

Ordinance No. 2013-5

AN ORDINANCE establishing the City of Midfield Pre-Trial Diversion Programs

BE IT ORDAINED by the City of Midfield as Follows:

SECTION 1. Purpose the City of Midfield finds and determines that a pre-trial diversion program will give non-violent, first time defendants the opportunity to avoid having a criminal record when they successfully complete certain conditions. Each participant signs a contract agreeing to comply with the requirements of the program. Participants will be supervised and monitored for specified periods as ordered by the court and required by associated intervention agencies. Once the program is successfully completed, criminal charges will be nol prossed or dismissed.

SECTION 2. Qualifications and Requirements for Pre-trial Diversion:

1. The individual is at least 18 years of age
2. Defendant must complete application for consideration
3. There is no reason to believe that the individual is a threat to the community
4. There is no reason to believe that the both the defendant and the community will be better served outside the traditional criminal justice process
5. The defendant does not have a prior criminal history
6. Upon review of application, it is determined that justice will be served if the individual is placed in an intervention program (drug testing, treatment, counseling, GED program, etc.)
7. All program fees must be paid in full as directed including restitution to court or victim and counseling/monitoring fees as applicable.
8. The defendant must comply with all court ordered interventions
9. Defendant must not commit any other crimes or municipal ordinance violations within any jurisdiction while participating in the pre-trial program.

SECTION 3. Assessment of Pre-Trial Diversion Fees

To be eligible to participate in the pre-trial Diversion program the participant shall be assessed a fee of \$200.00, and the municipal court judge shall allow monthly installments depending on the financial ability of the participant.

Such fees shall be deposited in the City of Midfield's Corrections Fund Account and allocated as specified in sub section (a) of Section 11-47-7.1 Code of Alabama, 1975.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

Approved this 14th day of October, 2013.

Attest:

Tameeka E. Vann

Richardson

Tameeka E. Vann, City Clerk

Gary

Gary Richardson, Mayor

Clerks Certification

I, Tameeka E. Vann, City Clerk of the City of Midfield, Alabama hereby certify that the above Ordinance was duly adopted by City Council of the City of Midfield at a regular meeting held on the 14th day of October, 2013, and the same has been published in accordance with the law by posting it at City Hall, Community Center and Police Department locations.

Tameeka E. Vann

Tameeka E. Vann, City Clerk