

1 **HB 3078 - H AMDS 940 ADOPTED**

2 By Representative Wolfe

3 On page 2, beginning on line 30, after "committed" strike all
4 material through "adjudication" on line 32

5 On page 3, at the end of line 8, insert "If the alleged offender
6 does not fall under (6) of this section only because the alleged
7 offender has a prior deferred disposition or deferred adjudication, the
8 prosecutor may also consider the recency and seriousness of the charge
9 for which the offender received the deferred disposition or deferred
10 adjudication."

EFFECT: Removes the mandatory ineligibility for diversion if the offender has a prior deferred disposition or adjudication and replaces it with an option for the prosecutor to divert those cases. In determining whether or not to divert an offender who has a prior deferred disposition or adjudication, the prosecutor may consider the recency and seriousness of the charge underlying the deferred disposition or adjudication.