

By: Farias

H.B. No. 1787

A BILL TO BE ENTITLED

AN ACT

relating to establishing a restorative justice pilot program for juvenile offenders in certain counties.

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

SECTION 1. Title 3, Family Code, is amended by adding Chapter 62 to read as follows:

CHAPTER 62. RESTORATIVE JUSTICE PILOT PROGRAM FOR JUVENILE
OFFENDERS IN CERTAIN COUNTIES

Sec. 62.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Juvenile Probation Commission.

(2) "Department" means a local juvenile probation department.

(3) "Program" means the restorative justice pilot program created under this chapter for juvenile offenders.

(4) "Restorative justice" means an approach to justice that emphasizes the importance of an offender's reparation of harm caused to a victim by the offender's conduct that violates a penal law. The term includes victim-offender mediation.

Sec. 62.002. APPLICABILITY OF CHAPTER. This chapter applies only to a department located in a county:

(1) with a population of more than one million; and

(2) in which more than 75 percent of the population resides in a single municipality.

1 Sec. 62.003. ESTABLISHMENT AND IMPLEMENTATION OF PILOT
2 PROGRAM. (a) The commission shall establish a restorative justice
3 pilot program for juvenile offenders to be implemented by a
4 department with funds appropriated for that purpose. The program:

5 (1) must include a pretrial diversion program for
6 children alleged to have engaged in conduct that violates a penal
7 law of this state other than conduct that violates a penal law
8 listed in Article 17.032(a), Code of Criminal Procedure; and

9 (2) may include a post-adjudication victim-offender
10 mediation program for juvenile offenders adjudicated to have
11 engaged in conduct that violates a penal law listed in Article
12 17.032(a), Code of Criminal Procedure, for the purpose of
13 determining appropriate restitution.

14 (b) In implementing the program, the commission shall
15 require a department to:

16 (1) establish a resource network relating to
17 restorative justice that includes representatives from the
18 department, the local dispute resolution center, the juvenile
19 courts, the district attorney's office, and the local juvenile
20 defense bar association;

21 (2) develop the program consistent with restorative
22 justice principles and best practices for victim-offender
23 mediation as identified by the commission; and

24 (3) identify outcome measures that may be used to
25 measure the effectiveness of the program.

26 Sec. 62.004. REPORT. Not later than December 1, 2012, the
27 department shall submit a report to the commission regarding the

1 program. The report must include:

2 (1) a comprehensive analysis of the effectiveness of
3 the program; and

4 (2) the department's findings and recommendations
5 regarding continuation or expansion of the program.

6 Sec. 62.005. PROGRAM FUNDING. The commission shall
7 provide sufficient funds to the department for the program and
8 report, if funds are appropriated for purposes of this chapter.

9 Sec. 62.006. EXPIRATION. This chapter expires September 2,
10 2013.

11 SECTION 2. This Act takes effect September 1, 2011.