



# Priced Out

A 50-State Survey of How Diversions  
Fees Create Unequal Justice

Fines & Fees  
Justice Center

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## About Us

The **Fines and Fees Justice Center (FFJC)** is catalyzing a movement to eliminate the fines and fees that distort justice. Our goal is to create a justice system that treats individuals fairly, ensures public safety and community prosperity, and is funded equitably. We work together with affected communities and justice system stakeholders to eliminate fees in the justice system, ensure that fines are equitably imposed and enforced, and end abusive collection practices. Visit [ffjc.us](https://ffjc.us) and follow [@FinesandFeesJC](https://twitter.com/FinesandFeesJC) on Twitter to get the latest updates on local, state and national fines and fees reforms.

## Contact

If you have any questions on any information within this report or for any media inquiries, please contact Jesse Neves, Communications Director, at [jneves@ffjc.us](mailto:jneves@ffjc.us).

## The Problem of Fee-Based Diversion Programs

Imagine you have been arrested for a minor offense, and the prosecutor says to you, “If you’re willing to pay my office \$100, we can make this go away. But if you don’t pay us that \$100, we’ll prosecute you to the full extent of the law.” That’s exactly the kind of pay-or-be-prosecuted system that results when courts or district attorney offices charge fees for diversion programs.

Pre-prosecution diversion programs serve a critical role in the criminal legal system. While the scope and form of diversion programs differ across jurisdictions, when we use the term “diversion” in this report, we are referring to programs that divert someone accused of a crime out of the court system before formal charges are filed or otherwise halt a prosecution so that a person may enter a pretrial supervision program. In either case, the successful completion of the program will result in a dismissal of the charges.<sup>1</sup> In some jurisdictions, these programs may be called deferred prosecution agreements, early intervention programs, consent decrees, or something else. We consider programs designed to address an alleged behavior outside of formal court proceedings and without a conviction to be diversion programs. We do not include specialty courts—such as drug courts or mental health courts—or post-conviction sentence mitigation programs within the scope of this definition because they do not divert people from prosecution, even if they may ultimately end in reduced or dismissed charges.<sup>2</sup>

Diversion programs are typically local in nature, and the types of diversion programs vary from jurisdiction to jurisdiction. Through FFJC’s research, we came across diversion programs that are designed for general use with all low-level offenses and other diversion programs for specific offenses, such as driving under the influence, shoplifting, writing bad checks, traffic violations, or prostitution.<sup>3</sup> There is also a growing group of felony diversion programs for certain felony offenses, such as gun or drug charges or for first-time offenders.<sup>4</sup>

As the United States Department of Justice has acknowledged, diversion programs have the

benefits of allowing “participants to avoid criminal convictions, harsh penalties, and even incarceration, while providing rehabilitative or educational services.”<sup>5</sup> Such programs allow individuals charged with certain categories of offenses an opportunity to avoid long-term entanglement with the criminal legal system and the consequences of a criminal record. Diversion programs can also help prosecutors and courts alleviate large caseloads by providing an informal process for addressing alleged behavior, building accountability, and educating people about the impact of certain conduct, all while ensuring public safety. Furthermore, because people with criminal records face many collateral consequences that range from losing access to social safety nets or secure housing to the ability to vote and earn income, diversion is also vital for helping people return to their communities without these debilitating obstacles.

However, when participation in a diversion program requires a fee, it creates two tiers of justice: one where those with enough money can avoid a criminal conviction and another where those who cannot afford these costs are formally prosecuted and are hamstrung by a criminal record. Fees are known to discourage or prevent people from entering diversion programs or make it impossible to complete them.<sup>6</sup> As the U.S. Department of Justice has repeatedly said, “Eliminating fees associated with diversion programs can help ensure that income does not determine access to diversionary programs.”<sup>7</sup> Diversion fees also compound the racial disparities already present in the criminal legal system, especially when people of color are less likely than white people to be able to afford the fees.<sup>8</sup>

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When people can access and complete diversion programs, the results are promising. This makes diversion programs good for both individuals and the larger community. A 2015 study of Kane County, Illinois' State Attorney's Offices' Second Chance Program found that participants who failed to complete the diversion program between 2005 and 2010 were twice as likely to recidivate than those who didn't.<sup>9</sup> Only eight percent of people who successfully completed the program committed a new offense, compared to 19 percent of those who did not complete the program.<sup>10</sup> Our investigation found program fees in Kane County range from \$425 to \$2,100.<sup>11</sup> Costs like these are certainly out of reach for many people, and the county is worse off when people cannot complete diversion programs for the simple reason that they cannot afford them.

Diversion programs are voluntary, but they are not open to everyone. Failure to pay diversion program fees can mean denial of admission to or expulsion from the program, resulting in the person being formally prosecuted. Some diversion programs can even require a preliminary admission of guilt to the offense, meaning that being expelled from a program for an inability to pay fees can lead directly to a conviction.<sup>12</sup>

**Those who are unable to afford diversion must face the likelihood of significant, often lifelong, consequences from court involvement.**

Those who are unable to afford diversion must face the likelihood of significant, often lifelong, consequences from court involvement. A study on the impact of a criminal record on entry-level employment opportunities found a criminal record reduces the likelihood of a callback or job offer by nearly 50 percent.<sup>13</sup> In 2022, the Federal Reserve reported 30 percent of adults had a family income below \$25,000.<sup>14</sup> Those with restricted employment options due to criminal records face a concerning barrier to financial stability. Along with difficulties obtaining employment or a living wage, over 27,000 state occupational licensing restrictions limit people

with a criminal record from the labor market,<sup>15</sup> adding to their financial hardship.

While many know the hardships of a criminal record, they also know that if they cannot afford diversion, their chances for upward mobility quickly decline. Unfortunately, many state and local governments use diversion programs as an opportunity to generate revenue. Rather than providing a public good that is equitably funded, state and local justice systems have created a hidden tax system on which diversion's existence is predicated solely on whether those in the program can afford it. Worse still, we found that several states allocate the revenue from diversion fees to fund unrelated government functions both in and outside the criminal legal system.<sup>16</sup>

Diversion programs remain a critically important off-ramp in state criminal legal systems. They have been proven to reduce recidivism, promote accountability, minimize collateral consequences associated with court involvement, and improve court efficiency. Yet, most states authorize some form of diversion fees that simply fund these programs on the backs of those prosecutors have already identified do not need to be who formally prosecuted. Our investigation shows that the lack of state regulation of these fees allows local authorities to charge exorbitant fees, and fee amounts can vary widely from one jurisdiction to the next, even within states.

By predicating diversion on the payment of a fee, low-income people are denied the opportunity to be diverted from the criminal legal system, while those with sufficient money can pay to avoid prosecution. We call on all states to prohibit the imposition of diversion fees. It is past time for state and local court systems to equitably fund diversion programs that benefit us all.

## Methodology

This report employs a legal and policy research design to investigate how state and local governments impose diversion program fees, exploring their impact as potential barriers to access. It contributes to existing research on state-authorized fees in the criminal legal system.

FFJC examined legislative authorization and statewide court rule in all 50 states and the District of Columbia to determine whether statutory provisions explicitly authorize or permit diversion program fees and, if so, whether they establish guidance or limits on what may be charged. The objective was to ascertain whether these legal frameworks explicitly authorize or permit diversion program fees and, if so, to identify any established guidance or limits on the imposition of fees. With pro bono assistance from DLA Piper, LLC, our teams searched for language defining or setting specific monetary fee amounts and caps, deferring fee determinations to other state or local entities, establishing or prohibiting ability to pay considerations, and any indication of where fee revenue is directed. We used a combination of public and private search databases to identify statutes and rules in each state.

Next, to contextualize state-level statutory authorizations, we examined local diversion programs in-depth. This deeper examination included identifying the actual costs to participants, whether the program was in line with state statutory parameters, and whether fees may be waived for people who cannot afford them. Because the goal was to simply provide some practical perspective and context, rather than provide a representative sample of national diversion programs, we limited this localized research to publically accessible information on government-run websites at the state, county, and local levels.

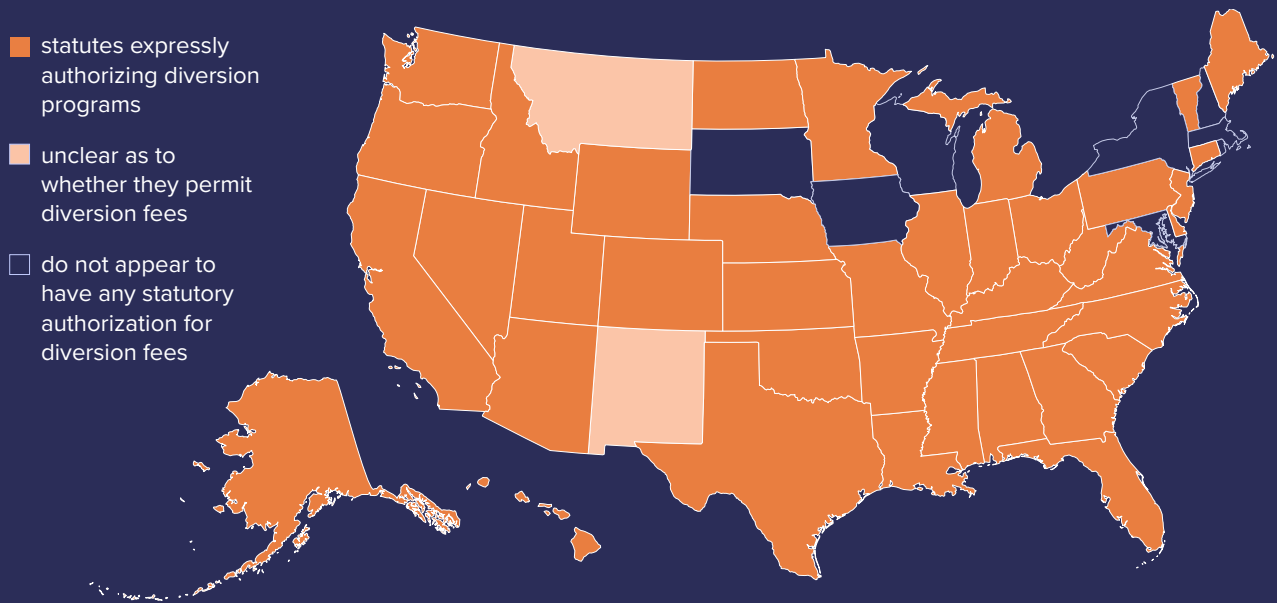
We recognize potential limitations in interpreting legislative language and the evolving nature of legal frameworks and local policies. Identifying state laws regarding diversion programs was challenging because jurisdictions nationwide use

different terminology to describe programs that divert someone accused of a crime from the court system before formal charges are filed. Some states use the term “diversion,” while others use “deferred prosecution” or unique state-specific program names in their statute. We cannot unequivocally claim that we identified every statute in each of the 50 states and the District of Columbia that referenced a diversion program associated with program fees. Yet we can commit to the accuracy of those we did identify as of September 30, 2023.

Appendix A to this report outlines the statutes we identified in each state. Appendix B juxtaposes legislative authorizations with advertised practices in local diversion programs to provide additional insights into how state-level regulations manifest in practice.

# Key Findings

The vast majority of states expressly authorize fees for diversion programs.<sup>17</sup> States that do not are either silent or unclear about whether diversion programs may require participant fees.



## 40 states & the District of Columbia have statutes expressly authorizing at least some type of fee for a diversion program

- » **22 states** mandate participants to pay costs associated with diversion programs.<sup>18</sup>
- » **18 states and the District of Columbia** give discretion to the prosecutor or judge to determine if a fee will be imposed.<sup>19</sup>
- » Of the states that explicitly authorize diversion fees, the parameters of that authorization vary.

### 2 states are unclear as to whether they permit diversion fees

- » **Montana** and **New Mexico** have statutes that simply authorize “reasonable conditions” in diversion programs but are silent on whether fees may be considered a reasonable condition.<sup>20</sup> Attorneys in both states report that some diversion fees are indeed charged in practice, even absent explicit statutory authorization.

### 8 states do not appear to have any statutory authorization for diversion fees

- » The statutes in **Iowa, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, South Dakota,** and **Wisconsin** appear silent on whether participants can be charged fees for diversion programs. Despite having no explicit statutory authorization, evidence from local investigations and anecdotes suggests that participants in some parts of Maryland, New York, New Hampshire, and Massachusetts—at a minimum—are being charged for diversion programs or related costs.

## 27 states have statutes establishing the fee amounts associated with participating in a diversion program

These fees may include program fees, filing fees, application fees, evaluation fees, general court fees, and fees for concurrent classes or substance abuse treatment programs required as part of the diversion program.

### 17 states set a **flat fee** rate for participating in a diversion program or its associated fees<sup>21</sup>

Some examples include:

- » **Alabama**, which sets a \$500 fine to participate in a diversion program.
- » **Connecticut**, which sets a \$600 program fee in addition to a \$100 application fee and \$150 evaluation fee.
- » **Idaho**, which sets a \$157.50 fee for DUI diversion programs.
- » **Kansas**, which sets diversion fees by offense level: \$60 for a misdemeanor and \$120 for a felony offense.

### 9 states establish **monthly supervision fees** for participants in a diversion program<sup>22</sup>

Some examples include:

- » **Tennessee**, which authorizes a monthly fee from \$10 to \$35.
- » **North Carolina**, which authorizes a \$40 monthly fee.
- » **Colorado**, which authorizes a \$50 monthly fee.
- » **West Virginia**, which authorizes a \$20 monthly fee.

### Only 6 states place a cap on how much a participant can be charged for diversion programs<sup>23</sup>

Some examples include:

- » **Georgia**, which caps the fee amount that may be collected at \$1,000.
- » **Vermont**, which caps the fee amount that may be collected at \$300.
- » **Texas**, which caps the fee amount that may be collected at \$60 a month.

### Only 21 states and the District of Columbia require a person's ability to pay diversion program fees to be considered

- » **17 states** and the **District of Columbia** may reduce or waive diversion program fees for a person found indigent or unable to pay.<sup>24</sup>
- » **Connecticut, Nevada, Oklahoma,** and **South Carolina** expressly prohibit denying participants from participating in a diversion program for an inability to pay the fee or costs.<sup>25</sup>

## Absence of State Oversight or Regulation of Diversion Program Fees

Despite the vast majority of states having some statutory reference to diversion fees, almost 40 percent of the states do not address the amount courts, prosecutors, or programs may—or may not—charge.

The story that emerges is one of a notable lack of true oversight in diversion fees across much of the country. While the majority of states authorize some kind of diversion fee, how much that fee is, who imposes it, and where the money goes is often left to local courts or district attorney offices that run the programs.

**The story that emerges is one of a notable lack of true oversight in diversion fees across much of the country.**

The question of where the money from diversion fees ultimately goes in many jurisdictions can be challenging to assess. Many states that authorize diversion program fees are unclear or fail to direct where the funds are to be allocated. We found that at least five states require that some or all of the fees collected from participants must be transferred directly to the diversion program fund to cover the costs of the programs.<sup>26</sup> Nevertheless, we also found others that allocate revenue from the fees to local courts,<sup>27</sup> the state general fund,<sup>28</sup> local general funds,<sup>29</sup> correctional supervision funds,<sup>30</sup> drug treatment funds,<sup>31</sup> and police retirement funds.<sup>32</sup> In this way, these states are funding a wide array of government functions on the backs of people who have been accused—rightly or wrongly—of some low-level offense.

In the criminal legal system, diversion fees are typically conceived, set, and imposed at the local level, often without any court involvement and without any meaningful consideration of a person's ability to pay. Only four states—Connecticut, Nevada, Oklahoma, and South Carolina—unequivocally prohibit the denial of participation in a diversion program because of

someone's inability to pay. Other than in Oklahoma,<sup>33</sup> we were unable to determine with clarity whether that was the case in practice. At a minimum, all states should prohibit denying access to diversion programs based solely on an inability to pay fees.

We have identified diversion programs that require application, assessment, program, and supervision fees. Additional costs may include fingerprinting, bond supervision, urinalysis testing, lab fees, witness fees, transportation costs, court-appointed attorney's fees, and restitution.<sup>34</sup> One of these fees, let alone multiple fees, can easily make diversion inaccessible to lower-income individuals. When those with money have different opportunities, this two-tiered diversion system creates disproportionate consequences for the same alleged offense. According to the Federal Reserve, 36 percent of Americans would be unable to pay their bills if they faced an unexpected \$400 expense.<sup>35</sup>

## Examining the Local Landscape of Diversion Program Fees

As complicated as the state landscape may be regarding diversion fees, the operation of these fees locally is even more of a puzzle. In most states, local governments are left to set their own diversion program fees, either with broad authorizations or without any state regulation. Even when statutory limits may exist, these limits are not always followed in practice. Although understanding how each of the more than 3,000 U.S. counties operates in this realm was beyond the scope of this report, we conducted a limited investigation of local diversion programs to better understand practices and experiences.

**Across the country, we found diversion program fees ranging from \$20 to \$4,100.**

This localized examination aimed to identify fee structures across jurisdictions to determine whether diversion program pricing is transparent and whether alternatives, such as fee waivers or reductions, exist when people do not have the ability to pay. Our



research team analyzed 79 diversion programs from 21 states using publicly available information on county, court, or agency websites outlining existing diversion programs.<sup>36</sup> Across the country, we found diversion program fees ranging from \$20 to \$4,100. Although this review is not a nationally representative sample, our findings of how such programs operate nationwide are informative.

What follows is a snapshot of published practice in local jurisdictions that provides some insight into how statewide authorizations are operating:

### **Localities Charge Diversion Fees in States Without Explicit Statutory Authorization**

Although eight states do not provide explicit authorization for diversion program fees, we found that at least three of those states—Maryland, New Hampshire, and New York—have local authorities who nevertheless charge diversion fees. Left to the discretion of local jurisdictions, we found diversion fees in these states ranging from \$150 to \$600. For example, the Livingston County District Attorney's Office in New York charges participants a \$150 application fee,<sup>37</sup> and the Merrimack County Diversion Center in New Hampshire imposes a \$600 program fee for participants charged with a felony-level offense.<sup>38</sup>

### **Some Localities Ignore Statutory Caps on Fees**

Even when a state sets a particular limit, we found local programs that either blatantly exceeded that limit or created other mandatory fees related to diversion to get around the caps.

In Kansas, for example, we identified local diversion programs that simply were not following limits placed on them by state law. Kansas statute outlines that supervision fees for a diversion program are to be \$60 for misdemeanor cases and \$120 for felonies.<sup>39</sup> However, we identified five counties that charge far more than that.<sup>40</sup> For example, according to the Wyandotte County District Attorney's Policy for Diversion of Criminal Charges, in order to enter diversion, participants must agree to pay a \$200 diversion supervision fee for misdemeanor charges and \$300 for felony charges.<sup>41</sup> This is more than 3

times as much as the state statute authorizes for diversion supervision fees in a misdemeanor and 2.5 times more for a felony diversion. As part of the diversion agreement, the district attorney's office also tacks on a nonrefundable \$90 to \$100 diversion application fee and then requires participants to pay \$158 to \$193 in additional court costs, even though there is no formal prosecution. Moreover, despite clear statutory authority to reduce or waive diversion supervision fees as the need arises, the District Attorney's policy expressly rejects using such discretion, directing that "all fees and costs associated with diversion are non-negotiable and shall not be waived."<sup>42</sup>

In Washington, state law outlines that a deferred prosecution program can not impose costs that exceeds \$250.<sup>43</sup> However, we identified a diversion program in Snohomish County that charges \$600 more than the statutory cap for deferred prosecution programs.<sup>44</sup> The program's eligibility page did not include whether participants could receive a fee waiver or reduction for those with an inability to pay the fee amount.

## Lack of Transparency Over Fee Amounts and Fee Waivers

When state statutes are vague and have limited parameters and protections, local governments often impose any fees they see fit. Many programs do not make their fee schedules transparent and fail to provide clear details on whether participants who lack the money can have their fees waived or reduced. Nearly one in five programs we reviewed noted that fees were required but either completely failed to articulate the amount or suggested that other, non-specified fees can also apply.<sup>45</sup>

**The uncertainty of the total amount that a participant may incur from a diversion program leaves individuals at a substantial disadvantage, particularly given that many are unrepresented by counsel at this stage.**

The uncertainty of the total amount that a participant may incur from a diversion program leaves individuals at a substantial disadvantage, particularly given that many are unrepresented by counsel at this stage. For example, Oklahoma and South Carolina are two of a handful of states that expressly prohibit the denial of participation in diversion programs for an inability to pay fees or costs. Nonetheless, when we examined five diversion programs across those two states, none publically included information stating that costs would not be a barrier to entering the programs or noted that fee waivers or reductions were an option.<sup>46</sup> Even if this information is shared with individuals being considered for the programs, the lack of public transparency makes oversight difficult. While prosecutors in these states may have discretion over *whether* to offer a diversion program in a particular case, denying or rejecting someone who doesn't meet a financial threshold remains unlawful in these states. Yet, would-be diversion participants may not know that.

Of the 79 local diversion program fees we reviewed, we found that over three-quarters of the programs

were silent as to whether applicants can have their fees waived, reduced, or reviewed if they cannot afford it. Less than 20 percent (15 of 79) of the programs we investigated explicitly publicized that they could reduce or waive program fees for low-income individuals who qualify. Several programs expressly prohibited waiving or reducing fees.<sup>47</sup> Others require a defendant to pay for part of or the entire diversion program fee *prior* to enrollment.<sup>48</sup> We identified only three programs that explicitly publicized that an inability to pay could not prevent someone from entering the program.<sup>49</sup>

Ultimately, programs that lack cost transparency, or fee waivers or reductions due to an inability to pay, can constructively deny diversion access to low-income people while allowing those with sufficient financial resources to pay prosecutor offices and courts for a chance to avoid formal criminal prosecution.

## Diversion Fees Create a Quid Pro Quo System

Almost 80 percent of the diversion programs we reviewed were administered by prosecutors' offices, with nearly 10 percent operated by court administrators, and the remaining administered by other agencies such as correctional departments or state agencies. Without state oversight or guidance, in most places, local prosecutors become the primary decision-makers on whether to charge a fee and how much to charge. Even when well-intentioned, such unfettered discretion on fees can make local prosecutors responsible for generating revenue for their own offices, the local court, or the county budget. It also inevitably creates inconsistencies in how residents are impacted and places issues of justice in conflict with fiscal interests.

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There is another disturbing implication that comes with paying money for the chance at diversion: someone may avoid prosecution entirely if they pay enough money to the right people—often to the prosecutors themselves. This is a major conflict of interest for prosecutors. Even if the fee structure is technically legal, the appearance of impropriety is hard to escape. It looks like a *quid pro quo* system in which freedom from a criminal record exists for those willing and able to dole out enough cash. Even just the appearance of impropriety can lead to due process concerns.<sup>50</sup> From the public’s viewpoint, it calls the entire system into question. The only way to avoid this while retaining diversion’s critically important role in the legal system is to stop charging diversion fees. Diversion programs should be funded sufficiently and equitably to avoid conflicts of interest and appearances of impropriety.

## Racial Implications of Fees for Diversion Programs

Studies show that diversion programs are subject to the same kinds of disparities seen at other stages of the criminal legal process. One study examining racial disparities in pretrial diversion showed that,



throughout the United States, Black and Latino male

defendants were consistently less likely to receive pretrial diversion than their white counterparts despite having similar legal characteristics.<sup>51</sup> Another study specific to youth found that while 52 percent of white youths were diverted from formal processing, only 40 percent of Black and 44 percent of Latino youth were.<sup>52</sup> Because the criminal legal system is already disproportionately affecting communities of color, adding a payment requirement only exacerbates these pre-existing disparities in diversion. According to the U.S. Census Bureau, Black and Hispanic individuals are overrepresented in the population living in poverty compared to their overall population representation. While Black and Hispanic people constitute only 32 percent of the total population, they make up nearly 52 percent of the population living in poverty.<sup>53</sup>

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These racial disparities are particularly concerning because studies indicate that diversion programs are highly effective at reducing recidivism rates among people of all backgrounds. A 2020 study found youth of all racial backgrounds who enter diversion programs and successfully avoid formal court processes are less likely to be re-arrested than youth who are formally processed.<sup>54</sup> However, when people of color cannot participate for financial reasons, it creates another touchpoint in the system where disparities will continue—and be compounded—regardless of the personal motivations of individual decision-makers.

# Philadelphia's Accelerated Rehabilitative Disposition (ARD) Program: A Case Study of How Diversion Fees Drive Racial Disparities



In 1972, Pennsylvania implemented the Accelerated Rehabilitative Disposition (ARD) program, a state-level diversion program for minor offenses.<sup>55</sup> It later grew to include a wider range of offenses, intending to increase treatment or rehabilitative options. The state requires ARD programs to be in all county-level jurisdictions in Pennsylvania and mandates the imposition of costs and reasonable charges related to administering the program.

**Despite the good intentions of expanding opportunities, the way in which Philadelphia's ARD program plays out demonstrates how it simply became another institution for perpetuating racial disparities within the criminal legal system.**

Despite the good intentions of expanding opportunities, the way in which Philadelphia's ARD program plays out demonstrates how it simply became another institution for perpetuating racial disparities within the criminal legal system. In Philadelphia, the ARD program is bifurcated between those facing DUI charges (ARD-DUI) and non-DUI charges (Non-DUI ARD). The costs to participate in both are passed along to participants, creating a barrier to completing the program for many. The average fees for ARD-DUI cases range from \$500 to \$700, and Non-DUI ARD cases range from \$350 to \$700 for participants.<sup>56</sup> This program is extremely expensive and out of reach for many people.

Only 54 percent of people who started ARD supervision in 2017 fully completed the program.<sup>57</sup> A sample of 500 ARD cases found that a whopping 84 percent did not complete the program due to failure to meet the cost requirements. The ARD program works with local agencies and service providers to administer different components of

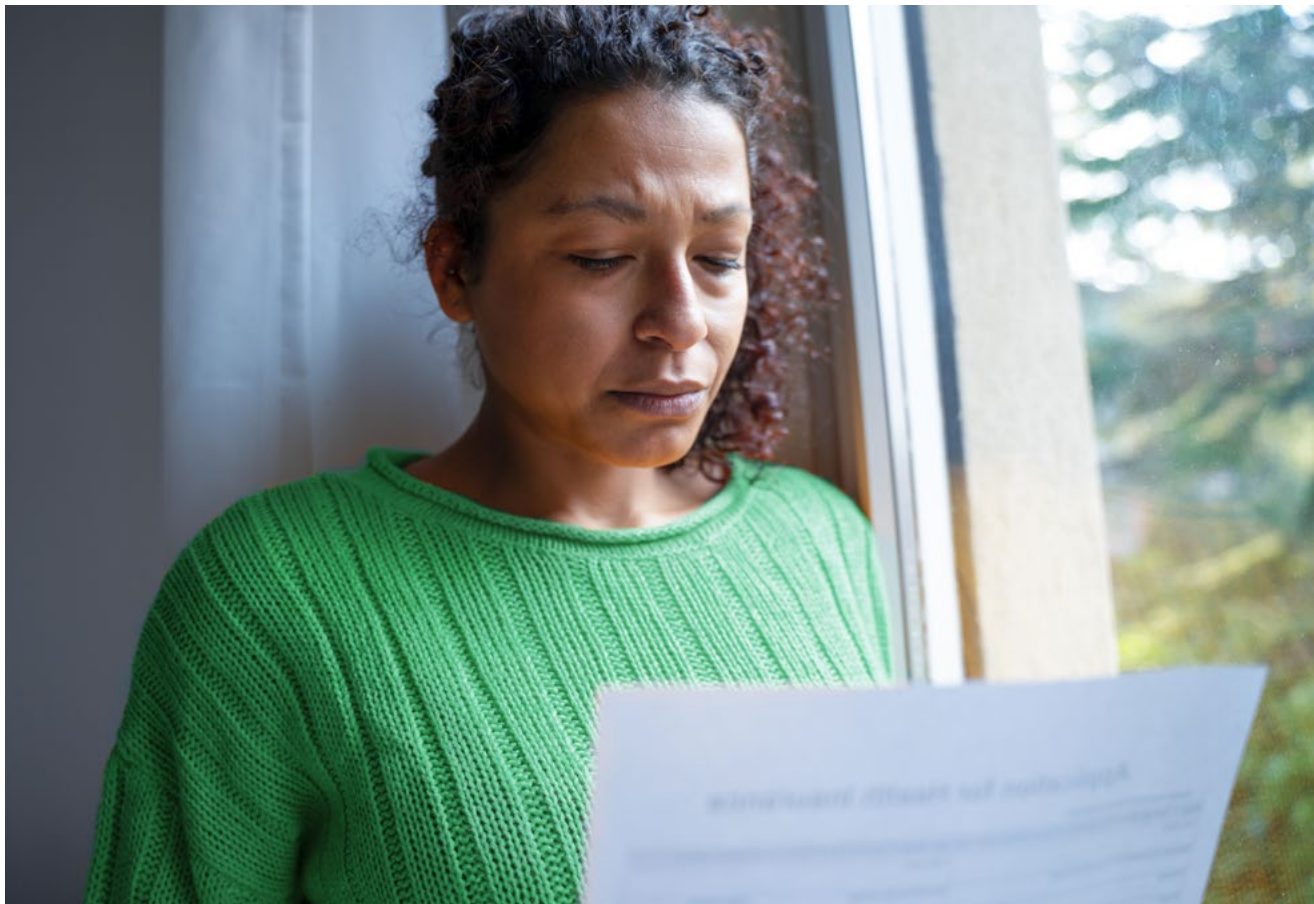
a diversion program, which requires participants to pay fees. Failure to make payments can lead to dismissal from the program. One study of the program identified noticeable racial disparities after tracking diversionary cases between April 2018 and October 2019. Only 24.2 percent of Black participants successfully completed the ARD program; for Latinos, there was a 30 percent success rate. White participants, on the other hand, experienced a success rate of 39.3 percent.<sup>58</sup> These disparities are even starker when it becomes clear that Black participants comprise the vast majority (58 percent) of the ARD participants, despite having the lowest successful completion rates.

A study is currently underway that seeks to better understand the relationship between diversion program fees and success rates in Philadelphia. The potential correlation between racial disparities in diversion outcomes and program fees is so concerning to local officials that the city of Philadelphia is helping to fund new research to measure any correlation.<sup>59</sup> Philadelphia is already working hard to understand and minimize the extent to which fees create inequity in the diversion system. The city's experience demonstrates that the state-mandated diversion fees pose a hindrance to the effective fulfillment of diversion programs, despite their intent. It is unlikely that the failure rates and racial inequalities depicted in Philadelphia are unique; it is likely a statewide problem. Other jurisdictions would benefit from similar reflection and action.

## Conclusion

Diversion is a critical part of the criminal legal system. These programs offer communities a chance to address alleged behavior without subjecting participants to the lasting repercussions of a criminal record. However, when participants are required to pay up, diversion fees become just one more way that charging fees perpetuates injustice, unfairness, and inequity. Diversion program fees disproportionately burden working-class and low-income individuals within the legal system and entrench racial disparities. Even in cases where the fees are intended to be funneled back into the diversion programs themselves, communities lose out when people are denied access on financial grounds. True justice that benefits the community should be equitably funded by state and local governments. No one who is otherwise eligible should be priced out of the opportunity to benefit from diversion.

FFJC is a partner in the [End Justice Fees](#) campaign, the only national campaign dedicated to eliminating all fees in the justice system and discharging fee debt. The coalition is made up of organizations from across the political spectrum united in the belief that no one should be punished, criminalized, or saddled with lifelong debt because they cannot afford to pay a fee. Any advocates, lawmakers, or court system stakeholders looking to learn more about ending diversion fees, or any other fees are encouraged to visit the End Justice Fees [website](#) to learn more, or contact FFJC directly at [info@finesandfeesjusticecenter.org](mailto:info@finesandfeesjusticecenter.org).



Appendix A

# Authorized Diversion Program Fees

This chart outlines the statutory authorities the research teams at FFJC & DLA Piper identified in each state. All statutes are current as of September 2023. Although a variety of diversion programs are contemplated in state statutes, we include here only those in which the statute also authorizes a fee for the program.

STATE	DIVERSION FEE AUTHORIZATION
<p><b>Alabama</b></p>	<p><b>Fee Authorized.</b></p> <p>\$500 “fine” to participate in first-time prostitution diversion.</p> <p>Ala. Code § 13A-6-181</p> <p>State law authorizes some specific counties to charge diversion fees. For example, in Barbour County, an applicant may be assessed a fee to be established by the district attorney when the applicant is approved for the [diversion] program... [which] shall be in addition to any court costs and assessments for victims or drug, alcohol, or anger management treatment required by law, the district attorney, or the court, and are in addition to costs of supervision, treatment, and restitution for which the pretrial diversion admittee may be responsible. This fee shall be up to \$850 for felony allegations; \$500 for misdemeanors; \$300 for traffic offenses; and \$200 for ordinance violations.</p> <p>Ala. Code § 45-3-82.47.</p>
<p><b>Alaska</b></p>	<p><b>Fee Authorized.</b></p> <p>Court Rules acknowledge that costs may be included as part of a minor offense deferred prosecution agreement, but do not set any specific amounts or cap.</p> <p>Alaska Minor Offense Rules, Rule 11</p>
<p><b>Arizona</b></p>	<p><b>Fee Authorized.</b></p> <p>Bad check deferred prosecution program requires a fee ranging from \$75 up to 20% of the amount of each check.</p> <p>Ariz. Rev. Stat. Ann. §§ 13-1810; 13-1809</p>
<p><b>Arkansas</b></p>	<p><b>Fee Authorized.</b></p> <p>Up to \$20 per month fee for delinquency diversion if the court finds the youth or family has ability to pay.</p> <p>Ark. Code Ann. § 9-27-323</p>

**STATE DIVERSION FEE AUTHORIZATION**

<p><b>California</b></p>	<p><b>Fee Authorized.</b></p> <p>For misdemeanor diversion programs, “upon a finding that the defendant is able in whole or in part, to pay the reasonable cost of diversion, the court may order him or her to pay all or part of such expense. The reasonable cost of diversion shall not exceed the amount determined to be the actual average cost of diversion services.”</p> <p>CA Penal §1001.53.</p> <p>For bad check diversion programs, the court may require participants to pay for the cost of a check writing class, subject to an ability to pay determination.</p> <p>CA Penal §1001.65.</p> <p>A “diversion restitution fee” of \$100-\$1000 “shall be ordered regardless of the defendant’s present ability to pay. However, if the court finds that there are compelling and extraordinary reasons, the court may waive imposition of the fee.”</p> <p>CA PENAL § 1001.90</p> <p>Whether the fee is paid will be considered before a court grants the dismissal of any charge following a diversion program.</p> <p>CA PENAL § 1000.3</p>
<p><b>Colorado</b></p>	<p><b>Fee Authorized.</b></p> <p>Diversion agreements may include provisions concerning payment of restitution, court costs, and payment of a supervision fee of \$50.</p> <p>“Defendants with the ability to pay may be required to pay for such programs or services.”</p> <p>Colo. Rev. Stat. §§ 18-1.3-101; 18-1.3-204</p>
<p><b>Connecticut</b></p>	<p><b>Fee authorized for pretrial drug and community service program.</b></p> <ul style="list-style-type: none"> <li>» \$100 application fee</li> <li>» \$150 evaluation fee</li> <li>» \$600 program fee &amp;</li> <li>» an additional \$100 if the court orders participation in a substance abuse treatment program</li> </ul> <p>“No person may be excluded from any such program for inability to pay such fee or cost, and the court shall waive any such fee or cost if such person is found eligible to have such fee or cost waived.”</p> <p>Conn. General § 54-56i</p> <p><b>Fees authorized for “suspension of prosecution for drug or alcohol treatment” program.</b></p> <ul style="list-style-type: none"> <li>» \$25 administration fee</li> <li>» costs of treatment program</li> </ul> <p>Those found to be indigent or represented by a public defender are not required to pay.</p> <p>Conn. General § 17a-696</p>

**STATE** **DIVERSION FEE AUTHORIZATION**

<p><b>District of Columbia</b></p>	<p><b>Fee Authorized.</b></p> <p>The Attorney General must establish by rule a fee for DUI diversion that “will not unreasonably discourage persons from entering the diversion program,” and “may reduce or waive the fee if the Attorney General finds that the person is indigent.”</p> <p>Code of the District of Columbia § 50–2206.53</p>
<p><b>Delaware</b></p>	<p><b>Fees Authorized for First Offender DWI/Reckless Driving Diversion:</b></p> <p>\$250 in “costs of prosecution,” plus any additional costs as established by the appropriate court schedules. “The Attorney General may reduce or waive the fee if the Attorney General finds that the person is indigent.”</p> <p>Del. Code tit. 21 § 4177B</p> <p><b>Fees Authorized for First Offenders Domestic Violence Diversion:</b></p> <p>requires payment of costs of prosecution and other costs.</p> <p>Del. Code tit. 10 § 1024</p> <p><b>Fees Authorized for First Offenders Controlled Substances Diversion:</b></p> <p>requires payment of costs of prosecution and other costs.</p> <p>Del. Code tit. 16 § 4767</p>
<p><b>Florida</b></p>	<p><b>Fee Authorized for Bad Check Diversion Programs.</b></p> <p>\$25-\$40 fee or each alleged bad check in the State Attorney Bad Check Diversion.</p> <p>F.S.A. § 832.08</p> <p><b>Fee Authorized for Prearrest Diversion Programs.</b></p> <p>Local <b>pre-arrest diversion programs</b> may require a fee with the amount to be set by local officials.</p> <p>F.S.A. §§ 901.41; 985.12</p>
<p><b>Georgia</b></p>	<p><b>Fee Authorized.</b></p> <p>A fee up to \$1000 for any locally administered diversion programs; fee may be waived or paid in installments “for good cause.”</p> <p>Ga. Code Ann. § 15-18-80</p>
<p><b>Hawaii</b></p>	<p><b>Fee Authorized.</b></p> <p>The court shall impose a compensation fee of \$30-\$505 and a probation services fee of \$75-\$150 for Deferred Acceptances of Guilt.</p> <p>“The court shall waive [these fees] if it finds that the defendant is unable to pay...”</p> <p>Haw. Rev. Stat. §§ 853-1(b); 351-62.6; &amp; 706-648</p>



**STATE** **DIVERSION FEE AUTHORIZATION**

<p><b>Idaho</b></p>	<p><b>Fee authorized for DUI diversion:</b></p> <ul style="list-style-type: none"> <li>» \$157.50 diversion fee</li> <li>» additional “costs... reasonably related” to operations of the program</li> <li>» \$15 ignition lock fee</li> </ul> <p>“If the participant is indigent, the diversion fee may be waived.”</p> <p>Idaho Code Ann. § 19-3509</p> <p>For juvenile diversion, if community service is ordered, there is a \$0.60 fee for every hour ordered.</p> <p>Idaho Code Ann. § 20-511</p>
<p><b>Illinois</b></p>	<p><b>Fee authorized for Bad Check Diversion program.</b></p> <p>Up to \$25 - \$50 per alleged bad check for participation in State’s Attorney’s bad check diversion program, plus the cost of the diversion program class.</p> <p>720 ILCS 5/17-1b.</p> <p><b>Fee authorized for Offender Initiative Program.</b></p> <p>The court may require defendants to pay fees and costs for the program.</p> <p>730 ILCS 5/5-6-3.3</p>
<p><b>Indiana</b></p>	<p><b>Fee Authorized.</b></p> <p>Initial diversion fee of \$50 for misdemeanors or \$75 for felonies and a monthly fee of \$20 in any diversion program</p> <p>Ind. Code § 33-37-4-1</p> <p>An additional “deferred prosecution fee” of \$120 on all withholding of prosecution agreements.</p> <p>Ind. Code § 33-37-5-17</p> <p>Any “program fees and costs, reasonably related to the defendant’s rehabilitation, if approved by the court.”</p> <p>Ind. Code §33-39-1-8</p>
<p><b>Iowa</b></p>	<p><b>No Fee Authorization Identified in Statute.</b></p>
<p><b>Kansas</b></p>	<p><b>Fee Authorized.</b></p> <p>For diversion programs that require supervision, participants shall pay supervision fees equivalent to that for probation: \$60 for a misdemeanor or \$120 for a felony, plus any “actual cost” of any required urinalysis. Supervision fees may be reduced or waived by the county or district attorney.</p> <p>Kan. Stat. Ann. §§ 22-2907, 21-6607, &amp; 22-2909</p> <p>In counties with a property crime restitution fund, diversion participants may be charged a fee of up to \$100.</p> <p>Kan. Stat. Ann. § 22-2909</p>

**STATE** **DIVERSION FEE AUTHORIZATION**

<p><b>Kentucky</b></p>	<p><b>Fee Authorized.</b></p> <p>Local pretrial diversion programs may charge “a diversion supervision fee of a sufficient amount to defray all or part of the cost of participating in the diversion program.” The fee may be based on an ability to pay and may be waived due to indigency.</p> <p>Ky. Rev. Stat. § 533.250</p>
<p><b>Louisiana</b></p>	<p><b>Fee Authorized.</b></p> <p>For a commercial sexual exploitation diversion (a.k.a. “Buyer Beware”) program, participants may be charged “costs associated with the administration of the program,” at the discretion of the District Attorney.</p> <p>La. Stat. Ann. § 15:243</p> <p>For veterans’ diversion program participants may be charged “costs associated with the administration of the program,” at the discretion of the District Attorney.</p> <p>La. Stat. Ann. § 15:244</p> <p>For Juvenile Informal Adjustments, the court may assess a fee to a participant participating in teen court, to offset costs of such a diversion program.</p> <p>La. Ch.C. Art. 839</p>
<p><b>Maine</b></p>	<p><b>Fee Authorized.</b></p> <p>Private companies running “worthless check diversion” programs may charge fees for their programs.</p> <p>Maine Rev. Stat. 32 § 11013-A</p>
<p><b>Maryland</b></p>	<p><b>No Fee Authorization Identified in Statute.</b></p>
<p><b>Massachusetts</b></p>	<p><b>No Fee Authorization Identified in Statute.</b></p>
<p><b>Michigan</b></p>	<p><b>Fee Authorized.</b></p> <p>\$30 monthly supervision fee, for drug diversion programs.</p> <p>Mich. Comp. Laws Ann. §§ 333.7411 &amp; 771.3c</p>
<p><b>Minnesota</b></p>	<p><b>Fee Authorized.</b></p> <p>A \$75 surcharge charged to any person entering any diversion program.</p> <p>Minn. Stat. Ann. § 357.021</p> <p>As part of the state’s “License Reinstatement Diversion Program” participants must also pay a reinstatement fee of \$20 (for driving while suspended) or \$680 (for driving on a revoked license) as a condition of the program.</p> <p>Minn. Stat. Ann. § 171.2405</p>
<p><b>Mississippi</b></p>	<p><b>Fee authorized.</b></p> <p>In a Pretrial Intervention Program, the district attorney shall determine what expenses a participant shall pay for the program.</p> <p>Miss. Code. Ann. § 99-15-121</p>

**STATE** **DIVERSION FEE AUTHORIZATION**

<p><b>Missouri</b></p>	<p><b>Fee Authorized.</b></p> <p>“The prosecuting attorney has the sole authority to develop diversionary program requirements” and charges may not be dismissed until the person pays “any associated costs.”</p> <p>Mo. Ann. Stat. § 557.014</p>
<p><b>Montana</b></p>	<p><b>Fee Authorization Unclear.</b></p> <p>Pretrial Diversion programs may require participants to adhere to “any other reasonable conditions,” which may or may not be read to include fees.</p> <p>Mont. Code Ann. § 46-16-130</p>
<p><b>Nebraska</b></p>	<p><b>Fee Authorized.</b></p> <p>“A reasonable fee” is required for participation in the Driver Safety Diversion Program to “to defray the cost of the presentation of the program.”</p> <p>Neb. Rev. Stat. Ann. § 29-3606</p>
<p><b>Nevada</b></p>	<p><b>Fee Authorized.</b></p> <p>Participants “shall pay the cost of any program of treatment required by [a diversion program] to the extent of his or her financial resources. The court shall not refuse to place a defendant in a program of treatment if the defendant does not have the financial resources to pay any or all of the costs of such program.”</p> <p>Nev. Rev. Stat. Ann. §174.032</p>
<p><b>New Hampshire</b></p>	<p><b>No Fee Authorization Identified in Statute.</b></p>
<p><b>New Jersey</b></p>	<p><b>Fee Authorized.</b></p> <p>\$75 application fee for a conditional dismissal program.</p> <ul style="list-style-type: none"> <li>» Additionally, a “municipal court judge may impose an assessment, based on the nature of the offense and the character of the defendant, that shall not exceed the amount of a fine that would have been imposed for conviction of the offense charged.”</li> <li>» “A defendant may apply for a waiver of the fee, by reason of poverty” or “pay the conditional dismissal fee and other assessments in installments.”</li> </ul> <p>N.J. Rev. Stat. Ann. §§ 2C:36A-1 &amp; 2C:43-13.1</p>
<p><b>New Mexico</b></p>	<p><b>Fee Authorization Unclear.</b></p> <p>While no fee is specifically authorized, participation in pre-prosecution diversion programs are subject to “any additional criteria set by the district attorney,” which could be interpreted to include fees.</p> <p>N.M. Stat. Ann. § 31-16A-4</p>
<p><b>New York</b></p>	<p><b>No Fee Authorization Identified in Statute.</b></p>

**STATE** **DIVERSION FEE AUTHORIZATION**

<p><b>North Carolina</b></p>	<p><b>Fee Authorized.</b></p> <p>Deferred Prosecution may include supervision by the probation department and participants are required to pay all court costs and counsel-related fees, unless the court finds there are extenuating circumstances.</p> <p>N.C. Gen. Stat. § 15A-1341</p> <p>\$40 for probation supervision as part of a deferred prosecution. If electronic monitoring is required, the person shall pay a \$90 fee for the device, plus a daily monitoring fee “that reflects the actual cost of providing the electronic monitoring”.</p> <p>N.C. Gen. Stat. § 15A-1343(c1-c2)</p>
<p><b>North Dakota</b></p>	<p><b>Fee Authorized.</b></p> <p>Diversion conditions may include “that the defendant pay to the court fees or costs allowed by law;” and “others additional amounts” as outlined in the diversion agreement.</p> <p>N.D. R. Crim. Pro., Rule 32.2(D)&amp;(E).</p>
<p><b>Ohio</b></p>	<p><b>Fee Authorized.</b></p> <p>The prosecutor may require the accused in a diversion program to pay “a reasonable fee for supervision services that include, but are not limited to, monitoring and drug testing.”</p> <p>Ohio Revised Code § 2935.36.</p>
<p><b>Oklahoma</b></p>	<p><b>Fees Authorized.</b></p> <p><b>Uninsured Vehicle Diversion Program</b></p> <p>\$20 fee to the District Attorney, plus all costs “which would have been assessed as court costs upon the filing of the case in district court” pursuant to 28 Okla. St. Ann. § 153, as if the case had been prosecuted, i.e., \$98.</p> <p>47 Okl. St. Ann. § 7-606.2</p> <p><b>Deferred Prosecution Program</b></p> <p>The cost of any community supervision, treatment, or victim compensation may be required. The supervision fee may be waived in whole or in part when the accused is indigent. No person who is otherwise qualified for a deferred prosecution program shall be denied services or supervision based solely on the person’s inability to pay a fee or fees.</p> <p>22 Okl. St. Ann. § 22-305.2(E)-(G)</p> <p><b>Drug Possession Diversion Program</b></p> <p>The defendant shall pay “a fee equal to the amount which would have been assessed as court costs” upon filing of the case in district court but redirects these funds to the DA’s Office “to defray any lawful expense of the office of the district attorney.” An additional \$40 supervision fee may be charged every month that community supervision is required.</p> <p>63 Okl. St. Ann. § 2-902 &amp; 22 Okl. St. Ann. § 991d.</p>

STATE	DIVERSION FEE AUTHORIZATION
<p><b>Oregon</b></p>	<p><b>Fee Authorized.</b></p> <p>For general diversion, there is a \$100 program fee. Diversion agreements may also include a requirement to pay “costs,” such as counsel fees. The court may waive all or part of the fee in cases involving indigent defendants, or may provide for payment of the fee on an installment basis.</p> <p>Or. Rev. Stat. § 135.891</p> <p>For DUI Diversion, there is a \$490 filing fee; a \$150 screening fee; and the cost of any publicly appointed defense counsel.</p> <p>Or. Rev. Stat. § 813.210 &amp; O.R.S. § 813.240</p>
<p><b>Pennsylvania</b></p>	<p><b>Fees Authorized.</b></p> <p>For summary cases (non-traffic citations), local rules shall establish “costs and administrative expenses taxable” to the individual.</p> <p>Pa. St. RCRP R. 300(D)(2)</p> <p>For cases in the general court, the diversion agreement “may include the imposition of costs [and] the imposition of a reasonable charge relating to the expense of administering the program...”</p> <p>Pa. St. RCRP R. 316(A)</p> <p>For juvenile offenses, “informal adjustment may include payment by the child of reasonable amounts of money as costs, fees or restitution, including a supervision fee ...”</p> <p>42 Pa.C.S.A. § 6323</p> <p>In juvenile cases, “a consent decree may include payment by the child of reasonable amounts of money as costs, fees or restitution, including a supervision fee.”</p> <p>42 Pa.C.S.A. § 6340</p>
<p><b>Rhode Island</b></p>	<p><b>No Fee Authorization Identified in Statute.</b></p>
<p><b>South Carolina</b></p>	<p><b>Fees Authorized.</b></p> <ul style="list-style-type: none"> <li>» \$100 application fee</li> <li>» \$250 program fee prior to admission to the program</li> <li>» Fees associated with referrals to outside programs.</li> </ul> <p>The fee for participation in a diversion program shall be paid before admission but no services may be denied due to inability to pay.</p> <p>S.C. Code Ann. § 17-22-110</p>
<p><b>South Dakota</b></p>	<p><b>No Fee Authorization Identified in Statute.</b></p>

**STATE** **DIVERSION FEE AUTHORIZATION**

<p><b>Tennessee</b></p>	<p><b>Fees Authorized.</b></p> <p>\$10 - \$35 per month for the costs of the defendant’s supervision, which shall be based upon the defendant’s ability to pay.</p> <p>Tenn. Code Ann. § 40-15-105</p> <p>\$100 fee for certification by the Tennessee Bureau of Investigations that determine no expunged records exist for the participant that would make them ineligible for diversion.</p> <p>Tenn. Code. Ann. § 38-6-118</p>
<p><b>Texas</b></p>	<p><b>Fee Authorized.</b></p> <p>In criminal diversion, a supervision fee of not more than \$60 per month, plus “any other expense that is ... incurred as a result of the defendant’s participation in the pretrial intervention program [or] necessary to the defendant’s successful completion of the program.”</p> <p>Tex. Code Crim. Proc. art. § 102.012</p> <p>“The clerk of a justice or municipal court may collect from a child’s parent a \$50 administrative fee to defray the costs of the diversion...” but the “court shall waive the fee if the child’s parent is indigent or does not have sufficient resources or income to pay the fee.”</p> <p>Tex. Code Crim. Proc. art. § 45.312 (effective Jan. 1, 2024)</p>
<p><b>Utah</b></p>	<p><b>Fee Authorized.</b></p> <p>Individual diversion agreements may require a fee not to exceed the maximum fine for the offense. The Court may lower or waive the diversion fee based on the defendant’s ability to pay.</p> <p>Utah Code Ann. § 77-2-5</p>
<p><b>Vermont</b></p>	<p><b>Fees Authorized.</b></p> <p>Diversion fee shall not exceed \$300 for adults and \$150 for youth in juvenile diversion, based on “financial capabilities.” Yet, the fee shall be a “debt” owed by the participant, and “payment of such shall be required for successful completion of the program.”</p> <p>Vt. Stat. Ann. tit. 3 § 163 &amp; 164</p>
<p><b>Virginia</b></p>	<p><b>Fees Authorized.</b></p> <p>First offense drug diversion requires the person “to pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon the accused’s ability to pay unless the person is determined by the court to be indigent.”</p> <p>Va. Code Ann. § 18.2-251</p> <p>“A juvenile referred to a youth justice diversion program may be required to contribute to the cost of the program...”</p> <p>Va. Code Ann. § 16.1-309.11</p>

**STATE** **DIVERSION FEE AUTHORIZATION**

<p><b>Washington</b></p>	<p><b>Fees Authorized.</b></p> <p>\$50 for any person entering into a statutory or non-statutory diversion agreement.</p> <p>Wash. Rev. Code § 9A.88.120</p> <p>As a condition of a deferred prosecution, the court may order the defendant to pay costs that may not exceed \$250.</p> <p>Wash. Rev. Code §§ 10.01.160; 10.05.140</p> <p>When counseling or education programs are mandated as part of a juvenile diversion agreement, “the state shall not be liable for costs.”</p> <p>Wash. Rev. Code § 13.40.080</p>
<p><b>West Virginia</b></p>	<p><b>Fee Authorized.</b></p> <p>Pretrial diversion may require a supervision fee of not to exceed \$20 per month, but the court is required to conduct a hearing to determine on the record whether the offender is able to pay the fee without undue hardship.</p> <p>W. Va. Code, §§ 61-11-22 &amp; 62-12-9</p>
<p><b>Wisconsin</b></p>	<p><b>Fee Authorized.</b></p> <p>If a juvenile consent decree requires drug or alcohol testing or treatment, the parents must pay those costs.</p> <p>Wis. Stat. Ann. 938.32</p>
<p><b>Wyoming</b></p>	<p><b>Fee Authorized.</b></p> <p>A person who enters into any diversion agreement must be charged a fee of \$100 - \$400, depending on the offense alleged.</p> <p>Wyo. Stat. Ann. § 1-40-119</p>

## Appendix B

# Local Diversion Program Fees and Associated Cost

Using publicly available information on county, court, or agency websites outlining their diversion programs, we examined 79 programs across 21 states to better understand how diversion programs were operating at the local level. As part of this review, we identified the following: the agency that administers the program, the type of diversion program, the costs associated with each program, and whether the agency's website includes information regarding a participant's ability to pay. We found programs administered by prosecutor's offices, courts, law enforcement, correctional departments, and state agencies. The type of programs vary from general diversion—where multiple offenses, either misdemeanor, felony offenses, or both qualify for diversion—to offense-specific diversion, such as those for driving under the influence offense, domestic violence, or a traffic offense, which may include driving with a suspended license. Across the country, diversion program participants are charged a mix of program fees, supervision fees, court-appointed attorney fees, court fees, treatment program fees, course fees, and other related costs.

In the chart that follows, we outline our findings regarding these local programs as of December 2023.<sup>60</sup> Some of the programs we examined are transparent about all the costs participants must pay on their public-facing materials. In contrast, others allude to fees without providing the amount such fees may be. We also highlight programs that clearly admit program fees are required prior to starting the program and those that state fees were not negotiable. In the cases where the program website did not reference reductions, sliding scales, or waiver of fees for indigent participants, we indicated the ability to pay consideration as not mentioned.

As is evident from this appendix, many local programs charge more than their state statutes authorize, as outlined in Appendix A.

## Florida

The state's code authorizes local officials to impose pretrial diversion fees on participants, without setting parameters on fee amounts.

Select examples of local diversion programs and their fee structures:

### 1. Administrator: Miami-Dade County State Attorney's Office

**Program Name:** Pre-trial Diversion Program

**Type of Program:** General Diversion & Traffic Offenses

**Associated Costs:** Program Fees: \$135 for Traffic Charges, \$225 for Misdemeanor Charges.

**Ability to Pay Consideration:** None mentioned

### 2. Administrator: Florida Department of Corrections.

**Program Name:** Felony Pre-Trial Intervention (PTI) program

**Type of Program:** Felony Diversion

**Associated Costs:** \$250 prosecution costs, \$50 monthly supervision, \$50 public defender application fee, and treatment/class fees.

**Ability to Pay Consideration:** Supervision fees may be waived in accordance with Florida Statutes.

### 3. Administrator: Broward County State Attorney Office

**Program Name:** Misdemeanor Diversion Program

**Type of Program:** Misdemeanor Diversion

**Associated Costs:** \$150 cost of prosecution fee.

**Ability to Pay Consideration:** None mentioned.

### 4. Administrator: Orange County Community Corrections Division

**Program Name:** Orange County Misdemeanor/DUI Pretrial Diversion Program

**Type of Program:** General Diversion

**Associated Costs:** \$50 State Attorney fee, \$50 monthly supervision, \$20 intake fee, \$17 drug test fee, and \$6-\$7 monthly telephone reporting fee.

**Ability to Pay Consideration:** None mentioned.



## Georgia

The state's code authorizes prosecuting attorneys to impose up to \$1,000 for diversion programs on participants.

Select examples of local diversion programs and their fee structures:

### 5. Administrator: Gwinnett County District Attorney/ Professional Probation Services

**Program Name:** [Pre-Trial Intervention and Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** \$350-\$1000 based on supervision level.

**Ability to Pay Consideration:** Fee may be reviewed for severe indigence.

### 6. Administrator: DeKalb County District Attorney

**Program Name:** [Pre-Trial Diversion](#)

**Type of Program:** General Diversion

**Associated Costs:** The cost for the following were unspecified: a one-time administration fee, a monthly probation fee, and weekly fees for required courses.

**Ability to Pay Consideration:** None mentioned.

### 7. Administrator: Cobb County District Attorney's Office

**Program Name:** [Pretrial Diversion](#)

**Type of Program:** General Diversion

**Associated Costs:** \$200 administrative fee, appointed attorney fees, and drug screening fees. All costs must be paid up-front except drug screening fees.

**Ability to Pay Consideration:** None mentioned.

### 8. Administrator: Clayton County District Attorney's Office

**Program Name:** [Pre-trial Intervention & Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** \$505 participation fee, \$25 per mandatory drug screening. All costs must be paid up-front except for drug screening fees.

**Ability to Pay Consideration:** None mentioned.

### 9. Administrator: Office of the District Attorney Coweta Judicial Circuit

**Program Name:** [Coweta Judicial Circuit Pre-Trial Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** \$1,000 program administrative fee and associated costs such as drug screening fees, counseling, etc.

**Ability to Pay Consideration:** None mentioned.

## Idaho

The state's code authorizes DUI diversion programs to impose a \$157.50 diversion fees plus related costs on participants.

Select example of a local diversion program and its fee structures:

### 10. Administrator: Ada County Juvenile Court Services

**Program Name:** [Ada County Diversion Program](#)

**Type of Program:** Juvenile Diversion

**Associated Costs:** \$100 program fee.

**Ability to Pay Consideration:** No one is denied based on inability to pay, and a financial form is available for a reduced fee.

## Illinois

The state's code authorizes courts to impose fees and costs on participants for a diversion program, without setting parameters on fee amounts.

Select examples of local diversion programs and their fee structures:

### 11. Administrator: Kane County State's Attorney Office

**Program Name:** [Deferred Prosecution Program](#)

**Type of Program:** General Diversion

**Associated Costs:** \$50 application fee and an unspecified program fee.

**Ability to Pay Consideration:** None mentioned.

**12. Administrator: Kane County State's Attorney Office****Program Name:** [Deferred Prosecution Program](#)**Type of Program:** Misdemeanor Drug & Alcohol Diversion**Associated Costs:** \$50 application fee and an unspecified program fee.**Ability to Pay Consideration:** None mentioned.**13. Administrator: Kane County State's Attorney Office****Program Name:** [Deferred Prosecution Program](#)**Type of Program:** Domestic Violence Diversion**Associated Costs:** \$795 program fee and \$25 application fee.**Ability to Pay Consideration:** None mentioned.**14. Administrator: Kane County State's Attorney Office****Program Name:** [Deferred Prosecution Program](#)**Type of Program:** Felony Drug Possession Diversion**Associated Costs:** \$2,100 program fee.**Ability to Pay Consideration:** None mentioned.**15. Administrator: Kane County State's Attorney Office****Program Name:** [Deferred Prosecution Program](#)**Type of Program:** Solicitation/Prostitution Diversion**Associated Costs:** \$425 program fee for solicitors and \$25 DTA fee for prostitutes.**Ability to Pay Consideration:** None mentioned.**16. Administrator: Dupage County State's Attorney Office****Program Name:** [Pre-Trial Diversion Program](#)**Type of Program:** General Diversion**Associated Costs:** \$50 application fee.**Ability to Pay Consideration:** None mentioned.**17. Administrator: McHenry County State's Attorney Office****Program Name:** [Deferred Prosecution Program](#)**Type of Program:** General Diversion**Associated Costs:** \$750 program fee for felony cases and \$500 program fee for misdemeanor cases, public defender clients receive a \$250 reduction on program fees.**Ability to Pay Consideration:** The state attorney may reduce fees if the defendant shows indigence.**18. Administrator: Winnebago County State's Attorney's Office****Program Name:** [Deferred Prosecution Program](#)**Type of Program:** General Diversion**Associated Costs:** Program fees are mentioned, but the amount is not specified.**Ability to Pay Consideration:** None mentioned.

## Indiana

The state's code authorizes diversion programs to impose fees and costs on participants that are "reasonably related" to the person's rehabilitation.

Select examples of local diversion programs and their fee structures:

**19. Administrator: Delaware County Prosecutor's Office****Program Name:** [Pre-Trial Diversion Program](#)**Type of Program:** Misdemeanor Diversion**Associated Costs:** Program fees for type A misdemeanor: \$290, type B misdemeanor: \$170, type C misdemeanor: \$90, driving without a license: \$170, in addition to associated costs like \$164.50 for deferred court costs, \$50 for community service, and \$100 for a "Prime for Life" course.**Ability to Pay Consideration:** None mentioned.**20. Administrator: Hamilton County Prosecutor's Office****Program Name:** [Pretrial Diversion Program](#)**Type of Program:** General Diversion**Associated Costs:** Fees are mentioned, but the amount is not specified.**Ability to Pay Consideration:** Request for waiver of Diversion Fees Form online.**21. Administrator: Allen County Prosecutor's Office****Program Name:** [Pretrial Diversion Program](#)**Type of Program:** General Diversion**Associated Costs:** \$334 for the program fee, with \$234 due at sign-up. There may be additional associated costs for counseling and community service.**Ability to Pay Consideration:** None mentioned.

## 22. Administrator: St. Joseph County Prosecutor Office

**Program Name:** [Pre-Trial Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** \$170 user fee (\$60 due at signing) and \$164 in court costs

**Ability to Pay Consideration:** None mentioned.

## 23. Administrator: Sullivan County Prosecutor's Office

**Program Name:** [Pretrial Diversion](#)

**Type of Program:** General Diversion

**Associated Costs:** \$334 to \$479 program fee in addition to possible cost for community service, evaluation for substance abuse or anger control issues, and random drug screening.

**Ability to Pay Consideration:** None mentioned.

## 24. Administrator: Madison County Prosecutor's Office

**Program Name:** [Pretrial Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** Fees are mentioned, but the amount is not specified.

**Ability to Pay Consideration:** Request for Waiver of Diversion Fees Form online.

## 25. Administrator: Jefferson County Prosecutor's Office

**Program Name:** [Pretrial Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** Unspecified diversion program fees in addition to \$2 per hour for community service fees, \$5 for drug screen fees, and unspecified treatment fees.

**Ability to Pay Consideration:** The program "will work with you in payment of your fees."

## 26. Administrator: Monroe County Prosecutor's Office

**Program Name:** [Pretrial Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** Fees are mentioned, but the amount is not specified.

**Ability to Pay Consideration:** A fee waiver application is available upon request.

## Kansas

The state's code authorizes the imposition of a \$60 supervision fee for participants charged with a misdemeanor offense and a \$120 supervision fee for a felony offense, plus the cost for a urinalysis on participants.

Select examples of local diversion programs and their fee structures:

### 27. Administrator: Office of the Linn County Attorney Office

**Program Name:** [Adult Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** For a misdemeanor Offense: \$30 application fee, \$200 program fee, \$158 for non DUI court cost or \$108 BUI/DUI fee. For a felony Offense, \$50 application fee, \$350 program fee, and \$193 for court costs. Additional associated costs may include fingerprinting fees, urinalysis testing, lab fees, witness fees, extradition costs, court-appointed attorney's fees, and statutory fines.

**Ability to Pay Consideration:** None mentioned.

### 28. Administrator: Butler County Attorney's Office

**Program Name:** [Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** \$75 to \$250 program fee by offense type, \$108 to \$158 court cost by offense type, and \$50 to \$75 online course fee by offense type in addition to \$250 court-appointed attorney fee and \$400 lab fee if applicable.

**Ability to Pay Consideration:** N/A

### 29. Administrator: Johnson County District Attorney's Office

**Program Name:** [Adult Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** \$30 application fee for a misdemeanor offense or \$50 for a felony offense, \$100 program fee for a misdemeanor or \$150 for a felony, \$159.50 court costs for a misdemeanor offense, \$194.50 for a felony offense or \$909.580 for DUI offense. Additional associated costs may include fingerprinting fees, pre-trial supervision fees, urinalysis testing, lab fees, witness fees, extradition costs, and court-appointed attorney's fees.

**Ability to Pay Consideration:** None mentioned.

### 30. Administrator: Johnson County District Attorney's Office

**Program Name:** [Juvenile Diversion](#)

**Type of Program:** Juvenile Diversion

**Associated Costs:** \$50 program fee for a misdemeanor offense or \$100 for a felony offense.

**Ability to Pay Consideration:** None mentioned.

### 31. Administrator: Office of the District Attorney Third Judicial District of Kansas (Shawnee County)

**Program Name:** [Diversion Program—Criminal](#)

**Type of Program:** General Diversion

**Associated Costs:** For a misdemeanor offense: \$100 application fee, and \$150 filing fee. For a felony offense: \$100 application fee, and \$250 filing fee. For narcotics offenses: \$50 application fee, and \$50 filing fee.

**Ability to Pay Consideration:** None mentioned.

### 32. Administrator: Office of the District Attorney Third Judicial District of Kansas (Shawnee County)

**Program Name:** [Diversion Program—Traffic](#)

**Type of Program:** Traffic Offenses

**Associated Costs:** \$50 application fee, and \$50 filing fee, and \$10 Shawnee County crime stopper fee.

**Ability to Pay Consideration:** None mentioned.

### 33. Administrator: Office of the District Attorney Third Judicial District of Kansas (Shawnee County)

**Program Name:** [Diversion Program—DUI](#)

**Type of Program:** DUI Diversion

**Associated Costs:** \$100 application fee, \$200 filing fee, and \$10 Shawnee County crime and stopper fee.

**Ability to Pay Consideration:** None mentioned.

### 34. Administrator: Office of the Wyandotte County District Attorney

**Program Name:** [Diversion for Criminal Charges](#)

**Type of Program:** General Diversion

**Associated Costs:** For misdemeanor offenses: \$90 application fee, \$200 supervision fees, and \$158 for court costs. For felony offenses: \$100 application fee, \$300 supervision fee, and \$193 for court costs. Additional associated costs may include fingerprinting fees, urinalysis testing, lab fees, witness fees, extradition costs, and court-appointed attorney's fees. Fees must be paid at the execution of the diversion agreement.

**Ability to Pay Consideration:** Fees are not negotiable and will not be waived.

### 35. Administrator: Office of the Wyandotte County District Attorney

**Program Name:** [Traffic Diversion](#)

**Type of Program:** Traffic Offenses

**Associated Costs:** \$50 application fee and a program fee 200 percent the amount of the entire ticket. Additional associated costs may include fingerprinting fees, urinalysis testing, lab fees, witness fees, extradition costs, and court-appointed attorney's fees. Fees must be paid at the execution of the diversion agreement.

**Ability to Pay Consideration:** Fees are not negotiable and will not be waived.

### 36. Administrator: Office of the Wyandotte County District Attorney

**Program Name:** [Diversion for First Time DUI Charges](#)

**Type of Program:** DUI Diversion

**Associated Costs:** \$125 application fee, \$250 supervision fee, \$108 court costs, \$150 for alcohol and drug evaluation, \$750 fine and an unspecified costs for an alcohol and drug program. Additional associated costs may include fingerprinting, bond supervision, urinalysis testing, lab fees, witness fees, transportation costs, and court-appointed attorney's fees.

**Ability to Pay Consideration:** Fees are not negotiable and will not be waived.

### 37. Administrator: Office of The Wyandotte County District Attorney

**Program Name:** [Diversion of Criminal Drug Charges](#)

**Type of Program:** Criminal Drug Offenses

**Associated Costs:** \$130 application fee, \$158 court costs for misdemeanor charges, \$193 for felony charges and associated costs such as fingerprinting, bond supervision, urinalysis testing, lab fees, witness fees, transportation costs, court-appointed attorney's fees.

**Ability to Pay Consideration:** Fees are not negotiable and will not be waived.

### 38. Administrator: Lawrence City Prosecutor's Office

**Program Name:** [Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** Program fee, administrative fee, and court costs amount not specified.

**Ability to Pay Consideration:** None mentioned.

### 39. Administrator: Office of the Leavenworth County Attorney

**Program Name:** [Criminal Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** Program fee and court costs alluded to but amount not specified.

**Ability to Pay Consideration:** None mentioned.

## Maine

The state's code authorizes the imposition of fees for worthless check diversion on participants.

Select examples of local diversion programs and their fee structures:

### 40. Administrator: The Cumberland County District Attorney's Office

**Program Name:** [The Diversion and Rehabilitation Program](#)

**Type of Program:** General Diversion

**Associated Costs:** Supervision fee alluded to but amount not specified.

**Ability to Pay Consideration:** None mentioned.

## Maryland

The state's code does not give explicit authorization for the imposition of diversion program fees on participants.

Select examples of local diversion programs and their fee structures:

### 41. Administrator: The Montgomery County Department Of Correction And Rehabilitation

**Program Name:** [Alternative Community Services Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** Program fee alluded to but amount not specified.

**Ability to Pay Consideration:** Fee may be reduced or waived depending upon participants' income.

## Michigan

The state's code authorizes drug diversion programs to impose a \$30 monthly supervision fee on participants.

Select example of a local diversion program and its fee structures:

### 42. Administrator: Eaton County Prosecuting Attorney's Office

**Program Name:** [Retail Fraud Diversion Program](#)

**Type of Program:** Shoplifting Diversion

**Associated Costs:** An unspecified program fee plus a civil penalty fee not to exceed \$200 and the costs of any unrecovered items.

**Ability to Pay Consideration:** None mentioned.

## Minnesota

The state's code authorizes the courts to impose a \$75 surcharge on any diversion program, plus additional fees for driving with a suspended or revoked license on participants.

Select examples of local diversion programs and their fee structures:

### 43. Administrator: Stearns County Attorney's Office

**Program Name:** Adult Diversion Program

**Type of Program:** General Diversion

**Associated Costs:** \$180 administrative fee and any other additional fees related to their individualized needs and program.

**Ability to Pay Consideration:** None mentioned.

### 44. Administrator: The Winona County Attorney's Office

**Program Name:** Misdemeanor Diversion Program

**Type of Program:** General Diversion

**Associated Costs:** \$150 program fee

**Ability to Pay Consideration:** None mentioned.

### 45. Administrator: The Clay County Attorney's Office

**Program Name:** Pretrial Juvenile Diversion Program

**Type of Program:** Juvenile Diversion

**Associated Costs:** \$75 for a Chemical Diversion Class and \$25 for a juvenile offender diversion class.

**Ability to Pay Consideration:** None mentioned.

### 46. Administrator: Steele County Community Corrections

**Program Name:** Steele County Adult Diversion Program

**Type of Program:** Property and Theft Diversion

**Associated Costs:** \$200 program/screening fees.

**Ability to Pay Consideration:** None mentioned.

## Nebraska

The state's code authorizes the Driver Safety Diversion Program to impose a reasonable fee on participants.

Select example of a local diversion program and its fee structures:

### 47. Administrator: Platte County Adult Diversion Office

**Program Name:** The Platte County Adult Diversion Program

**Type of Program:** General and Traffic Diversion

**Associated Costs:** \$40 intake for and \$60 program fees for Level I offenses and \$40 intake fee and \$120 program fee for level II offenses.

**Ability to Pay Consideration:** "No eligible adult will be denied service based on their inability to pay."

## New Hampshire

The state's code does not give explicit authorization for the imposition of diversion program fees on participants.

Select examples of a local diversion program and their fee structures:

### 48. Administrator: Merrimack County Diversion Center

**Program Name:** Merrimack County Diversion Program

**Type of Program:** General Diversion

**Associated Costs:** \$200 program fee for violations, \$450 program fee for misdemeanors and \$600 program fee for felonies. Additional associated costs may include fees for life skill classes, \$30 Prime for Life education, substance treatment, \$41 shoplifters course and LADC screening/assessment.

**Ability to Pay Consideration:** None mentioned.

**Compliance With State Statute:** The state does not give explicit authorization for diversion program fees.

## New Mexico

The state's code does not give explicit authorization for the imposition of diversion program fees on participants, but participants are subject to any additional criteria set by the district attorney.

Select examples of a local diversion program and their fee structures:

### 49. Administrator: First Judicial District Attorney Office

**Program Name:** [Pre-Prosecution Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** A monthly \$85 Pre Prosecution Diversion Program fee.

**Ability to Pay Consideration:** Monthly program fee is based upon a sliding fee scale, and fees will not be waived and may change if the defendant's financial circumstances Change.

## New York

The state's code does not give explicit authorization for the imposition of diversion program fees on participants.

Select examples of local diversion programs and their fee structures:

### 50. Administrator: The Livingston County District Attorney's Office

**Program Name:** [Traffic Diversion Program](#)

**Type of Program:** Traffic Diversion

**Associated Costs:** \$150 application fee.

**Ability to Pay Consideration:** None mentioned.

### 51. Administrator: The Chenango County District Attorney's Office

**Program Name:** [Traffic Diversion Program](#)

**Type of Program:** Traffic Diversion

**Associated Costs:** \$200 or \$300 application fee.

**Ability to Pay Consideration:** None mentioned.

### 52. Administrator: Wyoming County District Attorney's Office

**Program Name:** [Traffic Diversion Program](#)

**Type of Program:** Traffic Diversion

**Associated Costs:** \$200 application fee for V&T program and \$350 or \$450 application fee for the AUO/Uninsured program.

**Ability to Pay Consideration:** None mentioned.

### 53. Administrator: Otsego County District Attorney's Office

**Program Name:** [Traffic Diversion Program](#)

**Type of Program:** Traffic Diversion

**Associated Costs:** \$200 application fee and traffic safety course fee.

**Ability to Pay Consideration:** None mentioned.

### 54. Administrator: Otsego County District Attorney's Office

**Program Name:** [Petit Larceny Diversion Program](#)

**Type of Program:** Petit Larceny Diversion

**Associated Costs:** \$155 course fee

**Ability to Pay Consideration:** None mentioned.

### 55. Administrator: Otsego County District Attorney's Office

**Program Name:** [Criminal Possession of a Controlled Substance in the 7th Degree Diversion Program](#)

**Type of Program:** Drug Diversion

**Associated Costs:** \$155 course fee

**Ability to Pay Consideration:** None mentioned.

### 56. Administrator: Otsego County District Attorney's Office

**Program Name:** [Aggravated Unlicensed Operation Diversion Program](#)

**Type of Program:** Traffic Diversion

**Associated Costs:** \$155 course fee

**Ability to Pay Consideration:** None mentioned.

## Ohio

The state's code authorizes prosecuting attorneys to impose a reasonable fee for supervision services on participants.

Select examples of local diversion programs and their fee structures:

### 57. Administrator: Butler County Prosecuting Attorney's Office

**Program Name:** [Misdemeanor Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** \$150 application fee.

**Ability to Pay Consideration:** None mentioned.

### 58. Administrator: Columbus City Attorney Office

**Program Name:** [Traffic Diversion Program](#)

**Type of Program:** Traffic Diversion

**Associated Costs:** The cost of the program and the underlying traffic case, but the amount is not specified.

**Ability to Pay Consideration:** No, a requirement of the program is the ability to pay court Costs.

### 59. Administrator: Safety Serve- Authorized by The Marysville Municipal Court

**Program Name:** [Traffic Safety Diversion Program](#)

**Type of Program:** Traffic Diversion

**Associated Costs:** \$24.95 Course fee

**Ability to Pay Consideration:** None mentioned.

### 60. Administrator: Belmont County Juvenile Court

**Program Name:** [Juvenile Court Diversion Program](#)

**Type of Program:** Juvenile Diversion

**Associated Costs:** \$75 program fee to be paid at the initial meeting.

**Ability to Pay Consideration:** None mentioned.

### 61. Administrator: The Wayne County Prosecutor's Office

**Program Name:** [Misdemeanor Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** \$150 supervision fee to be paid at the time of application.

**Ability to Pay Consideration:** None mentioned.

### 62. Administrator: Painesville Municipal Court

**Program Name:** [Pre-Trial Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** \$250 supervision fee to be paid before the diversion hearing and court costs.

**Ability to Pay Consideration:** None mentioned.

### 63. Administrator: Bowling Green Municipal Court

**Program Name:** [Underage Alcohol Diversion Program](#)

**Type of Program:** Juvenile Alcohol Diversion

**Associated Costs:** \$185 program fee, court costs, appointed counsel fees, jailing fees, and the costs of alcohol education programs.

**Ability to Pay Consideration:** None mentioned.

### 64. Administrator: Pickaway County Court

**Program Name:** [The Juvenile Court Diversion Program](#)

**Type of Program:** Juvenile Diversion

**Associated Costs:** \$77 program costs.

**Ability to Pay Consideration:** None mentioned.

## Oklahoma

The state's code authorizes deferred prosecution programs to impose the cost of any community supervision or treatment on participants.

Select examples of local diversion programs and their fee structures:

### 65. Administrator: The District Attorneys Council (State Program)

**Program Name:** [The Uninsured Vehicle Enforcement Diversion Program](#)

**Type of Program:** Traffic Diversion

**Associated Costs:** \$190 enrollment fee.

**Ability to Pay Consideration:** None mentioned.



## 66. Administrator: Oklahoma Department of Mental Health and Substance Abuse Services

**Program Name:** [Deferred Adjudication Treatment Program](#)

**Type of Program:** General Diversion

**Associated Costs:** May charge \$40 for supervision in some jurisdictions.

**Ability to Pay Consideration:** Fee waiver for indigent participants.

## Oregon

The state's code authorizes DUI diversion programs to impose a \$490 filing fee, \$150 screening fee, and the cost of defense counsel on participants.

Select example of a local diversion program and their fee structures:

### 67. Administrator: The McMinnville Municipal Court

**Program Name:** [The Oregon DUII Diversion Program](#)

**Type of Program:** DUI Diversion

**Associated Costs:** Diversion fees referenced but amount unspecified.

**Ability to Pay Consideration:** The court may waive all or part of these fees depending on financial situation.

## Pennsylvania

The state's code mandates "A.R.D." diversion programs to impose costs and a reasonable charge relating to the expense of administering the program on participants.

Select examples of local diversion programs and their fee structures:

### 68. Administrator: Centre County District Attorney's Office

**Program Name:** [Misdemeanor Marijuana Diversion Program](#)

**Type of Program:** Drug Diversion

**Associated Costs:** \$60 program fee for level I offense and \$120 for level II offense.

**Ability to Pay Consideration:** None mentioned.

### 69. Administrator: Bucks County District Attorney's Office

**Program Name:** [Bucks County Accelerated Rehabilitative Disposition \(ARD\) program](#)

**Type of Program:** General Diversion

**Associated Costs:** \$1,100 program fee for defendants with a privately retained counsel, defendants with public defender must pay or pro se must pay \$550 towards court costs for a D.U.I. offense, or \$350 for a non-D.U.I. offense, prior to being formally placed into A.R.D.

**Ability to Pay Consideration:** All defendants (who are not declared indigent by the court) will pay the same amount of costs on like cases.

### 70. Administrator: Philadelphia District Attorney's Office

**Program Name:** [Sexual Education and Responsibility \(SER\) program](#)

**Type of Program:** Solicitor Diversion

**Associated Costs:** \$250 program fee and court costs.

**Ability to Pay Consideration:** None mentioned.

### 71. Administrator: Philadelphia District Attorney's Office

**Program Name:** [Small Amount Marijuana \(SAM\) program](#)

**Type of Program:** Drug Diversion

**Associated Costs:** \$200 program fee prior to starting.

**Ability to Pay Consideration:** None mentioned.

### 72. Administrator: Philadelphia District Attorney's Office

**Program Name:** [Summary Diversion Program](#)

**Type of Program:** Citation Diversion

**Associated Costs:** \$200 program fee prior to starting

**Ability to Pay Consideration:** None mentioned.

## South Carolina

The state's code authorizes diversion programs to impose a \$100 application fee and \$250 program fee prior to admission, plus fees associated with outside programs on participants.

Select examples of local diversion programs and their fee structures:

### 73. Administrator: 11th Judicial Circuit Solicitor's Office

**Program Name:** [Pretrial Intervention Program](#)

**Type of Program:** General Diversion

**Associated Costs:** \$100 application fee, \$250 program fee and additional costs as required.

**Ability to Pay Consideration:** None mentioned.

### 74. Administrator: South Carolina Commission on Prosecution Coordination (State Program)

**Program Name:** [Traffic Education Program](#)

**Type of Program:** Traffic Diversion

**Associated Costs:** \$140 application fee, \$140 program fee, defensive driving course fee and additional costs as required.

**Ability to Pay Consideration:** None mentioned.

### 75. Administrator: South Carolina Commission on Prosecution Coordination (State Program)

**Program Name:** [Alcohol Education Program](#)

**Type of Program:** Alcohol-related Diversion

**Associated Costs:** \$250 enrollment fee and additional costs as required.

**Ability to Pay Consideration:** None mentioned.

## Texas

The state's code authorizes pretrial intervention programs to impose up to monthly \$60 supervision fees, plus other expenses related to the successful completion of the program.

Select examples of local diversion programs and their fee structures:

### 76. Administrator: The Comal Division of the Caldwell, Comal, and Hays County Community Supervision and Corrections Department

**Program Name:** [Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** \$100 application fee for felony offenses and \$50 for misdemeanor offenses to be paid prior to admittance, \$60 per month supervision fee and \$100 fee for drug/alcohol testing for felonies and \$50 for misdemeanors.

**Ability to Pay Consideration:** Application and supervision fee may be reduced or waived for indigent defendants.

### 77. Administrator: Bexar County Criminal District Attorney's Office

**Program Name:** [Misdemeanor Pre-Trial Diversion Program](#)

**Type of Program:** General Diversion

**Associated Costs:** \$50 application fee, \$60 per month supervision fee, \$300 program fee, \$10 Urinary Analysis fee and additional costs for counseling, classes, urinalysis testing, drug treatment may be required.

**Ability to Pay Consideration:** None mentioned.

## Washington

The state's code authorizes a \$50 fee to enter a diversion program, and a deferred prosecution program can not impose costs that exceed \$250.

Select examples of a local diversion program and their fee structures:

### 78. Administrator: Kitsap County Prosecuting Attorney's Office

**Program Name:** [Felony Diversion Program](#)

**Type of Program:** Felony Diversion

**Associated Costs:** \$850 program fee.

**Ability to Pay Consideration:** Unclear.

### 79. Administrator: Snohomish County Prosecutor

**Program Name:** [Felony Diversion Program](#)

**Type of Program:** Felony Diversion

**Associated Costs:** An unspecified monthly program fee.

**Ability to Pay Consideration:** None mentioned.

## Endnotes

- 1 Some diversion programs require participants to admit guilt before entering the program but agree, upon successful completion of the diversion program, that the individual may withdraw that guilty plea prior to the dismissal of the case. However, if the person does not complete the diversion program—including if they are expelled for failure to pay fines and fees—the guilty plea may not be withdrawn.
- 2 Although many specialty court programs may ultimately result in dismissal of charges, we view these kinds of courts as alternative prosecution programs, rather than programs that are intended to keep people outside of lengthy court involvement. Specialty court programs often require regular court appearances, intensive supervision, and treatment, and often come with a system of court-based sanctions, including jail time, for noncompliance. Many specialty court programs carry fees, but these programs are beyond the scope of this report.
- 3 Ala. Code § 13A-6-181; La. Stat. Ann. 15:243; Or. Rev. Stat. § 813.210; Ohio Revised Code § 2935.36
- 4 See, e.g., IL 730 ILCS 5/5-6-3.3 and felony diversion programs offered by [Maricopa County](#), Arizona; [Broward County](#), Florida; [Merrimack County](#), New Hampshire; [Wayne County](#), OH; and [Snohomish County](#) and [Kitsap County](#), Washington, among others.
- 5 Office of Access to Justice, [Access to Justice Spotlight: Fines & Fees](#), U.S. Department of Justice, Washington, DC, 13 (2023).
- 6 Alabama Appleseed Center for Law & Justice, *In Trouble: How the Promise of Diversion Clashes with the Reality of Poverty, Addiction, and Structural Racism in Alabama's Justice System*, 6 (2020) (finding that one in five people surveyed in Alabama who were offered diversion programs were unable to enter them due to the cost and that a similar number were expelled from diversion programs for not keeping up with payments).
- 7 Office of Access to Justice, [Access to Justice Spotlight: Fines & Fees](#), U.S. Department of Justice, Washington, DC, 13 (2023); Civil Rights Division, Office of Justice Programs, & Office of Access to Justice, “Dear Colleague Letter to Courts Regarding Fines and Fees for Youth and Adults,” Department of Justice, Washington, DC (2023)
- 8 See Lindsay Bing et al., *Incomparable Punishments: How Economic Inequality Contributes to the Disparate Impact of Legal Fines and Fees*. RSF, 8(2):118-136 (Jan. 2022).
- 9 Michelle K. Halbesma, *Diversion programs: Are we reaching desired effects?* Graduate School Thesis, 31-32 (2014). <http://saopublic.co.kane.il.us/News%20Releases/2015-08-31%20Recidivism%20Study.pdf>. at 65.
- 10 *Id.* at 65.
- 11 See Appendix B.
- 12 For example, Kane County Illinois charges as much as \$2,100 for some diversion programs and requires a videotaped confession prior to admission to any of its diversion programs. Failure to comply with any terms of the program may result in immediate dismissal from the program and prosecution with that confession. See appendix B. Similarly, the misdemeanor diversion agreement required by Winona County, MN—which imposes a \$150 fee and imposes fines as if the participant had been convicted of the offense—requires an admission to the charged offense and explicitly acknowledges “The defendant’s signed admission may be offered in court at trial as evidence of the defendant’s guilt if the defendant is unsuccessfully discharged from the Misdemeanor Diversion Program,” <https://www.co.winona.mn.us/DocumentCenter/View/317/Misdemeanor-Diversion-Guidelines-PDF>. Belmont County, Ohio’s juvenile diversion program, which requires a \$75 fee, requires that “the youth must admit the charges stated in the complaint are substantially true” to be allowed into the diversion program. <https://www.belmontcountyohiocourts.com/diversion-program/>
- 13 Pager D, Western B, Sugie N. “Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records,” *Annals of the American Academy of Political and Social Science* 623(1):195-213 (May 2009). doi: 10.1177/0002716208330793.
- 14 Board of Governors of the Federal Reserve System, *Economic Well-Being of U.S. Households in 2022*, United States Federal Reserve (May 2023). <https://www.federalreserve.gov/publications/2023-economic-well-being-of-us-households-in-2022-executive-summary.htm>
- 15 Beth Avery et al., “Fair Chance Licensing Reform: Opening Pathways for People with Records to Join Licensed Professions,” National Employment Law Project, December 2019, <https://www.nelp.org/publication/fair-chance-licensing-reform-opening-pathways-for-people-with-records-to-join-licensed-professions/>
- 16 For example, Ga. Code § 15-18-80(f) (directing money to a policy retirement fund); Ind. Code § 33-37-8-4 (for discretionary prosecutor and officer training); Kan. Stat. Ann. § 21-6607 (directing the majority of the money to the state general fund).
- 17 See Appendix A.
- 18 Alabama, Arizona, Connecticut, Delaware, Hawaii, Idaho, Illinois, Kansas, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Jersey, Oregon, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, Washington, Wyoming.
- 19 Alaska, Arkansas, California, Colorado, District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Missouri, North Carolina, North Dakota, Ohio, Oklahoma, Texas, Utah, West Virginia
- 20 See N.M. Stat. Ann. § 31-16A-4 and Mont. Code Ann. § 46-16-130.
- 21 The 17 states that set a flat fee for diversion programming are Alabama, Arizona, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Kansas, Minnesota, New Jersey, Oregon, South Carolina, Vermont, Washington, Wyoming. See the appendix chart for details on each.
- 22 Arkansas, Colorado, Indiana, Michigan, North Carolina, Oklahoma, Tennessee, Texas, West Virginia
- 23 Georgia, Tennessee, Texas, Vermont, Washington, West Virginia.

- 24 California, Colorado, Connecticut, District of Columbia, Georgia, Idaho, Kansas, Kentucky, New Jersey, North Carolina, Oklahoma, Oregon, Tennessee, Texas, Utah, Vermont, Virginia, and Washington.
- 25 See, e.g., Conn General § 54-56i ; Nev. Rev. Stat. Ann. §174.032; Okl. St. Ann. § 22-305.1.
- 26 See e.g., La. Stat. Ann. §15:244, Nebraska-Legislative Bill 1303 (b), Okla. Stat. Ann. tit. 47, § 7-606.2, 1976 § 17-22-110, and 3 Vt. Stat. Ann. tit. § 164.
- 27 See e.g., Mich. Comp. Laws Ann. § 780.905
- 28 See e.g., Idaho Code Ann. § 19-3509., “KS ST 21-6607, Mich. Comp. Laws Ann. §780.905, MN ST § 357.021, NJ Rev Stat § 2C:36A-1d, Utah Code Ann. § 78A-5-110., W. Va. Code, §§ 62-12-09.
- 29 See e.g., Ind. Code § 33-37-4-1, Idaho Code Ann. § 19-3509 and Or. Rev. Stat. § 135.891(2).
- 30 See e.g., Kan. Stat. Ann. 21-6607
- 31 See e.g., Va. Stat. Ann. § 18.2-251.02
- 32 Ga. Code Ann. Code § 15-18-80
- 33 Officials at the Oklahoma Department of Mental Health and Substance Abuse Services confirm that those found to be indigent regularly have their fees waived. Email communications on file with authors.
- 34 See e.g., Appendix B: Office of the Wyandotte County District Attorney, Office of the Linn County Attorney Office, The McMinnville Municipal Court. <https://www.wycokck.org/files/assets/public/district-attorney/documents/criminal-diversion-policy.pdf>
- 35 Board of Governors of the Federal Reserve System, *Economic Well-Being of U.S. Households in 2020*, United States Federal Reserve (May 2021). <https://www.federalreserve.gov/publications/files/2020-report-economic-well-being-us-households-202105.pdf>
- 36 Given the highly discretionary nature of most diversion offerings, it is possible more information may be provided to participants, however, the lack of public transparency regarding the program is troubling.
- 37 Livingston County Office of the District Attorney. Traffic Diversion Program. <https://www.livingstoncounty.us/195/Traffic-Diversion-Program>.
- 38 Merrimack County Diversion Center. Diversion Program Components. [https://www.merrimackcounty.net/departments/human\\_services/adult\\_diversion/programs.php](https://www.merrimackcounty.net/departments/human_services/adult_diversion/programs.php)
- 39 Kan. Stat. Ann. §§ 22-2907 & 21-6607
- 40 See Appendix B: Office of the Linn County Attorney Office, Butler County Attorney’s Office, Office of the District Attorney Third Judicial District of Kansas, and 2 programs by the Office of the Wyandotte County District Attorney.
- 41 Office of The Wyandotte County District Attorney. Policy for Diversion of Criminal Charges. <https://www.wycokck.org/files/assets/public/district-attorney/documents/criminal-diversion-policy.pdf>
- 42 Office of The Wyandotte County District Attorney. Policy for Diversion of Criminal Charges. <https://www.wycokck.org/files/assets/public/district-attorney/documents/criminal-diversion-policy.pdf>.
- 43 Wash. Rev. Code §§ 10.01.160; 10.05.140.
- 44 Kitsap County Prosecutor Office, Felony Diversion Eligibility Criteria. <https://www.kitsapgov.com/pros/Pages/FelonyDiversion.aspx>.
- 45 See Appendix B.
- 46 See Appendices.
- 47 See, e.g., Office of the Wyandotte County District Attorney Diversion Programs and the First Judicial District Attorney Office Pre-Prosecution Diversion Program.
- 48 See e.g., Cobb County District Attorney’s Office Pretrial Diversion, St. Joseph County Prosecutor Office Pre-Trial Diversion Program, Painesville Municipal Court Pre-Trial Diversion Program, Bucks County District Attorney’s Office ARD Program, and Philadelphia District Attorney’s Office SAM Program.
- 49 See Appendix B: Ada County Juvenile Court Services, Merrimack County Diversion Center, Platte County Adult Diversion Office
- 50 See, e.g., State v. Culbreath, 30 S.W.3d 309 (Tenn. 2000) (outlining considerations for prosecutor’s office disqualification due to appearance of impropriety); Caliste v. Cantrell, 937 F.3d 525 (5th Cir. 2019) (finding conflict of interest even when a judge does not personally gain financially from the conflict).
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- 52 Mendel, Richard A. Diversion: A Hidden Key To Combating Racial And Ethnic Disparities In Juvenile Justice. The Sentencing Project. (August 2022). <https://www.sentencingproject.org/app/uploads/2022/10/Diversion-A-Hidden-Key-to-Combating-Racial-and-Ethnic-Disparities-in-Juvenile-Justice.pdf>
- 53 <https://www.census.gov/library/stories/2020/09/poverty-rates-for-blacks-and-hispanics-reached-historic-lows-in-2019.html>
- 54 Cauffman, Elizabeth, Jordan Beardslee, Adam Fine, Paul J. Frick, and Laurence Steinberg. “Crossroads in Juvenile Justice: The Impact of Initial Processing Decision on Youth 5 Years after First Arrest.” *Development and Psychopathology* 33, no. 2 (2021): 700–713. doi:10.1017/S095457942000200X.
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- 56 Data Diagnostic Diversion Workgroup. (2020). Philadelphia site of MacArthur Foundation Safety and Justice Challenge Study.// Strange, C., Hyatt, J. M., Link, N. W., & Powell, K. (forthcoming, 2023). // Financial Obligations, Diversionary Programs, and Community Supervision: Critical Issues and Innovative Strategies. *Perspectives: The Journal of the American Probation and Parole Association*.
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60 Although links are provided in the chart for ease of information, any changes made to the substance of those pages by their individual owners after December 2023 are beyond the control of the authors.