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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2017	.	
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The Committee on Criminal Justice (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 51 - 91

and insert:

(2) MODEL PREARREST DIVERSION PROGRAM.—Local communities and public or private educational institutions may adopt a program in which:

(a) Law enforcement officers, at their sole discretion, may issue a civil citation or similar prearrest diversion program notice to certain adults who commit a qualifying misdemeanor



353442

11 offense selected by the program. A civil citation or similar
12 prearrest diversion program notice may be issued if the adult:

13 1. Admits that he or she committed the offense or does not
14 contest the offense; and

15 2. Has not previously been arrested and has not received an
16 adult civil citation or similar prearrest diversion program,
17 unless the terms of the local adult prearrest diversion program
18 allows otherwise.

19 (b) An adult who receives a civil citation or similar
20 prearrest diversion program notice shall report for intake as
21 required by the local prearrest diversion program and shall be
22 provided appropriate assessment, intervention, education, and
23 behavioral health care services by the program. While in the
24 local prearrest diversion program, the adult shall perform
25 community service hours as specified by the program. The adult
26 shall pay restitution due to the victim as a program
27 requirement. If the adult does not successfully complete the
28 prearrest diversion program, the law enforcement officer shall
29 determine if there is good cause to arrest the adult for the
30 original misdemeanor offense and refer the case to the state
31 attorney to determine if prosecution is appropriate or allow the
32 adult to continue in the program.

33 (3) PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—
34 Representatives of participating law enforcement agencies, a
35 representative of the program services provider, the public
36 defender, the state attorney, and the clerk of the circuit court
37 shall create the prearrest diversion program and develop its
38 policies and procedures, including, but not limited to,
39 eligibility criteria, program implementation and operation, and



353442

40 the determination of the fee, if any, to be paid by adults
41 participating in the program. In developing the policies and
42 procedures for the program, the parties must solicit input from
43 other interested stakeholders. The program may be operated by an
44 entity such as a law enforcement agency, the county or
45 municipality, or another entity selected by the county or
46 municipality.

47 (4) QUALIFYING OFFENSES.—Misdemeanor offenses

48 ===== T I T L E A M E N D M E N T =====

49 And the title is amended as follows:

50 Delete lines 9 - 28

51 and insert:

52 officers, at their sole discretion, to issue a civil
53 citation or similar prearrest diversion program notice
54 to adults under specified circumstances; requiring an
55 adult who is issued a civil citation or similar
56 prearrest diversion program notice by a participating
57 law enforcement agency to report for intake as
58 required by the prearrest diversion program; requiring
59 the program to provide certain appropriate services;
60 requiring that an adult who is issued a civil citation
61 or similar prearrest diversion program notice fulfill
62 a community service requirement; requiring the adult
63 to pay restitution to a victim; requiring the law
64 enforcement officer to determine if there is good
65 cause to arrest a adult who did not successfully
66 complete the program and refer the case to the state
67 attorney or allow the adult to continue in the
68 program; requiring specified entities to create the



353442

69 prearrest diversion program; requiring the entities to
70 develop policies and procedures for the development
71 and operation of the program and to solicit input from
72 other interested stakeholders; authorizing specified
73 entities to operate the program; specifying how the
74 misdemeanor offenses