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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2018	.	
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The Committee on Criminal Justice (Brandes) recommended the following:

Senate Amendment

Delete lines 127 - 163
and insert:

(c) The state attorney of each circuit shall operate a prearrest diversion program in each circuit. A sheriff, police department, county, municipality, or public or private educational institution may continue to operate an independent prearrest diversion program that is in operation as of October 1, 2018, if the independent program is reviewed by the state



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11 attorney of the applicable circuit and he or she determines that
12 the independent program is substantially similar to the
13 prearrest diversion program developed by the circuit. If the
14 state attorney determines that the independent program is not
15 substantially similar to the prearrest diversion program
16 developed by the circuit, the operator of the independent
17 diversion program may revise the program and the state attorney
18 may conduct an additional review of the independent program.

19 (d) A judicial circuit may model an existing sheriff,
20 police department, county, municipality, or public or private
21 educational institution's independent prearrest diversion
22 program in developing the prearrest diversion program for the
23 circuit.

24 (e) If an adult does not successfully complete the
25 prearrest diversion program, the arresting law enforcement
26 officer shall determine if there is good cause to arrest the
27 adult for the original misdemeanor offense and refer the case to
28 the state attorney to determine if prosecution is appropriate or
29 allow the adult to continue in the program.

30 (f) Upon intake of an adult participating in the prearrest
31 diversion program, the state attorney or the person operating
32 the independent prearrest diversion program shall electronically
33 provide the adult's personal identifying information to the
34 clerk of the court for the county in which the adult is
35 participating in the prearrest diversion program. Such
36 information is not a court record, and the clerk of the court
37 shall maintain the confidentiality of the adult's personal
38 identifying information as provided in subsection (3). The clerk
39 of the court shall maintain such information as a separate



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40 component of the Comprehensive Case Information System created
41 and operated pursuant to s. 28.24, which must provide a single
42 point of access for all