

HB 967 -- PROSECUTION DIVERSION

SPONSOR: Dogan

This bill authorizes each prosecuting attorney to, upon agreement with an accused or a defendant, divert a criminal case to a prosecution diversion program for a period of six months to two years, allowing for any statute of limitations to be tolled for that time. The prosecuting attorney may divert a case out of the criminal justice system that is nonviolent, nonsexual, and does not involve a child victim or the possession of an unlawful weapon and does not constitute a violation of a current condition of probation or parole. The prosecuting attorney is also allowed to divert a case if he or she determines that the advantages of utilizing prosecution diversion outweighs the advantages of immediate court activity. The accused or defendant must submit to all program requirements, and any newly discovered criminal behavior while in the program will immediately forfeit his or her right to continued participation.

The prosecuting attorney is authorized to establish any other criteria for the program and to impose conditions, such as remaining free of criminal behavior, payment of restitution, and payment of an administrative handling fee of \$100 for each case diverted upon the behavior and conduct of the accused or defendant during participation in a program. The administrative handling fee collected is to be deposited into the newly created "Administrative Handling Cost Fund" and expended for use by a prosecuting or circuit attorney for the expenses of the program. The prosecuting attorney or circuit attorney must collect an additional \$5 per case for deposit into the Missouri Office of Prosecution Services Fund. Any person participating in the prosecution diversion program has the right to insist on criminal prosecution for the offense for which he or she is accused at any time and the right to counsel during all phases of the diversion proceedings unless the right is knowingly and voluntarily waived by the accused or defendant. After successful completion of the program and any conditions imposed to the satisfaction of the prosecuting attorney, the person is entitled to a dismissal or alternative disposition of the charges against him or her.