

ORDINANCE NO. 2014-05

**AN ORDINANCE TO ESTABLISH A PRETRIAL DIVERSION PROGRAM IN THE MUNICIPAL COURT
OF THE TOWN OF CEDAR BLUFF**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR BLUFF, ALABAMA, as follows:

SECTION 1. ESTABLISHMENT OF PRETRIAL DIVERSION PROGRAM. That there be and there is hereby established a pretrial diversion program in the Municipal Court for the TOWN OF CEDAR BLUFF, Alabama, pursuant to the provisions of Title 12, Chapter 14, Article 5 of the Code of Alabama, 1975.

SECTION 2. SUPERVISION. The Pretrial Diversion program established pursuant to this ordinance shall be under the supervisions of the Municipal Judge of the TOWN OF CEDAR BLUFF, Alabama, subject to any rules and regulations established by the municipal governing body.

SECTION 3. IMPLEMENTATION OF PRETRIAL DIVERSION PROGRAM. The Municipal Judge, acting in consultation with the Municipal Prosecutor, shall have the authority to establish all rules and terms necessary for the implementation of a pretrial diversion program.

SECTION 4. APPLICATION FOR AND ADMISSION INTO PROGRAM.

- A. A person charged with a criminal offense under the jurisdiction of the Municipal Court may apply for admittance to the pretrial diversion program.
- B. Upon receipt of the application and recommendation of the municipal court prosecutor, the Municipal Judge shall determine whether to grant the individual admittance to the pretrial diversion program.
- C. Upon admittance to the program, the individual shall be required to enter a plea of guilty at which time the case shall be placed on the administrative docket until such time as the offender has completed all requirements of the pretrial diversion program. Imposition of any sentence shall be deferred until such time as the offender has completed all requirements of the pretrial diversion program. Imposition of any sentence shall be deferred until such time as the offender completes the pretrial diversion program or is terminated from the program.

SECTION 5. COMPLETION OF PRETRIAL DIVERSION PROGRAM. Upon successful completion of the pretrial diversion program and all terms thereof, the municipal court shall dismiss the case.

SECTION 6. FAILURE TO COMPLETE PRETRIAL DIVERSION PROGRAM. In the event the offender does not satisfactorily complete the program and all the terms thereof, the municipal court shall impose an appropriate sentence in same manner as with any guilty plea.

SECTION 7. FEES. The assessment and collection of fees for the administration of the pretrial diversion program shall be established and supervised by the Municipal Judge.

SECTION 8. This ordinance shall become effective January 5th, 2015.

APPOPTED AND APPROVED by the Town Council of the Town of Cedar Bluff, Alabama on this the 8th day of December 2014.

Johnny Crane 12/8/14
PRESIDING OFFICER DATE

ATTEST:
Jusi Sunell
TOWN CLERK