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Votes on brown bagging, pretrial diversion set for Dothan commission

By Lance Griffin

The Dothan City Commission appears ready to move forward with a vote on a pretrial diversion program for municipal court, similar to the one already in place for district court.

The item is on the regular agenda when the commission meets Tuesday, Sept. 6 at 10 a.m. at the Dothan Civic Center.

The pretrial diversion program allows for applicants to avoid jail time and a criminal conviction by enrolling in a treatment program or rehabilitation program.

Click [here](#) to read the [proposed ordinance](#).

According to the proposed ordinance, the city attorney has discretion on whom to admit to the program. The proposed ordinance also states any offender deemed to be a danger or threat to the community will not be considered.

Offenders who commit acts of violence toward children or law enforcement will not be admitted to the program, according to the ordinance. Offenders who try to elude law enforcement or injure others as a result of drunken driving will not be considered.

Any defendant denied admission to the program can appeal the denial to the municipal court judge.

District 6 Commissioner Hamp Baxley said the program should not only pay for itself, but make money. Offenders who are accepted into the program must pay a fee on top of other court costs. Baxley also said the program promotes fairness because similar programs exist at the district court level and offenders in municipal court should have access to the same program.

The commission also plans to vote on a proposed "brown bagging" ordinance. The ordinance is a

simple one-paragraph addition to the city code, which states:

“It shall be unlawful for any person to consume or possess alcoholic beverages at any establishment and/or public place that is not properly licensed for on-premise consumption by the City of Dothan and the Alabama Beverage Control Board. If any “consideration” is involved in the consumption or possession of alcoholic beverages, it shall require an on-premise license issued by the City of Dothan and the Alabama ABC Board. The term “consideration” is defined as anything of value exchanged for any goods and/or services provided by a proprietor or their agent to any customer, patron or guest.”

During discussion of the ordinance at a previous commission meeting, commissioners said the intent of the ordinance was to prohibit club patrons from bringing alcohol into a club that does not have a proper ABC license.

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