

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Farias

H.B. No. 2291

A BILL TO BE ENTITLED

AN ACT

relating to a study of victim-offender mediation programs for juvenile offenders.

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

SECTION 1. Subchapter C, Chapter 141, Human Resources Code, is amended by adding Section 141.055 to read as follows:

Sec. 141.055. STUDY OF VICTIM-OFFENDER MEDIATION PROGRAMS FOR JUVENILE OFFENDERS; REPORT. (a) The commission shall conduct a study of established victim-offender mediation programs for juvenile offenders in this state for the purpose of determining the potential effect on the state's juvenile justice system of establishing guidelines for and expanding the implementation of victim-offender mediation programs for juvenile offenders. The study must evaluate:

(1) the methodology of established victim-offender mediation programs for juvenile offenders;

(2) any reduction in recidivism for juvenile offenders who have successfully completed victim-offender mediation programs;

(3) the success rates for the collection of restitution by juvenile probation departments and the fulfillment of restitution agreements by juvenile offenders; and

(4) typical costs and funding sources for victim-offender mediation programs for juvenile offenders.

1           (b) Before conducting the study, the commission shall:

2                   (1) consult any relevant guidelines issued by the  
3 United States Department of Justice's Office for Victims of Crime;  
4 and

5                   (2) seek assistance from leading experts on  
6 victim-offender mediation programs in establishing parameters,  
7 information collection techniques, and reasonable legal  
8 assumptions in evaluating victim-offender mediation programs for  
9 juvenile offenders.

10           (c) Experts from whom the commission may seek assistance  
11 under Subsection (b)(2) include:

12                   (1) persons who have established and who currently  
13 operate victim-offender mediation programs;

14                   (2) persons who direct national projects on  
15 victim-offender mediation; and

16                   (3) professors of law or criminal justice who are  
17 employed by institutions of higher education, as defined by Section  
18 61.003, Education Code.

19           (d) Not later than July 1, 2008, the commission shall  
20 provide a report describing the results of the study to each member  
21 of the legislature. The report must include:

22                   (1) the estimated cost to the state and local  
23 governments of expanding the implementation and administration of  
24 victim-offender mediation programs for juvenile offenders;

25                   (2) a review of the benefits to juvenile offenders and  
26 victims of participating in victim-offender mediation programs for  
27 juvenile offenders; and

1           (3) any recommendations for legislation establishing  
2 guidelines for and expanding the implementation and administration  
3 of victim-offender mediation programs for juvenile offenders in  
4 this state.

5           (e) This section expires December 1, 2008.

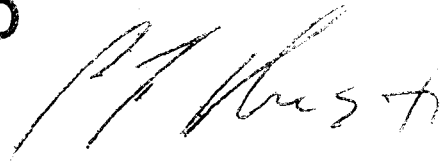
6           SECTION 2. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2007.

ADOPTED

MAY 22 2007

FLOOR AMENDMENT NO. 1

*Leta Spady*  
Secretary of the Senate



1 Amend H.B. No. 2291 (senate committee printing) as follows:

2 (1) In SECTION 1 of the bill, in added Section 141.055(a),  
3 Human Resources Code, strike page 1, lines 20 through 30, and  
4 substitute the following:

5 study must include:

6 (1) an evaluation of the number of juvenile probation  
7 departments that operate victim-offender mediation programs;

8 (2) an evaluation of the number of juvenile probation  
9 departments that contract for the services of victim-offender  
10 mediation programs;

11 (3) a comprehensive program description of  
12 victim-offender mediation programs that includes an evaluation of  
13 program eligibility criteria and the process for utilizing the  
14 mediation services;

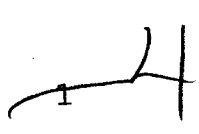
15 (4) an evaluation of the number of children served by  
16 victim-offender mediation programs annually, including individual  
17 data on referral offenses and demographic information for children  
18 served by victim-offender mediation programs;

19 (5) an evaluation of the number of mediation  
20 agreements established in victim-offender mediation programs  
21 annually; and

22 (6) the funding sources for victim-offender mediation  
23 programs and the cost to operate those programs.

24 (2) In SECTION 1 of the bill, strike added Sections  
25 141.055(b) and (c), Human Resources Code (page 1, lines 31 through  
26 48).

27 (3) In SECTION 1 of the bill, in added Section 141.055(d),  
28 Human Resources Code (page 1, line 49), strike "(d) Not later than  
29 July 1, 2008," and substitute "(b) Not later than January 1,



1 2009,".

2 (4) In SECTION 1 of the bill, in added Section  
3 141.055(d)(3), Human Resources Code (page 1, line 58), strike  
4 "any".

5 (5) In SECTION 1 of the bill, in added Section 141.055,  
6 Human Resources Code (page 1, line 62), strike added Subsection (e)  
7 and substitute the following:

8 (c) This section expires January 31, 2009.



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

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

**May 17, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: HB2291** by Farias (Relating to a study of victim-offender mediation programs for juvenile offenders.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds for HB2291, As Engrossed:** a negative impact of (\$303,840) through the biennium ending August 31, 2009.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$303,840)
2009	\$0
2010	\$0
2011	\$0
2012	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from <i>GENERAL REVENUE FUND</i> 1
2008	(\$303,840)
2009	\$0
2010	\$0
2011	\$0
2012	\$0

**Fiscal Analysis**

The bill would require the Juvenile Probation Commission (JPC) to conduct a study of established Texas victim-offender mediation programs for juvenile offenders to determine their potential effect on the juvenile justice system. The study would be required to evaluate the methodology, impact on recidivism rates, success rates for collection of restitution, and costs of victim-offender mediation programs. JPC would be required to consult relevant guidelines issued by the U.S. Department of Justice Office for Victims of Crime and seek assistance from leading experts on victim-offender mediation programs on establishing parameters, information collection techniques, and reasonable legal assumptions in evaluating victim-offender mediation programs. Experts referenced in the bill are limited to persons who have established and currently operate a victim-offender mediation program, persons who direct national projects on victim-offender mediation programs, and professors of law or criminal justice employed by institutions of higher education, as described in Section 61.002, Education Code.

JPC would be required to complete a report not later than July 1, 2008 to include the estimated cost of





the implementation and administration of victim-offender mediation programs to state and local governments, a review of the benefits of participation in a victim-mediation program to juvenile offenders and victims, and any recommendations for legislation establishing guidelines for implementing and administering victim-offender mediation programs.

### **Methodology**

JPC estimates the cost of the study would be \$303,840 in fiscal year 2008. The agency would contract with a university or consultant to accomplish the provisions of the bill. The agency's cost estimates include travel to Austin for up to ten national and state experts (\$10,000), travel to 40 juvenile probation departments to collect program data (40 trips at \$800 equals \$32,000), consultant labor for data collection trips (3 days per visit at 8 hours per day for 40 trips at \$200 per hour equals \$192,000), cost of consultant labor for meeting with JPC administration, data analysis, and report preparation (12 days at 8 hours per day at \$200 per hour equals \$19,200), and an estimated 20 percent administration charge to administer the contract (\$50,640).

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 665 Juvenile Probation Commission

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



**LEGISLATIVE BUDGET BOARD**

Austin, Texas

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

**April 30, 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 certain juvenile boards.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 53 of the Family Code to require the Juvenile Probation Commission (JPC) to establish guidelines for victim-offender mediation programs in counties with a population of at least 100,000 for youth who are alleged to have engaged in delinquent conduct or conduct indicating a need for supervision. 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 relating to non-violent property offenses. If the youth agrees to participate in and successfully completes the victim-offender mediation, the youth would not be subject to a disposition hearing. Chapter 102, Code of Criminal Procedure and Chapter 102, Government Code, would be amended to allow a commissioners' court of a county with a population of at least 100,000 to collect a \$5 court cost for a person convicted or receiving deferred adjudication for an offense in county court to pay for juvenile victim offender mediation programs. 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.

**Local Government Impact**

JPC reports there are currently 34 counties with a population of at least 100,000. JPC anticipates a local government impact, based on the assumption that local juvenile probation departments would pay the costs of the victim-offender mediation programs. The fiscal impact would vary depending on the number of eligible cases for which a victim would request mediation in each department. However, the additional court costs that counties could charge to those convicted in county court would offset the local impact.

**Source Agencies:** 665 Juvenile Probation Commission

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



**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**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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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





**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

**May 16, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: HB2291** by Farias (Relating to a study of victim-offender mediation programs for juvenile offenders.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes, or to juveniles who have been adjudicated for misdemeanor or felony conduct.

**Source Agencies:**

**LBB Staff: JOB, TM**



**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

April 27, 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 certain juvenile boards. ), **Committee Report 1st House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes, or to juveniles who have been adjudicated for misdemeanor or felony conduct.

**Source Agencies:**

**LBB Staff:** JOB, LM



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

**March 19, 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**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes, or to juveniles who have been adjudicated for misdemeanor or felony conduct.

**Source Agencies:**

**LBB Staff:** JOB, GG, LM

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