

ORDINANCE NO. 20-013
ESTABLISHMENT OF PRETRIAL DIVERSION PROGRAM

BE IT ORDAINED BY THE TOWN COUNCIL OF OWENS CROSS ROADS, ALABAMA AS FOLLOWS:

- A. Pursuant to authority granted by the state legislature, a pretrial diversion program is hereby established whereby certain offenses may be dismissed upon a defendant's successful completion of the program requirements including, but not limited to, payment of applicable fees and costs, treatment, and community service work. Eligibility for the program shall be determined by the municipal court and shall be subject to the Town of Owens Cross Roads Pretrial Diversion Guidelines and Procedures as approved by the town's governing body. Eligibility further requires an admission of guilt and a waiver to the right to appeal by defendants entering the program. Any defendant who fails to comply with the requirements of the pretrial diversion program may face sanctions (including incarceration, extension of time of supervision, or further orders of the court), or termination from the program.
- B. The presiding municipal court judge, acting in consultation with the municipal prosecutor(s) of the office of the city attorney, is hereby authorized to establish guidelines regarding eligibility for participation in the pretrial diversion program pursuant to enabling legislation enacted by the Legislature of the State of Alabama and as approved by the city's governing body. The presiding municipal prosecutor(s) shall have the authority to modify the guidelines as needed.
- C. The following application fees assessed for admittance and evaluation for the pretrial diversion program shall be based on the underlying criminal offense charged and shall be charged as follows:
 - a. DUI: \$507;
 - b. Theft of property in the third degree: \$307;
 - c. Domestic violence offenses (excludes offense involving a minor child as victim): \$507;
 - d. Other misdemeanor offenses: \$307; and
 - e. Other violations: \$307.

The application fee shall be nonrefundable upon approval for participation in the pretrial diversion program. The application fee shall be collected by the city municipal court clerk.

D. The following monitoring, supervision and testing fees for participation in the pretrial diversion program shall be assessed as follows:

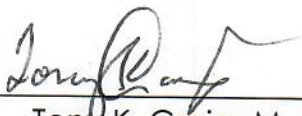
- a. Compliance monitoring fee: \$3, per appointment;
- b. Drug/alcohol testing fee: \$25, per test
- c. Rescheduling fee: \$15, per reschedule

Each offender shall also be responsible for payment of the cost at any treatment program made a part of the offender's pretrial diversion program. Such programs may include: drug and alcohol treatment programs, other additional treatment programs, behavior modification treatment programs or other therapy programs as may be required on a case by case basis.


In addition to all fees required for participation in the pretrial diversion program, an offender shall also be liable for all court costs and fees, restitution, victims' compensation fund assessment, and any and all other fees and assessments, in the same manner as if the offender had not applied for entry into the program and has been found guilty of the offense or offenses involved. No costs, fees, restitution, or assessments shall be waived or remitted, absent an express agreement to that effect between the municipal judge and the offender, without a finding by the municipal judge that the offender does not have the reasonable ability to pay the same within the reasonably foreseeable future.

With the exception of the evaluation fee, as previously provided, all other pretrial diversion program fees, assessments and treatment program costs, as well as court costs, court fees and court assessments shall be collected by the town municipal court clerk and shall be distributed as provided by state law. The municipal court clerk shall also collect fees as required by Code of Ala. 1975, 12-17-226.17, as that section may be amended.

ADOPTED THIS THE 17 DAY OF NOVEMBER, 2020.



Tony K. Craig, Mayor

ATTEST: 

Christie. D. Eason, Town Clerk

