

ORDINANCE NO. 2014-03-01

AN ORDINANCE TO ESTABLISH A PRE-TRIAL DIVERSION PROGRAM FOR THE CITY OF ROANOKE, ALABAMA MUNICIPAL COURT SYSTEM

BE IT ORDAINED by the Mayor and City Council of the City of Roanoke, Alabama as follows:

ARTICLE I. PRE-TRIAL DIVERSION.

Section 1. Establish a Pre-Trial Diversion Program

Pursuant to Act No. 2013-353, a Pre-Trial Diversion (“PTD”) Program is hereby established in the Municipal Court of the City of Roanoke, Alabama. The Pre-Trial Diversion Program shall be under the direct supervision and control of the presiding Municipal Court Judge in accordance with the provisions of Act No 2013-353. Participation in the PTD Program by the offender shall be voluntary. Admittance to the PTD Program shall be required at the sole discretion of the Court. Upon admittance to the Program, the offender shall be required to enter into a plea of guilty at which time the case shall be placed in an administrative docket until such time as the offender has completed all requirements of the PTD Program. Imposition of any sentence shall be deferred until such time as the offender completes the PTD Program or is terminated from the Program. In the event the offender does not satisfactorily complete the Program and all terms thereof, the Court shall impose an appropriate sentence in the same manner as with any guilty plea. Upon successful completion of the program and all terms thereof, the Court shall dismiss the case pursuant to the rules established by the Court.

Section 2. Fees

- (a) The offender shall be assessed a non-refundable application fee in the amount of \$50.00 when the offender makes application for the admittance to the PTD Program.
- (b) An offender shall be assessed a non-refundable administration fee when the offender is admitted to the PTD Program. The amount of the assessment for participation in the PTD Program shall be in addition to the application fee, any court cost, assessments for the Crime Victim’s Compensation Fund, Department of Forensic Science assessment, drug, alcohol, or anger management treatment and counseling required by law or

ordered by the Court and any costs of supervision, treatment, and restitution for which the offender may be responsible. An applicant may not be denied admission to the PTD Program based solely on his or her inability to pay. Pre-Trial Diversion fees as established in this section may be waived or reduced for just cause including indigency of the applicant, at the discretion of the Court. The following administration fees shall be assessed to offenders accepted into the PTD Program:

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| (1) Driving Under the Influence | \$600.00 |
| (2) Traffic Offenses Except DUI | \$250.00 |
| (3) Misdemeanor Offenses | \$300.00 |
| (4) Violations | \$100.00 |

Procedures and guidelines adopted pursuant to this article shall be available for public inspection at all reasonable times at the office of the Municipal Court Clerk.

Section 3. Liability

- (a) Absent wantonness, gross negligence, or intentional misconduct, the municipality, or its officers, judges, prosecutors, or its employees shall have no liability, criminal or civil for the conduct of any offender while participating in the PTD Program established under this article or any service provider or its agents that are contracted to or who have agreed to provide services to the PTD Program.
- (b) The municipality or its officers, judges, prosecutors, or its employees shall have no liability, criminal or civil, for any injury or harm to the offender while the offender is a participant in the PTD Program administered pursuant to this article. The municipal prosecutor may require written agreed upon waivers of liability as a prerequisite for admittance into the PTD Program.

Section 4.

If any section, clause or any portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, said section shall not affect any other section, clause, or portion of this Ordinance which is not in and of itself invalid or unconstitutional.

Section 5.

If any section, paragraph, section or word of this Ordinance or the article hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this Ordinance and the article hereby adopted independent of the elimination of such portion may be declared invalid.

Section 6. Effective Date.

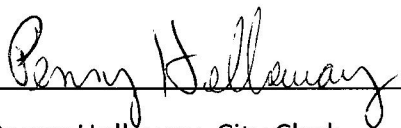
This Ordinance and article hereby adopted shall take effect immediately upon its adoption and publication allowed by law.


Section 7. Publication.

The City Clerk, of the City of Roanoke, Alabama is hereby authorized and directed to cause this Ordinance to be published one (1) time in a newspaper of general circulation published in the City of Roanoke, Randolph County, Alabama.

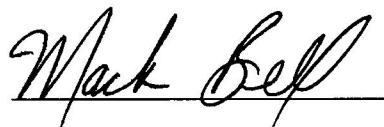
ADOPTED AND APPROVED this the 14 day of April, 2014.

ATTEST:


Penny Holloway, City Clerk


Mike Fisher, Mayor


Council member


Council member


Council member


Council member


Council member