

ORDINANCE NO. 2014-01

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

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BERRY, 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 BERRY, 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 supervision of the Municipal Judge of the TOWN OF BERRY, 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 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 II. This ordinance shall become effective upon its publication.

Adopted this the 12th day of May, 2014.



Mayor

ATTEST:



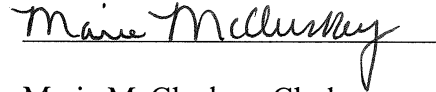
City Clerk

STATE OF ALABAMA)
COUNTY OF FAYETTE)

I, Marie McCluskey, Clerk of the Town of Berry, Alabama, hereby certify that the attached Ordinance # 2014-01 was duly published on the date and in the manner as follows:

Posting at town hall, Berry Post Office, and Moore's Auto Parts.

Witness my hand this 13th day of May, 2014.

A handwritten signature in cursive script that reads "Marie McCluskey". The signature is written in black ink and is positioned above a horizontal line.

Marie McCluskey, Clerk
Town of Berry