manner.

14 "(g) The district attorney shall be allowed without
15 further legislative action to raise all fees (monies) to meet
16 and equal those prescribed by the Alabama Legislature in the
17 event a state pretrial diversion program is enacted after the
18 passage of this amended act. Any state pretrial diversion
19 program may supersede this act or its amendment, but may be
20 construed to require further and additional penalties."

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