5536-S2.E AMH CHEN PATT 188

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

By Representative Cheney

**ADOPTED 04/11/2023**

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

 (5)"

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

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|  |  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.  |

**--- END ---**