

Adult Pre-Trial Diversion Cheat Sheet

(Effective October 12, 2023)

CHARGES NOT ELIGIBLE FOR PTD:

- FATE (*F3 FATE's may be eligible with supervisor approval, if defendant did not put others in danger during incident*)
- CCF
- Employee Theft
- Organized Theft
- Using another's Personal identification to obtain credit
- Organized Burglary Ring participation
- Violent offenses, resulting in the use of a weapon or serious bodily injury
- Exposure of Sexual Organ
- Stalking
- Violation of Injunction

PTD ELIGIBILITY REQUIREMENTS FOR CHARGES ELIGIBLE FOR PTD:

- Must obtain victim approval for PTD for non-retail theft cases.
- Must live in the United States to complete PTD program.
- Must not have any prior adult Felony Withhold or Adjudication of Guilt within the last 10 years. 10-year criteria will be 10 years from the completion of their sentence.
- Must not have more than one prior adult Misdemeanor Withhold or Adjudication of Guilt within the last 10 years. 10-year criteria will be 10 years from the completion of their sentence.
- Prior adult Felony or Misdemeanor must have been diversion eligible offenses.
- Must not have any prior Withhold or Adjudication of Guilt for the same offense.
- Must not have participated in a similar PTD program in the past.
- For DUI PTD:
 - No BAL above .22
 - No prior alcohol related criminal traffic arrest or citation regardless of case disposition
 - No crash cases where the defendant was at fault for the crash. Minor vehicle damages will be reviewed on an individual basis.
 - No Commercial Driver's License
 - No prior participation in DUI PTD
 - No minors in the vehicle

REMINDERS:

- If an offer of PTD was made and accepted prior to October 12, 2023, the old PTD eligibility requirements will apply. Any PTD Offer made without the victim's consent will not be honored regardless of date of acceptance of PTD offer, unless the defendant has already signed the PTD Contract and under PTD supervision.
- The ASA's PTD Referral is only a recommendation. The recommendation is subject to supervisor review. Please do not promise anyone that they are approved for PTD.
- Whether a defendant goes into DUI Tier 1 or Tier 2 PTD is based on their BAL or refusal to provide breath. ASAs should not agree to Tier 1 if defendant qualifies for Tier 2 DUI PTD.
- PTD will supervise defendants who live out of state. However, it is the defendant's responsibility to attend contract signing in Orange or Osceola County as required by the program.