

AN ACT

relating to referral of disputes for alternative dispute resolution, including victim-directed referrals; authorizing a fee.

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

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

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

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

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

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

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

Sec. 152.003. REFERRAL OF CASES. (a) A judge of a district court, county court, statutory county court, probate court, or justice of the peace court in a county in which an alternative 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 (c) A criminal case may not be referred to the system if the
10 defendant is charged with or convicted of an offense listed in
11 Section 3g(a)(1), Article 42.12, Code of Criminal Procedure, or
12 convicted of an offense, the judgment for which contains an
13 affirmative finding under Section 3g(a)(2), Article 42.12, Code of
14 Criminal Procedure.

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

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

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

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

7 (b) Fees collected under this section may be paid on a
8 periodic basis or on a deferred payment schedule at the discretion
9 of the judge, magistrate, or program director administering the
10 pretrial victim-offender mediation program. The fees must be based
11 on the defendant's ability to pay.

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

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

1 effect for that purpose.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1237 passed the Senate on April 11, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 22, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1237 passed the House, with amendment, on May 20, 2013, by the following vote: Yeas 134, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor