

By: Farias

H.B. No. 2291

Substitute the following for H.B. No. 2291:

By: Eiland

C.S.H.B. No. 2291

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a victim-offender mediation program administered by
3 certain juvenile boards.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 102, Code of Criminal
6 Procedure, is amended by adding Article 102.0175 to read as
7 follows:

8 Art. 102.0175. COURT COSTS; JUVENILE VICTIM-OFFENDER
9 MEDIATION FUND. (a) This section applies only to a county that has
10 a population of at least 100,000.

11 (b) The commissioners court of a county to which this
12 section applies by order may create a juvenile board
13 victim-offender mediation fund and may require a defendant
14 convicted of an offense in a county court or a statutory county
15 court to pay a juvenile victim-offender mediation fee not to exceed
16 \$5 as a cost of court.

17 (c) In this article, a person is considered convicted if:

18 (1) a sentence is imposed on the defendant;

19 (2) the defendant receives community supervision,
20 including deferred adjudication; or

21 (3) the court defers final disposition of the person's
22 case.

23 (d) The clerks of the respective courts shall collect the
24 costs and pay them to the county treasurer or to any other official

1 who discharges the duties commonly delegated to the county
2 treasurer for deposit in the juvenile victim-offender mediation
3 fund.

4 (e) A fund created under this section may be used only to
5 finance a victim-offender mediation program established under
6 Section 53.09, Family Code.

7 (f) The juvenile victim-offender mediation fund must be
8 administered by or under the direction of the commissioners court
9 of the county.

10 SECTION 2. Chapter 53, Family Code, is amended by adding
11 Section 53.09 to read as follows:

12 Sec. 53.09. VICTIM-OFFENDER MEDIATION. (a) This section
13 applies only to:

14 (1) a juvenile board and juvenile court of a county
15 that has a population of at least 100,000; and

16 (2) a child who is alleged to have engaged in
17 delinquent conduct or conduct indicating a need for supervision
18 that constitutes a nonviolent property offense as defined by Texas
19 Juvenile Probation Commission rule.

20 (b) The Texas Juvenile Probation Commission by rule shall
21 establish guidelines for victim-offender mediation programs to be
22 administered by juvenile boards to which this section applies. A
23 juvenile board to which this section applies shall implement and
24 administer a victim-offender mediation program in accordance with
25 the guidelines adopted by the Texas Juvenile Probation Commission.
26 A juvenile court to which this section applies is required to inform
27 a victim of conduct to which this section applies of the victim's

1 right to request victim-offender mediation.

2 (c) Under a victim-offender mediation program, a victim of
3 conduct to which this section applies may request mediation with
4 the child who is alleged to have engaged in the delinquent conduct
5 or conduct indicating a need for supervision. If the child agrees
6 to participate in the victim-offender mediation and successfully
7 completes the terms of any agreement reached during the mediation,
8 the child is not subject to an adjudication hearing under Section
9 54.03.

10 (d) Any agreement reached between the victim and the child
11 during victim-offender mediation is binding and enforceable by the
12 juvenile court. If an agreement is not reached between the victim
13 and the child or if the child does not successfully complete the
14 terms of the agreement, as determined by the juvenile court, the
15 child is subject to an adjudication hearing under Section 54.03.

16 SECTION 3. Section 57.002(a), Family Code, is amended to
17 read as follows:

18 (a) A victim, guardian of a victim, or close relative of a
19 deceased victim is entitled to the following rights within the
20 juvenile justice system:

21 (1) the right to receive from law enforcement agencies
22 adequate protection from harm and threats of harm arising from
23 cooperation with prosecution efforts;

24 (2) the right to have the court or person appointed by
25 the court take the safety of the victim or the victim's family into
26 consideration as an element in determining whether the child should
27 be detained before the child's conduct is adjudicated;

1 (3) the right, if requested, to be informed of
2 relevant court proceedings, including appellate proceedings, and
3 to be informed in a timely manner if those court proceedings have
4 been canceled or rescheduled;

5 (4) the right to be informed, when requested, by the
6 court or a person appointed by the court concerning the procedures
7 in the juvenile justice system, including general procedures
8 relating to:

9 (A) the preliminary investigation and deferred
10 prosecution of a case; and

11 (B) the appeal of the case;

12 (5) the right to provide pertinent information to a
13 juvenile court conducting a disposition hearing concerning the
14 impact of the offense on the victim and the victim's family by
15 testimony, written statement, or any other manner before the court
16 renders its disposition;

17 (6) the right to receive information regarding
18 compensation to victims as provided by Subchapter B, Chapter 56,
19 Code of Criminal Procedure, including information related to the
20 costs that may be compensated under that subchapter and the amount
21 of compensation, eligibility for compensation, and procedures for
22 application for compensation under that subchapter, the payment of
23 medical expenses under Section 56.06, Code of Criminal Procedure,
24 for a victim of a sexual assault, and when requested, to referral to
25 available social service agencies that may offer additional
26 assistance;

27 (7) the right to be informed, upon request, of

1 procedures for release under supervision or transfer of the person
2 to the custody of the pardons and paroles division of the Texas
3 Department of Criminal Justice for parole, to participate in the
4 release or transfer for parole process, to be notified, if
5 requested, of the person's release, escape, or transfer for parole
6 proceedings concerning the person, to provide to the Texas Youth
7 Commission for inclusion in the person's file information to be
8 considered by the commission before the release under supervision
9 or transfer for parole of the person, and to be notified, if
10 requested, of the person's release or transfer for parole;

11 (8) the right to be provided with a waiting area,
12 separate or secure from other witnesses, including the child
13 alleged to have committed the conduct and relatives of the child,
14 before testifying in any proceeding concerning the child, or, if a
15 separate waiting area is not available, other safeguards should be
16 taken to minimize the victim's contact with the child and the
17 child's relatives and witnesses, before and during court
18 proceedings;

19 (9) the right to prompt return of any property of the
20 victim that is held by a law enforcement agency or the attorney for
21 the state as evidence when the property is no longer required for
22 that purpose;

23 (10) the right to have the attorney for the state
24 notify the employer of the victim, if requested, of the necessity of
25 the victim's cooperation and testimony in a proceeding that may
26 necessitate the absence of the victim from work for good cause;

27 (11) the right to be present at all public court

1 proceedings related to the conduct of the child as provided by
2 Section 54.08, subject to that section; [~~and~~]

3 (12) to the extent that Section 53.09 is applicable,
4 the right to request victim-offender mediation under that section;
5 and

6 (13) any other right appropriate to the victim that a
7 victim of criminal conduct has under Article 56.02, Code of
8 Criminal Procedure.

9 SECTION 4. Section 102.061, Government Code, as amended by
10 Chapters 804 and 949, Acts of the 79th Legislature, Regular
11 Session, 2005, is reenacted and amended to read as follows:

12 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN
13 STATUTORY COUNTY COURT. The clerk of a statutory county court shall
14 collect fees and costs on conviction of a defendant as follows:

15 (1) a jury fee (Art. 102.004, Code of Criminal
16 Procedure) . . . \$20;

17 (2) a fee for services of the clerk of the court (Art.
18 102.005, Code of Criminal Procedure) . . . \$40;

19 (3) a records management and preservation services fee
20 (Art. 102.005, Code of Criminal Procedure). . . \$25;

21 (4) a security fee on a misdemeanor offense (Art.
22 102.017, Code of Criminal Procedure) . . . \$3;

23 (5) a graffiti eradication fee (Art. 102.0171, Code of
24 Criminal Procedure) . . . \$5; [~~and~~]

25 (6) a court cost on conviction in Comal County (Sec.
26 152.0522, Human Resources Code) . . . \$4; [~~+~~]

27 (7) a juvenile case manager fee (Art. 102.0174, Code

1 of Criminal Procedure) . . . \$5; and

2 (8) in a county that has a population of at least
3 100,000, a juvenile victim-offender mediation fee (Art. 102.0175,
4 Code of Criminal Procedure) . . . not to exceed \$5.

5 SECTION 5. Section 102.081, Government Code, is amended to
6 read as follows:

7 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
8 COUNTY COURT. The clerk of a county court shall collect fees and
9 costs on conviction of a defendant as follows:

10 (1) a jury fee (Art. 102.004, Code of Criminal
11 Procedure) . . . \$20;

12 (2) a fee for clerk of the court services (Art.
13 102.005, Code of Criminal Procedure) . . . \$40;

14 (3) a records management and preservation services fee
15 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

16 (4) a security fee on a misdemeanor offense (Art.
17 102.017, Code of Criminal Procedure) . . . \$3;

18 (5) a graffiti eradication fee (Art. 102.0171, Code of
19 Criminal Procedure) . . . \$5; [~~and~~]

20 (6) a juvenile case manager fee (Art. 102.0174, Code
21 of Criminal Procedure) . . . \$5; and

22 (7) in a county that has a population of at least
23 100,000, a juvenile victim-offender mediation fee (Art. 102.0175,
24 Code of Criminal Procedure) . . . not to exceed \$5.

25 SECTION 6. (a) Not later than December 1, 2007, the Texas
26 Juvenile Probation Commission shall establish guidelines for
27 victim-offender mediation programs as required by Section 53.09,

1 Family Code, as added by this Act.

2 (b) The change in law made by Section 53.09, Family Code, as
3 added by this Act, applies only to conduct that occurs on or after
4 January 1, 2008. Conduct that occurs before January 1, 2008, is
5 governed by the law in effect when the conduct occurred, and the
6 former law is continued in effect for that purpose. For purposes of
7 this section, conduct occurs before January 1, 2008, if any element
8 of the violation occurs before that date.

9 SECTION 7. (a) Article 102.0175, Code of Criminal
10 Procedure, as added by this Act, applies only to an offense
11 committed on or after the effective date of this Act. For purposes
12 of this section, an offense is committed before the effective date
13 of this Act if any element of the offense occurs before that date.

14 (b) An offense committed before the effective date of this
15 Act is governed by the law in effect at the time the offense was
16 committed, and the former law is continued in effect for that
17 purpose.

18 SECTION 8. This Act takes effect September 1, 2007.