

1 AGO requested additions to S.105.

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3 Sec. X. 3 V.S.A. § 163 JUVENILE COURT DIVERSION PROJECT:

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5 (c) All diversion projects receiving financial assistance from the Attorney
6 General shall adhere to the following provisions:

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* * *

8 (4) Each State's Attorney, in cooperation with the diversion project, shall
9 develop clear criteria for deciding what types of offenses and offenders will be
10 eligible for diversion; however, the State's Attorney shall retain final discretion
11 over the referral of each case for diversion. The provisions of 33 V.S.A.
12 § 5225(c) and § 5280(e) shall apply.

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14 (j) Notwithstanding subdivision (c)(1) of this section, the diversion program
15 may accept cases pursuant to 33 V.S.A. § 5225 and § 5280.

16 Sec. X. 3 V.S.A. § 164 is amended to read:

17 § 5169. ADULT COURT DIVERSION PROGRAM

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* * *

19 (e) All adult court diversion programs receiving financial assistance from
20 the Attorney General shall adhere to the following provisions:

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(1) The diversion program shall accept only persons against whom
charges have been filed and the court has found probable cause, but are not yet

1 adjudicated. The prosecuting attorney may refer a person to diversion either
2 before or after arraignment and shall notify in writing the diversion program
3 and the court of his or her intention to refer the person to diversion. The matter
4 shall become confidential when notice is provided to the court, except that for
5 persons who are subject to conditions of release imposed pursuant to 13 V.S.A.
6 § 7554 the matter shall become confidential upon the successful completion of
7 diversion. If a person is charged with a qualifying crime as defined in 13
8 V.S.A. § 7601(4)(A) and the crime is a misdemeanor, the prosecutor shall
9 provide the person with the opportunity to participate in the court diversion
10 program unless the prosecutor states on the record at arraignment or a
11 subsequent hearing why a referral to the program would not serve the ends of
12 justice. If the prosecuting attorney refers a case to diversion, the prosecuting
13 attorney may release information to the victim upon a showing of legitimate
14 need and subject to an appropriate protective agreement defining the purpose
15 for which the information is being released and in all other respects
16 maintaining the confidentiality of the information; otherwise files held by the
17 court, the prosecuting attorney, and the law enforcement agency related to the
18 charges shall be confidential and shall remain confidential unless:

19 (A) the diversion program declines to accept the case;

20 (B) the person declines to participate in diversion;

21 (C) the diversion program accepts the case, but the person does not

22 successfully complete diversion; or

1 (D) the prosecuting attorney recalls the referral to diversion.

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3 (m) Notwithstanding subdivision (e)(1) of this section, the diversion
4 program may accept cases pursuant to 33 V.S.A. § 5225 and § 5280.

5 Sec. X. 13 V.S.A. § 7554c is amended to read:

6 § 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

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8 (b)(6) Any person charged with a criminal offense or who is the subject of a
9 youthful offender petition pursuant to 33 V.S.A. § 5280, except those persons
10 identified in subdivision (2) of this subsection, may choose to engage with a
11 pretrial services coordinator.

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