

By: Schwertner  
(Lewis)

S.B. No. 1237

Substitute the following for S.B. No. 1237:

By: Hunter

C.S.S.B. No. 1237

A BILL TO BE ENTITLED

AN ACT

1  
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 (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.