

Under M.G.L. chapter 276A [§ 2](#) District courts and the Boston Municipal Court have jurisdiction to divert someone charged with an offense for which imprisonment can be imposed and over which district courts can exercise final jurisdiction. Historically, the defendant was required to have been between the age of 18 and 22, never have been convicted in a criminal court, not have outstanding warrants or appeals or cases pending anywhere in the country, and have received a program recommendation that he or she would benefit from the program. As of April 13, 2018 Governor Charlie Baker signed a new Criminal Justice Reform Law that in part abolished the age requirements for diversion.

A separate section ([§ 10](#)) covers pre-trial diversion for veterans. The Valor Act was established to provide support to veterans and their families in a number of different ways, including: a defendant who is determined to be a veteran, on active service or has a history of military service in the armed forces of the United States and who is eligible for *diversion or treatment* under section 10 may, at arraignment, be afforded a 14-day continuance by the court to seek an assessment by the United States Department of Veterans Affairs. A probation officer shall have jurisdiction to divert to a program any person who is a veteran and who would benefit from a 14-day continuance to determine whether he or she is eligible for diversion to treatment services in lieu of imprisonment.

The diversion program provides veterans with a chance to rehabilitate by being placed into a program that is specialized to their needs, such as mental health treatment, an anger management program, or substance abuse treatment. The hope is that participation in the program will help veterans function better in society, and stay out of the criminal justice system in the future. While the VALOR Act provides a second chance for those who have had no prior convictions, it is not necessarily easy. Defendants must adhere to all of the conditions of the diversion program. If a defendant fails to comply, then the case will be returned to the trial list and the case will proceed like any other criminal matter. It is therefore very important for a defendant to have an attorney who is not only familiar with the VALOR Act, but who will also make sure that the conditions set by the court are appropriate and manageable.

Usually, your attorney must ask for pre-trial diversion before your arraignment. It is important to retain an attorney with experience evaluating who is a good candidate for this type of program as well as experience arranging these diversions. The District Attorney's Office will consider factors like education, extracurricular activities, and community involvement. Probation officers at the court will also screen defendants in order to enable the arraignment judge to make a determination about whether a defendant is eligible.