



699198

LEGISLATIVE ACTION

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

Senate Amendment (with title amendment)

Delete lines 276 - 351
and insert:
program and develop its policies and procedures. In developing
the program's policies and procedures, input from other
interested stakeholders may be solicited. The department shall
annually develop and provide guidelines on best practice models
for civil citation or similar diversion programs to the judicial
circuits as a resource.



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11 (b) Each judicial circuit's civil citation or similar
12 diversion program must specify:
13 1. The misdemeanor offenses that qualify a juvenile for
14 participation in the program;
15 2. The eligibility criteria for the program;
16 3. The program's implementation and operation;
17 4. The program's requirements, including, but not limited
18 to, the completion of community service hours, payment of
19 restitution, if applicable, and intervention services indicated
20 by a needs assessment of the juvenile, approved by the
21 department, such as family counseling, urinalysis monitoring,
22 and substance abuse and mental health treatment services; and
23 5. A program fee, if any, to be paid by a juvenile
24 participating in the program. If the program imposes a fee, the
25 clerk of the court of the applicable county must receive a
26 reasonable portion of the fee.
27 (c) The state attorney of each circuit shall operate a
28 civil citation or similar diversion program in each circuit. A
29 sheriff, police department, county, municipality, or public or
30 private educational institution may continue to operate an
31 independent civil citation or similar diversion program that is
32 in operation as of October 1, 2018, if the independent program
33 is reviewed by the state attorney of the applicable circuit and
34 he or she determines that the independent program is
35 substantially similar to the civil citation or similar diversion
36 program developed by the circuit. If the state attorney
37 determines that the independent program is not substantially
38 similar to the civil citation or similar diversion program
39 developed by the circuit, the operator of the independent



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40 diversion program may revise the program and the state attorney
41 may conduct an additional review of the independent program.

42 (d) A judicial circuit may model an existing sheriff,
43 police department, county, municipality, or public or private
44 educational institution's independent civil citation or similar
45 diversion program in developing the civil citation or similar
46 diversion program for the circuit.

47 (e) If a juvenile does not successfully complete the civil
48 citation or similar diversion program, the arresting law
49 enforcement officer shall determine if there is good cause to
50 arrest the juvenile for the original misdemeanor offense and
51 refer the case to the state attorney to determine if prosecution
52 is appropriate or allow the juvenile to continue in the program
53 and the head of each local law enforcement agency involved. The
54 program may be operated by an entity such as a law enforcement
55 agency, the department, a juvenile assessment center, the county
56 or municipality, or another entity selected by the county or
57 municipality. An entity operating the civil citation or similar
58 diversion program must do so in consultation and agreement with
59 the state attorney and local law enforcement agencies. Under
60 such a juvenile civil citation or similar diversion program, a
61 law enforcement officer, upon making contact with a juvenile who
62 admits having committed a misdemeanor, may choose to issue a
63 simple warning or inform the child's guardian or parent of the
64 child's infraction, or may issue a civil citation or require
65 participation in a similar diversion program, and assess up to
66 50 community service hours, and require participation in
67 intervention services as indicated by an assessment of the needs
68 of the juvenile, including family counseling, urinalysis



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69 ~~monitoring, and substance abuse and mental health treatment~~
70 ~~services.~~

71 (f) A copy of each civil citation or similar diversion
72 program notice issued under this section shall be provided to
73 the department, and the department shall enter appropriate
74 information into the juvenile offender information system. ~~Use~~
75 ~~of the civil citation or similar diversion program is not~~
76 ~~limited to first-time misdemeanors and may be used in up to two~~
77 ~~subsequent misdemeanors. If an arrest is made, a law enforcement~~
78 ~~officer must provide written documentation as to why an arrest~~
79 ~~was warranted.~~

80 (g) At the conclusion of a juvenile's civil citation
81 ~~program~~ or similar diversion program, the state attorney or
82 operator of the independent program agency operating the program
83 shall report the outcome to the

84
85 ===== T I T L E A M E N D M E N T =====

86 And the title is amended as follows:

87 Delete line 52

88 and insert:

89 procedures; requiring the Department of Juvenile
90 Justice to annually develop and provide guidelines on
91 civil citation or similar diversion programs to the
92 judicial circuits; providing requirements for the
93 civil