

By: McClendon

H.C.R. No. 289

CONCURRENT RESOLUTION

1 WHEREAS, House Bill No. 2139 has been adopted by the house of  
2 representatives and the senate and is being prepared for  
3 enrollment; and

4 WHEREAS, The bill contains technical errors that should be  
5 corrected; now, therefore, be it

6 RESOLVED, by the 81st Legislature of the State of Texas, That  
7 the enrolling clerk of the house of representatives be instructed  
8 to correct House Bill No. 2139 by adding the following text between  
9 pages 2 and 4 of the conference committee report to include the text  
10 from page 3 of the draft conference committee report that was  
11 inadvertently omitted from the conference committee report that was  
12 filed in the house and senate:

13 admit guilt or enter a plea of guilty or nolo contendere to enter  
14 the program.

15 (f) The case must be returned to the docket and proceed  
16 through the regular criminal justice system if:

17 (1) a pretrial victim-offender mediation does not  
18 result in a mediation agreement; or

19 (2) the defendant fails to successfully fulfill the  
20 terms of the mediation agreement by the date specified in the  
21 mediation agreement.

22 (g) If a case is returned to the docket under Subsection  
23 (f), the defendant retains all of the rights that the defendant  
24 possessed before entering the pretrial victim-offender mediation

1 program under this subchapter. Notwithstanding any other law, for  
2 purposes of determining the duration and expiration of an  
3 applicable statute of limitation under Chapter 12, the running of  
4 the period of limitation is tolled while the defendant is enrolled  
5 in a program under this subchapter.

6 (h) The court, on the motion of the attorney representing  
7 the state, shall dismiss the indictment or information charging the  
8 defendant with the commission of the offense, if the defendant:

9 (1) successfully completes the mediation agreement as  
10 determined by the attorney representing the state; and

11 (2) either:

12 (A) pays all court costs; or

13 (B) enters a payment plan approved by the court  
14 or the attorney representing the state for such payment.

15 (i) A determination by the court regarding whether the