

1 APPROVED: 11/19/18  
2 EFFECTIVE: 01/01/19

3 SNOHOMISH COUNTY COUNCIL  
4 Snohomish County, Washington

5  
6 AMENDED ORDINANCE NO. 18-084

7  
8 RE-ESTABLISHING A PRE-PROSECUTION DIVERSION PROGRAM,  
9 ESTABLISHING FEES, ADDING A NEW CHAPTER TO TITLE 2 OF THE  
10 SNOHOMISH COUNTY CODE, AND AMENDING SCC 2.98.030

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12 BE IT ORDAINED:

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14 Section 1. A new chapter is added to Title 2 of the Snohomish County Code to  
15 read:

16  
17 **Chapter 2.97**

18  
19 **PRE-PROSECUTION DIVERSION PROGRAM AND FEES**

20  
21 Sections:

22 2.97.010 Pre-prosecution diversion program.

23 2.97.020 Program and evaluation fees.

24 2.97.030 Program fee advisory committee.

25 2.97.040 Effective date.

26  
27 **2.97.010 Pre-prosecution diversion program.**

28 (1) The prosecuting attorney is authorized to establish a pre-prosecution  
29 diversion program as an alternative to prosecution of offenders. The goals of the  
30 program are to conserve law and justice resources for more serious offenses and  
31 to reduce offender recidivism through community-based rehabilitation and  
32 participant involvement.

33 (2) Entry into the program shall be determined by the prosecuting  
34 attorney based upon the facts of each case, the offender's criminal history,  
35 available resources, and other factors as determined by the prosecuting attorney.  
36 Participation in the program shall be voluntary and subject to conditions  
37 established by the prosecuting attorney.

38 (3) This chapter shall not affect the prosecutorial discretion of the  
39 prosecuting attorney. Neither the availability of the program nor its existence or  
40 continued operation is established as a matter of right by the enactment of this  
41 ordinance.

42 (4) The prosecuting attorney may prosecute an offender for the  
43 underlying criminal offense if he or she violates the terms of his or her pre-  
44 prosecution diversion agreement.

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2 **2.97.020 Program and evaluation fees.**

3 (1) To provide for the initial evaluation, referral and supervision of  
4 program participants, the following fees shall be charged:

5 (a) A \$300.00 evaluation fee to be paid by the applicant for the initial  
6 evaluation of the applicant;

7 (b) A \$150.00 pre-prosecution diversion agreement signing fee to be paid  
8 by each participant who is accepted into the program. This fee may be paid  
9 according to a payment plan established in the participant's diversion agreement;

10 (c) A \$50.00 per month program participation fee to be paid by the  
11 participant for each month of participation in the program.

12 (2) The fees may be waived or reduced for indigent persons by the fee  
13 advisory committee pursuant to SCC 2.97.030. Upon referral to the committee by  
14 the program supervisor, the fees may be waived or reduced according to the  
15 individual's financial affidavit or other relevant financial information.

16 (3) The participant shall make all payments of fees in a guaranteed form  
17 of payment, such as a certified, cashier's or bank manager's check. The check  
18 shall be made payable to Snohomish County and delivered to the program office.

19 (4) All payments made to the program office shall be delivered to the  
20 office of the Snohomish County treasurer and shall be placed into the general  
21 fund.  
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23 **2.97.030 Program fee advisory committee.**

24 (1) The TAP fee advisory committee established by SCC 2.98.030 shall  
25 waive, adjust, or leave intact the \$300.00 evaluation fee for indigent pre-  
26 prosecution diversion program applicants referred to the committee by the  
27 program supervisor. The applicant's financial information may be considered by  
28 the committee.

29 (2) The TAP fee advisory committee established by SCC 2.98.030 shall  
30 waive, adjust, or leave intact the \$50.00 monthly program participation fee for  
31 indigent pre-prosecution diversion program applicants referred to the committee  
32 by the program supervisor. The applicant's financial information may be  
33 considered by the committee.

34 (3) The TAP fee advisory committee established by SCC 2.98.030 shall  
35 waive, adjust, or leave intact the \$150.00 pre-prosecution diversion agreement  
36 signing fee for indigent pre-prosecution diversion program applicants referred to  
37 the committee by the program supervisor. The applicant's financial information  
38 may be considered by the committee.

39 (4) The TAP fee advisory committee established by SCC 2.98.030 may  
40 resolve disputes between program staff and program participants concerning  
41 program fees. The committee may act as final arbiter in disputes concerning  
42 evaluation and program fees.  
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2       **2.97.040 Effective date.** This ordinance shall take effect on January 1, 2019.

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4       Section 2. Snohomish County Code Section SCC 2.98.030, last amended by  
5 Amended Ordinance 12-099, on November 12, 2012, is amended to read:

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7       **2.98.030 TAP fee advisory committee.**

8       (1) A TAP fee advisory committee is hereby established to waive, reduce  
9 or leave intact fees for indigent program participants and applicants to the TAP  
10 program established by this chapter and the pre-prosecution diversion program  
11 to be established by chapter 2.97 SCC, subject to oversight as determined  
12 appropriate by the prosecuting attorney.

13       (a) Membership Terms and Compensation. The advisory committee shall  
14 be composed of three members from the community, who shall be residents of  
15 Snohomish County. They shall serve three-year terms without compensation. In  
16 no event shall the members be appointed to more than three consecutive terms.

17       (b) The committee members shall be nominated by the ~~((director))~~  
18 supervisor of the TAP program and shall serve upon appointment by the  
19 prosecuting attorney. Members may be removed from office at the pleasure of  
20 the county by way of the same procedure as appointments.

21       (c) Vacancies on the committee shall be filled in the same manner as the  
22 initial appointment.

23       (2) Meetings. The advisory committee shall conduct bi-monthly meetings  
24 to review cases referred to it by the program ~~((director))~~ supervisor and to  
25 perform other duties as provided below.

26       (3) Dates. The advisory committee shall make the following  
27 determinations concerning program fees or evaluation fees:

28       (a) The committee shall waive, adjust or leave intact the \$300.00  
29 evaluation fee for indigent program applicants referred to the committee by the  
30 program ~~((director))~~ supervisor. The applicant's financial affidavit and other  
31 relevant financial information may be considered by the committee.

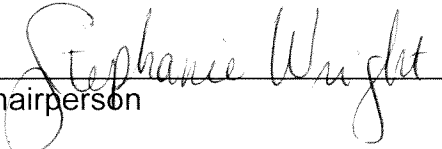
32       (b) The committee shall waive, adjust or leave intact the \$50.00 monthly  
33 program participation fee for program participants referred to the committee by  
34 the program ~~((director))~~ supervisor. The participant's financial affidavit and other  
35 relevant financial information may be considered by the committee.

36       (c) ~~((The committee may resolve disputes between program staff and~~  
37 ~~program participants concerning program fees. The committee may act as final~~  
38 ~~arbiter in disputes concerning evaluation and program fees.))~~ The committee  
39 shall waive, adjust, or leave intact the \$150.00 pre-prosecution diversion  
40 agreement signing fee for indigent pre-prosecution diversion program applicants  
41 referred to the committee by the program supervisor. The applicant's financial  
42 information may be considered by the committee.


43       (d) The committee may resolve disputes between program staff and  
44 program participants concerning program fees. The committee may act as final  
45 arbiter in disputes concerning evaluation and program fees.

1  
2 PASSED this 19<sup>th</sup> day of November, 2018.  
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4 SNOHOMISH COUNTY COUNCIL  
5 Snohomish County, Washington  
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8   
9 Chairperson

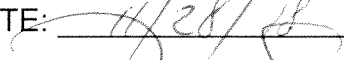

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12 ATTEST:

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16 Clerk of the Council

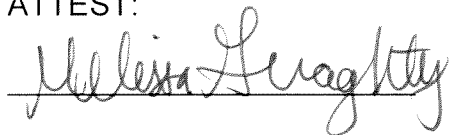
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18  APPROVED

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20  EMERGENCY

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22  VETOED

23 DATE:   
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26 County Executive

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28 ATTEST:

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33 Approved as to form only:

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37 Deputy Prosecuting Attorney  
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