

HB446 ENROLLED



1 BVRF4Q-2

2 By Representatives Marques, Hammett, Sells, Paramore (N & P)

3 RFD: Local Legislation

4 First Read: 09-May-23

5 2023 Regular Session



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1 Enrolled, An Act,

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3 Relating to Coffee and Pike Counties and the Twelfth
4 Judicial Circuit; to amend Section 45-16-82.27, Code of
5 Alabama 1975, to further provide for fees related to the
6 pretrial diversion program; and to make nonsubstantive,
7 technical revisions to update the existing code language to
8 current style.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 45-16-82.27, Code of Alabama 1975,
11 is amended to read as follow:

12 "§45-16-82.27

13 (a) An applicant may be assessed a fee when the
14 applicant is approved for the program. The amount of the
15 assessment for participation in the program shall be in
16 addition to any court costs and assessments for victims or
17 drug, alcohol, or anger management treatment required by law,
18 the district attorney, or the court, and are in addition to
19 costs of supervision, treatment, and restitution for which the
20 pretrial diversion admittee may be responsible. Pretrial
21 diversion program fees as established by this subpart may be
22 waived or reduced due to indigency or reduced ability to pay
23 or for other just cause at the discretion of the district
24 attorney. The determination of indigency of the offender, for
25 the purpose of pretrial diversion admission, fee waiver, or
26 reduction, shall be made by the district attorney. A schedule
27 of payments for any of these fees may be established by the
28 district attorney.



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29 (b) The following fees shall be paid by applicants
30 accepted into the pretrial diversion program:

31 (1) Felony offenses: Up to ~~eight hundred fifty two~~
32 thousand dollars ~~(\$850)~~ (\$2,000).

33 (2) Driving Under the Influence offenses: Up to two
34 thousand one hundred dollars (\$2,100).

35 ~~(2)~~ (3) Misdemeanor offenses, excluding traffic: Up to
36 ~~five hundred fifty one thousand~~ dollars ~~(\$550)~~ (\$1,000).

37 ~~(3)~~ (4) Traffic offenses: Up to ~~three four~~ hundred fifty
38 dollars ~~(\$350)~~ (\$450).

39 ~~(4)~~ (5) Violations: Up to ~~two hundred three hundred~~
40 fifty dollars ~~(\$200)~~ (\$350).

41 (c) In cases where the applicant is not indigent, as
42 determined by the district attorney, in felony cases, fifty
43 dollars (\$50) of the fee, and in misdemeanor and violation
44 cases, twenty-five dollars (\$25) of the fee, for each
45 applicant accepted into the pretrial diversion program, shall
46 be allocated to the Coffee County Circuit Clerk's Office, for
47 offenses filed in Coffee County, and to the Pike County
48 Circuit Clerk's Office, for offenses filed in Pike County.
49 Money allocated to a circuit clerk pursuant to this subsection
50 shall be available for use, at the clerk's discretion, to
51 support the clerk's office operation. These uses may include,
52 but are not limited to, hiring employees, buying needed
53 equipment and supplies, or providing training opportunities.

54 (d) In cases where the applicant is not indigent, as
55 determined by the district attorney, in felony cases, fifty
56 dollars (\$50) of the fee, and in misdemeanor and violation



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57 cases, twenty-five dollars (\$25) of the fee, for each
58 applicant accepted into the pretrial diversion program, shall
59 be allocated to the Coffee County General Fund for offenses
60 filed in Coffee County or to the Pike County General Fund for
61 offenses filed in Pike County.

62 (e) In cases where the applicant is not indigent, as
63 determined by the district attorney, in felony cases, fifty
64 dollars (\$50) of the fee, and in misdemeanor and violation
65 cases twenty-five dollars (\$25) of the fee, for each applicant
66 accepted into the pretrial diversion program, shall be
67 allocated to the arresting or ticketing law enforcement agency
68 making the case. Those fees may be used at the agency's
69 discretion to support its operations. These uses may include,
70 but are not limited to, hiring employees, buying needed
71 equipment and supplies, providing training opportunities, or
72 any other lawful purpose.

73 (f) Except as herein specifically allocated, the
74 district attorney may use fees collected by the pretrial
75 diversion program to fund the pretrial diversion program; for
76 the prosecution of state criminal cases; to help support local
77 and state law enforcement and coroners; for education programs
78 which relate to the prosecution of, detection of, or
79 prevention of crime; or, to benefit any agency or department
80 of state, city, or county government which assists local law
81 enforcement. This support shall be provided to help employ
82 more prosecutors, law enforcement officers, investigators, or
83 staff, buy needed equipment or supplies, provide training
84 opportunities, or for any other prosecutorial or law



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85 enforcement purpose.

86 (g) Except for court costs, which are payable by the
87 applicant directly to the clerk of court, fees required by
88 this subpart shall be collected by the office of the District
89 Attorney of the Twelfth Judicial Circuit in the county and
90 division in which the offense was filed. Those fees collected
91 shall be deposited by the district attorney into the Pretrial
92 Diversion Fund as described in Section 45-16-82.30. The
93 district attorney shall timely make disbursement as provided
94 in this subpart.

95 (h) The district attorney shall be allowed without
96 further legislative action to raise fees to meet and equal
97 those prescribed by the Alabama Legislature in the event a
98 state pretrial diversion program is enacted after the passage
99 of this subpart. Any state pretrial diversion program may
100 supersede this subpart, but may be construed to require
101 further and additional penalties."

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



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 16-May-23.

John Treadwell
Clerk

Senate

23-May-23

Passed