

**ORDINANCE NO. 2022-309**

**AN ORDINANCE AUTHORIZING THE ADOPTION OF A PRETRIAL DIVERSION PROGRAM FOR THE CITY OF MADISON MUNICIPAL COURT**

**BE IT ORDAINED** by the City Council of the City of Madison, Alabama, as follows:

**Section 1:** The City of Madison Municipal Court is authorized, pursuant to Alabama Code Section 12-14-91 as amended to implement a pretrial diversion program and identify certain offenses that may be dismissed upon a defendant's successful completion of said Diversion Program that shall include, but is not limited to, payment of applicable fees and costs, treatment, and community service work. Eligibility for the program shall be determined by the Municipal Court and shall be subject to the City of Madison Pretrial Diversion Guidelines and Procedures, described herein and approved by this Council.

**Section 2:** Eligibility for the Diversion Program requires an admission of guilt and a waiver of the right to appeal by defendants entering the Program. Any defendant who fails to comply with the requirements of the pretrial may face sanctions including incarceration, extension of time of supervision, termination from the program and/or further orders from the Court.

**Section 3:** The Presiding Municipal Judge, acting in consultation with the City Attorney, is hereby authorized to establish guidelines regarding eligibility for participation in the pretrial diversion program pursuant to Alabama Code Section 12-14-91 as amended. The Presiding Municipal Judge, subject to the necessary consultation with the City Attorney, shall have the authority to modify the guidelines as needed.

**Section 4:** All applicants shall pay an application fee in the amount of two hundred and seven dollars (\$207) to be evaluated for the Pretrial Diversion Program. This application fee shall be nonrefundable. The application fee shall be collected by the City Municipal Court Clerk and allocated with eighty percent (80%) to be allocated to the City of Madison's Corrections Fund and twenty percent (20%) to be allocated to the Municipal Court's Advanced Technical Data Fund.

**Section 5:** Once an applicant is accepted into the Diversion Program defendants are responsible for the following payments and/or fees to continue participation in the Diversion Program:

- (a) Seven dollars (included in the application fee) to be remitted to the Office of Prosecution Services.
- (b) Restitution, if applicable, shall be paid into the Court.

- (c) Compliance Monitoring Fee of thirty dollars (\$30).
- (d) Court Referral Officer Fee of sixty-five dollars (\$65).
- (e) Drug/Alcohol Testing Fee in the amount of twenty-five dollars (\$25) per test.
- (f) Rescheduling Fee in the amount of fifteen dollars (\$15) per visit rescheduled.
- (g) Cost of any treatment program made a condition of the offender's pretrial diversion program. Such programs may include drug treatment, alcohol treatment programs, behavior medication treatment, addition therapy and/or other programs and therapy that may be required of the offender for completion of the Program.

In addition to all listed payments and fees, a defendant shall also be liable for all court costs, victims' compensation fund assessment and all other fees and assessments that may have applied had the Defendant been found guilty of the underlying offense. No cost, fee, restitution, or other assessment shall be waived or remitted absent an express written acknowledgement of such waiver by the Court.

**Section 6:** Cost, fees and assessment may only be adjusted and/or waived upon a finding from the Municipal Judge that the defendant is indigent without the reasonable ability to pay these costs, fees, and assessments to enter the Diversion Program.

**Section 7:** The City Municipal Court Clerk shall collect and distribute all Application fees, prosecution services fee of seven dollars (\$7), court costs and restitution as provided by this Ordinance and State Law.

**READ, PASSED, AND ADOPTED** at a regularly scheduled meeting of the City Council of the City of Madison, Alabama, on this 28th day of November 2022.

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*Council President*  
**City of Madison, Alabama**

**ATTEST:**

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*Lisa Thomas, City Clerk-Treasurer*  
**City of Madison, Alabama**

**APPROVED** this 28<sup>th</sup> day of November 2022.

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*Paul Finley, Mayor*  
**City of Madison, Alabama**