

§1902. Deferred disposition

1. Authority of court to order deferment and impose requirements; administrative supervision fee. Following the acceptance of a plea of guilty for a crime for which a person is eligible for a deferred disposition under section 1901, the court may order sentencing deferred to a date certain or determinable and impose requirements upon the person, to be in effect during the period of deferment, considered by the court to be reasonable and appropriate to assist the person to lead a law-abiding life. The court-imposed deferment requirements may include a requirement that the person participate for a specified number of days in a program run by a county sheriff that may involve overnight housing, community service work and education. The court-imposed deferment requirements must include a requirement that the person refrain from criminal conduct and may include a requirement that the person pay to the appropriate county an administrative supervision fee of not more than \$50 per month, as determined by the court, for the term of the deferment. In determining the amount of the fee, the court shall take into account the financial resources of the person and the nature of the burden its payment imposes. In exchange for the deferred sentencing, the person shall abide by the court-imposed deferment requirements. Unless the court orders otherwise, the requirements are immediately in effect.

[PL 2021, c. 338, §1 (AMD).]

2. Modification of requirements. During the period of deferment and upon application of the person granted deferred disposition pursuant to subsection 1 or of the attorney for the State or upon the court's own motion, the court may, after a hearing upon notice to the attorney for the State and the person, modify the requirements imposed by the court, add further requirements or relieve the person of any requirement imposed by the court that, in the court's opinion, imposes an unreasonable burden on the person.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Inability to meet requirement; duty on person to bring motion. During the period of deferment, if the person cannot meet a deferment requirement imposed by the court, the person shall bring a motion pursuant to subsection 2.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Determination of date of conviction; bail. For purposes of a deferred disposition, a person is deemed to have been convicted when the court imposes the sentence. Notwithstanding Title 15, chapter 105-A, subchapter 3, prior to sentence imposition, preconviction bail applies to the person.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Preferred disposition in prosecution for possession of schedule W drug. A deferred disposition is a preferred disposition in a prosecution for possession of schedule W drugs under section 1107-A, subsection 1, paragraphs B and B-1.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

6. Preferred disposition in prosecution for engaging in prostitution.

[PL 2023, c. 316, §13 (RP).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW). PL 2019, c. 316, §2 (AMD). RR 2019, c. 2, Pt. A, §21 (COR). PL 2021, c. 338, §1 (AMD). PL 2023, c. 316, §13 (AMD).

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