

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	9 - 1 - 0
Yeas:	Barton, Cameron, Garrett, Krieger, Olson, Smith J., Stiegler, Whisnant, Barker
Nays:	Shields
Exc.:	0
Prepared By:	Shannon Sivell, Counsel
Meeting Dates:	2/5, 3/3, 3/17

WHAT THE MEASURE DOES: Prevents a person who has previously entered a diversion program from being eligible for diversion on a subsequent offense. Allows person to enter diversion if fifteen years have passed since the person's last diversion and they have not been convicted of any crime during that time.

ISSUES DISCUSSED:

- Purpose of diversion
- Per se rules
- Need for discretion
- Treatment
- Recidivism
- Felony driving under the influence of intoxicants
- Specific examples

EFFECT OF COMMITTEE AMENDMENT: Allows a person to enter diversion if fifteen years have passed since their last diversion and they have not been convicted of any crime during that time.

BACKGROUND: Currently, if a person has not participated in a diversion program within ten years of the offense date, he or she may be eligible to enter diversion for driving under the influence of intoxicants. House Bill 2331A extends the period for ineligibility to fifteen years. The purpose behind lengthening the period of ineligibility is to prevent offenders from escaping criminal sanctions for repeated conduct by engaging in diversion for a second or third time.