

**Community Justice Centers**  
**H.645 Amendments**  
**April 23, 2024**

The Community Justice Centers request the following two amendments to H.645:

**Definition of “Pre-charge diversion”) – p.2**

Because a pre-charge referral can be made by either a law enforcement officer at an early intercept point **or** a prosecutor, the determination of probable cause should be made by either the officer **or** (not “and”) the prosecutor. Changing the “or” to “and” will require a prosecutor to be involved in every pre-charge referral.

**Request – Change “and” back to “or”**

(4) “Pre-charge diversion” means a referral of an individual to a community-based restorative justice provider by a law enforcement officer or prosecutor after the referring officer or ~~and~~ prosecutor has determined that probable cause exists that the individual has committed a criminal offense and before the individual is criminally charged with the offense or before a petition is filed in family court for the offense.

**Request –** We support the suggestion that was made last week in your committee to include a specific exclusion for community referrals under the definition of “pre-charge diversion”.

**Funding Contingency (p.4)**

Because one of the goals of this bill has been to ensure stable funding for restorative justice programs, funding for restorative justice programs must be included in the following:

**Request:** Add “restorative justice programs” to the following:

The Juvenile Pre-Charge Diversion Program established pursuant to this section shall operate only to the extent funds are appropriated to the Office of the Attorney General, the Department of State’s Attorneys and Sheriffs, ~~and~~ the Office of the Defender General, and restorative justice programs to carry out the Program.

**Streamline Report (Sec. 7, pp.58-59)**

The deadline for the report for a plan to streamline the administration and provision of juvenile and adult pre-charge and post-charge diversion programs was changed from July 1, 2027 to April 1, 2025. However, on April 1, 2025, it will not be determined as to whether there will be funding for H.645 to go into effect on July 1, 2025. This workgroup will take a lot of effort by many entities and may be too early a date.