

**E2SSB 5536** - H AMD TO H AMD (H-1919.1/23) **705**

By Representative Cheney

**ADOPTED 04/11/2023**

1 On page 12, line 29 of the striking amendment, after "(4)" insert  
2 "If the court grants the defendant's motion to participate in pretrial  
3 diversion, the defendant may waive his or her right to counsel during  
4 the diversion period. A defendant who waives his or her right to  
5 counsel may request to have counsel reappointed if the prosecuting  
6 attorney makes a motion for termination from pretrial diversion as  
7 described in subsection (13) of this section.

8 (5)"

9

10 Renumber the remaining subsections consecutively and correct any  
11 internal references accordingly.

EFFECT: Provides that a defendant may waive his or her right to  
counsel after being granted participation in pretrial diversion for  
an applicable drug offense and may request to have counsel  
reappointed if the prosecuting attorney makes a motion for  
termination from pretrial diversion.

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