

**533.252 Requirements of Commonwealth's attorney when considering application for pretrial diversion.**

When considering an application for pretrial diversion, the attorney for the Commonwealth shall:

- (1) Have a criminal record check made to ascertain if the person is eligible for pretrial diversion.
- (2) Interview the victim of the crime, if there is an identified victim, and, when the victim of the crime is deceased or the attorney for the Commonwealth deems it necessary, interview a member of the family of the victim of the crime. The attorney for the Commonwealth shall explain to the victim the diversion program, the proposed diversion conditions, and any other matters that the attorney for the Commonwealth deems to be appropriate. The results of the interview and recommendations of the victim may be presented to the court when it is considering the application for pretrial diversion. If the application for diversion is approved by the court, the approval shall be in open court and may be attended by the victim and the victim's family. The attorney for the Commonwealth shall attempt to notify them of this fact and the time, date, and place of the hearing.
- (3) Conduct any other investigation that the attorney for the Commonwealth determines may be necessary with regard to the defendant and the circumstances of the crime so as to enable him or her to set proper conditions of pretrial diversion, or to make a decision whether to recommend pretrial diversion.

**Effective:** July 15, 1998

**History:** Created 1998 Ky. Acts ch. 606, sec. 87, effective July 15, 1998.