

1.1 A bill for an act  
1.2 relating to public safety; extending the establishment of pretrial diversion  
1.3 programs to all counties; amending Minnesota Statutes 2008, section 401.065,  
1.4 subdivisions 1, 2, 3a, 4.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 401.065, subdivision 1, is amended to read:

1.7 Subdivision 1. **Definition.** As used in this section:

1.8 (1) a person is an "offender" if:

1.9 (i) the person is charged with, or probable cause exists to arrest or charge the person  
1.10 with, a felony, gross misdemeanor, or misdemeanor crime, other than a crime against the  
1.11 person, but the person has not yet entered a plea in the proceedings;

1.12 (ii) the person has not previously been convicted as an adult in Minnesota or any  
1.13 other state of any crime against the person; and

1.14 (iii) the person has not previously participated as an adult in Minnesota in a pretrial  
1.15 diversion program, ~~including a program that existed before July 1, 1994,~~ and had charges  
1.16 dismissed or not filed as part of that program; and

1.17 (2) "pretrial diversion" means the decision of a prosecutor to refer an offender to  
1.18 a diversion program on condition that the criminal charges against the offender will be  
1.19 dismissed after a specified period of time, or the case will not be charged, if the offender  
1.20 successfully completes the program.

1.21 Sec. 2. Minnesota Statutes 2008, section 401.065, subdivision 2, is amended to read:

1.22 Subd. 2. **Establishment of program.** By ~~July 1, 1994~~ January 1, 2010, every  
1.23 county attorney ~~of a county participating in the Community Corrections Act~~ shall

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2.1 establish a pretrial diversion program for adult offenders. ~~If the county attorney's county~~  
2.2 ~~participates in the Community Corrections Act as part of a group of counties under section~~  
2.3 ~~401.02, the~~ A county attorney may establish a pretrial diversion program in conjunction  
2.4 with other county attorneys in that group of counties. The program must be designed  
2.5 and operated to further the following goals:

2.6 (1) to provide eligible offenders with an alternative to confinement and a criminal  
2.7 conviction;

2.8 (2) to reduce the costs and caseload burdens on district courts and the criminal  
2.9 justice system;

2.10 (3) to minimize recidivism among diverted offenders;

2.11 (4) to promote the collection of restitution to the victim of the offender's crime; and

2.12 (5) to develop responsible alternatives to the criminal justice system for eligible  
2.13 offenders.

2.14 Sec. 3. Minnesota Statutes 2008, section 401.065, subdivision 3a, is amended to read:

2.15 Subd. 3a. **Reporting of data to criminal justice information system (CJIS).** (a)

2.16 Every county attorney who establishes a diversion program under this section shall report  
2.17 the following information to the Bureau of Criminal Apprehension:

2.18 (1) the name and date of birth of each diversion program participant and any other  
2.19 identifying information the superintendent considers necessary;

2.20 (2) the date on which the individual began to participate in the diversion program;

2.21 (3) the date on which the individual is expected to complete the diversion program;

2.22 (4) the date on which the individual successfully completed the diversion program,  
2.23 where applicable; and

2.24 (5) the date on which the individual was removed from the diversion program for  
2.25 failure to successfully complete the individual's goals, where applicable.

2.26 The superintendent shall cause the information described in this subdivision to be  
2.27 entered into and maintained in the criminal history file of the Minnesota criminal justice  
2.28 information system.

2.29 (b) Effective ~~August 1, 1997~~ January 1, 2010, the reporting requirements of this  
2.30 subdivision shall apply to misdemeanor offenses.

2.31 Sec. 4. Minnesota Statutes 2008, section 401.065, subdivision 4, is amended to read:

2.32 Subd. 4. **Reports.** By ~~January 1, 1995~~ 15, 2011, and biennially thereafter, each

2.33 county attorney shall report to the state court administrator and the legislature on the

2.34 operation of a pretrial diversion program required by this section. The report shall include

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3.1 a description of the program, the number of offenders participating in the program, the  
3.2 number and characteristics of the offenders who successfully complete the program,  
3.3 the number and characteristics of the offenders who fail to complete the program, and  
3.4 an evaluation of the program's effect on the operation of the criminal justice system in  
3.5 the county.

3.6 Sec. 5. **REVISOR'S INSTRUCTION.**

3.7 In Minnesota Statutes, the revisor of statutes shall renumber Minnesota Statutes,  
3.8 section 401.065 as 628.687.