

1 SB188
2 133744-1
3 By Senator Marsh (N & P)
4 RFD: Local Legislation No. 1
5 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 St. Clair County; to amend Section 7 of
14 Act 2009-649 of the 2009 Regular Session (Acts 2009, p. 1991),
15 to provide further for the disbursement of the fees associated
16 with the pretrial diversion.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 7 of Act 2009-649 of the 2009
19 Regular Session (Acts 2009, p. 1991), is amended to read as
20 follows:

21 "Section 7. (a) An offender may be assessed an
22 application fee when he or she is approved for the pretrial
23 diversion program. The amount of the assessment for
24 participation in the pretrial diversion program shall be in
25 addition to any court costs and assessments for the crime
26 victim's compensation fund, Department of Forensic Sciences

1 assessments, drug, alcohol, or anger management treatment
2 required by law, and any costs of supervision, treatment, and
3 restitution for which the person may be responsible. A
4 schedule of payments for any of these fees shall be
5 established by the St. Clair County District Attorney.

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

8 "(1) Felony offenses: Up to one thousand dollars
9 (\$1,000).

10 "(2) Misdemeanor offenses: Up to seven hundred fifty
11 dollars (\$750).

12 "(3) Traffic offenses: Up to five hundred dollars
13 (\$500).

14 "(4) Violations: Up to one hundred dollars (\$100).

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

17 "(1) For the arresting or ticketing agency on all
18 offenses:

19 "a. Felony offenses: Up to one hundred dollars
20 (\$100).

21 "b. Misdemeanor or violation offense: Up to fifty
22 dollars (\$50).

23 "c. Traffic offenses: Up to twenty-five dollars
24 (\$25).

25 "(2) For the ~~Department of Forensic Sciences~~
26 ~~Jacksonville Lab~~ Thirtieth Judicial Circuit District Attorney

1 Forensics Fund on drug-related offenses, including unlawful
2 possession of drug paraphernalia:

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

5 "b. Misdemeanor offenses: Up to fifty dollars (\$50).

6 "(3) For the Circuit Clerk of St. Clair County on
7 all offenses: Up to one hundred dollars (\$100). Money
8 allocated to the circuit clerk pursuant to this subsection
9 shall be available for use, at the discretion of the clerk, to
10 support the office of the clerk.

11 "(d) The amount of the application fee shall be
12 established by the St. Clair County District Attorney. This
13 fee shall be used to help employ more officers or staff, to
14 buy needed equipment or supplies, to provide training
15 opportunities, or for any other lawful purpose deemed
16 necessary by the district attorney including, but is not
17 limited to, helping support local and state law enforcement or
18 any agency or department of city or county government which
19 assists local law enforcement.

20 "(e) An applicant may not be denied access into the
21 pretrial diversion program based solely on his or her
22 inability to pay. Pretrial diversion program fees as
23 established by this act may be waived or reduced for just
24 cause, including indigency of the applicant, at the discretion
25 of the district attorney. Any determination of the indigency

1 of the offender for the purposes of pretrial diversion program
2 fee mitigation shall be made by the district attorney."

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