

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 20, 2007**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2291** by Farias (Relating to a victim-offender mediation program administered by juvenile boards and the collection of restitution on behalf of victims by juvenile probation departments.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Section 54, Family Code, by adding Section 54.035 requiring the Juvenile Probation Commission (JPC) to establish guidelines for victim-offender mediation programs. The guidelines would be required to be in place not later than December 1, 2007. Juvenile boards would administer these mediation programs to youth whose behavior causes a victim to suffer a pecuniary loss and does not cause physical injury or harm. A victim would be able to request mediation with the youth alleged to have engaged in delinquent conduct or conduct indicating a need for supervision. If the youth agrees to participate in and successfully completes the victim-offender mediation, the youth would not be subject to a disposition hearing. Any agreement reached between a victim and youth would be binding and enforceable. If the youth does not agree to participate or does not successfully complete victim-offender mediation, the youth would be subject to a disposition hearing.

The bill would also require JPC to monitor the collection of restitution by juvenile probation departments from youth who have been adjudicated as having engaged in delinquent conduct or conduct indicating a need for supervision who are required to make restitution to a victim. The bill would apply to conduct that occurs after January 1, 2008. The bill would take effect September 1, 2007.

JPC anticipates no significant fiscal implication with the passage of this bill and estimates it will be able to absorb any costs associated with this bill within the agency's current budget. The agency does anticipate a significant local government impact, based on the assumption that local juvenile probation departments would pay the costs of the victim-offender mediation programs.

**Local Government Impact**

Juvenile Probation Departments would experience fiscal implications with the passage of the bill. The fiscal impact would vary by department depending on the number of eligible cases for which a victim would request a victim-offender mediation program. JPC reports local costs would include a 1/4 time position in each of the 168 juvenile probation departments that do not currently operate a victim-offender mediation program (one department currently operates such a program) to coordinate the programs with an estimated cost of \$1,403,934. A one-time training cost on data reporting and program administration is estimated at \$84,000.

JPC reports that in fiscal year 2006, there were 24,574 referrals for property offenses involving a monetary loss. JPC calculated the cost of victim-offender mediation programs using 50 percent of that total (12,287) at a rate of \$100 per hour for 4 hours per youth for a local cost of \$4,914,800 per fiscal year. JPC further estimates juvenile probation departments would have to upgrade computer programming in order to accurately report restitution information to JPC with an estimated cost of \$50,000. The total anticipated cost of the bill to local government would be \$6,452,734 in fiscal year 2008 and \$6,318,734 in fiscal year 2009 with anticipated ongoing costs of \$6,318,734 in future years.

**Source Agencies:** 665 Juvenile Probation Commission

**LBB Staff:** JOB, MN, GG, AI