

By: Schwertner

S.B. No. 1237

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to referral of disputes for alternative dispute  
3 resolution, including victim-directed referrals; authorizing a  
4 fee.

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

6 SECTION 1. Subsection (b), Section 152.002, Civil Practice  
7 and Remedies Code, is amended to read as follows:

8 (b) The commissioners court may do all necessary acts to  
9 make the alternative dispute resolution system effective,  
10 including:

11 (1) contracting with a private nonprofit corporation,  
12 a political subdivision, a public corporation, or a combination of  
13 these entities for the purpose of administering the system;

14 (2) making reasonable rules relating to the system,  
15 including rules specifying whether criminal cases may be referred  
16 to the system; and

17 (3) vesting management of the system in a committee  
18 selected by the county bar association.

19 SECTION 2. Section 152.003, Civil Practice and Remedies  
20 Code, is amended to read as follows:

21 Sec. 152.003. REFERRAL OF CASES. (a) A judge of a district  
22 court, county court, statutory county court, probate court, or  
23 justice of the peace court in a county in which an alternative  
24 dispute resolution system has been established may, on motion of a

1 party or on the judge's or justice's own motion, refer a civil or, if  
2 the system accepts criminal cases and on the request of an attorney  
3 representing the state, a criminal case to the system regardless of  
4 whether the defendant in the criminal case has been formally  
5 charged. Referral under this section does not prejudice the case.

6 (b) Before requesting a referral of a criminal case under  
7 this section, an attorney representing the state must obtain the  
8 consent of the victim and the defendant to the referral.

9 SECTION 3. Section 152.006, Civil Practice and Remedies  
10 Code, is amended to read as follows:

11 Sec. 152.006. FEE FOR ALTERNATIVE DISPUTE RESOLUTION  
12 CENTERS. An entity described by Section 152.002(a) or (b)(1)  
13 ~~[152.002(b)(1)]~~ that provides services for the resolution of  
14 disputes ~~[in a county that borders the Gulf of Mexico with a~~  
15 ~~population of 250,000 or more but less than 300,000]~~ may collect a  
16 reasonable fee ~~[in any amount]~~ set by the commissioners court ~~[from~~  
17 ~~a person who receives the services. This section may not be~~  
18 ~~construed to affect the collection of a fee by any other entity~~  
19 ~~described by Section 152.002(b)(1)].~~

20 SECTION 4. Chapter 152, Civil Practice and Remedies Code,  
21 is amended by adding Section 152.007 to read as follows:

22 Sec. 152.007. PARTICIPANT FEE FOR CRIMINAL DISPUTE  
23 RESOLUTION. (a) An entity that provides services for the  
24 resolution of criminal disputes under this chapter may collect a  
25 reasonable fee set by the commissioners court from a person who  
26 receives the services, not to exceed \$350, except that a fee may not  
27 be collected from an alleged victim of the crime.

1       (b) If the referring court determines that a participant in  
2 services described by Subsection (a) has the financial resources to  
3 enable the participant to offset in part or in whole the costs of  
4 legal services provided to the participant under Article 26.04,  
5 Code of Criminal Procedure, in connection with the criminal dispute  
6 resolution, including any expenses and costs, the court may order  
7 the participant to reimburse the county in which the referral was  
8 made an amount that the court finds the participant is able to pay.

9       SECTION 5. (a) The changes in law made by this Act with  
10 respect to criminal cases apply only to a criminal case in which the  
11 defendant is arrested for or charged with an offense that occurs on  
12 or after the effective date of this Act. A criminal case in which  
13 the defendant is arrested for or charged with an offense that occurs  
14 before the effective date of this Act is governed by the law in  
15 effect when the offense was committed, and the former law is  
16 continued in effect for that purpose. For purposes of this section,  
17 an offense was committed before the effective date of this Act if  
18 any element of the offense was committed before that date.

19       (b) The changes in law made by this Act with respect to civil  
20 cases apply only to a civil case referred to a county alternative  
21 dispute resolution system on or after the effective date of this  
22 Act. A civil case referred before the effective date of this Act is  
23 governed by the law applicable to the case immediately before the  
24 effective date of this Act, and the former law is continued in  
25 effect for that purpose.

26       SECTION 6. This Act takes effect September 1, 2013.