

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 4: DISPOSITION OF OFFENDERS

§ 4295. Adult Diversion Program: Eligibility Criteria.

(a) Eligibility for the Adult Diversion Program is a privilege, not an entitlement. A person's suitability for referral or acceptance into the Program is entirely within the discretion of the Criminal Division and the Office of Adult Probation, respectively. In order to be referred to the Adult Diversion Program, a person:

(1) Must be charged with having committed a criminal act, other than one set forth in 6 CMC § 4293(c), a violation of Title 9 of the Commonwealth Code, or any Fish & Game violation;

(2) Must meet the definition of "eligible person" as set forth in 6 CMC § 4293(d);

(3) Must be referred to the program in writing by the Criminal Division of the Attorney General's Office after the filing of formal criminal charges against the person, but prior to the formal acceptance of a plea by the Court or before jeopardy has attached in the trial of the matter;

(4) Must be accepted by the Program Coordinator after a review of the Diversion Notice and an investigation into the person's suitability for the Program, to include an interview with the person by the Program Coordinator; and

(5) Must be willing to enter into a Diversion Agreement as described below.

(b) Reserved.

Source: PL 15-46, § 9 (4154), modified.

Commission Comment: The Commission changed "§ 4152(b)" to "6 CMC § 4293(c)" in (a)(1) and "§ 4152(c)" to "6 CMC § 4293(d)" in (a)(2) to agree with the renumbered sections pursuant to 1 CMC § 3806(c) and to correct manifest errors in the subsection designation pursuant to 1 CMC § 3806(g).