

1-1 By: Schwertner S.B. No. 1237
 1-2 (In the Senate - Filed March 6, 2013; March 13, 2013, read
 1-3 first time and referred to Committee on Jurisprudence;
 1-4 April 2, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 0; April 2, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | | | X | |
| 1-13 | X | | | |
| 1-14 | | | X | |
| 1-15 | X | | | |

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1237 By: Garcia

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to referral of disputes for alternative dispute
 1-20 resolution, including victim-directed referrals; authorizing a
 1-21 fee.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subsection (b), Section 152.002, Civil Practice
 1-24 and Remedies Code, is amended to read as follows:

1-25 (b) The commissioners court may do all necessary acts to
 1-26 make the alternative dispute resolution system effective,
 1-27 including:

1-28 (1) contracting with a private nonprofit corporation,
 1-29 a political subdivision, a public corporation, or a combination of
 1-30 these entities for the purpose of administering the system;

1-31 (2) making reasonable rules relating to the system,
 1-32 including rules specifying whether criminal cases may be referred
 1-33 to the system; and

1-34 (3) vesting management of the system in a committee
 1-35 selected by the county bar association.

1-36 SECTION 2. Section 152.003, Civil Practice and Remedies
 1-37 Code, is amended to read as follows:

1-38 Sec. 152.003. REFERRAL OF CASES. (a) A judge of a district
 1-39 court, county court, statutory county court, probate court, or
 1-40 justice of the peace court in a county in which an alternative
 1-41 dispute resolution system has been established may, on motion of a
 1-42 party or on the judge's or justice's own motion, refer a civil or, if
 1-43 the system accepts criminal cases and on the request of an attorney
 1-44 representing the state, a criminal case to the system regardless of
 1-45 whether the defendant in the criminal case has been formally
 1-46 charged. Referral under this section does not prejudice the case.

1-47 (b) Before requesting a referral of a criminal case under
 1-48 this section, an attorney representing the state must obtain the
 1-49 consent of the victim and the defendant to the referral.

1-50 SECTION 3. Section 152.006, Civil Practice and Remedies
 1-51 Code, is amended to read as follows:

1-52 Sec. 152.006. FEE FOR ALTERNATIVE DISPUTE RESOLUTION
 1-53 CENTERS. An entity described by Section 152.002(a) or (b)(1)
 1-54 [152.002(b)(1)] that provides services for the resolution of
 1-55 disputes [in a county that borders the Gulf of Mexico with a
 1-56 population of 250,000 or more but less than 300,000] may collect a
 1-57 reasonable fee [in any amount] set by the commissioners court [from
 1-58 a person who receives the services. This section may not be
 1-59 construed to affect the collection of a fee by any other entity
 1-60 described by Section 152.002(b)(1)].

2-1 SECTION 4. Chapter 152, Civil Practice and Remedies Code,
2-2 is amended by adding Section 152.007 to read as follows:

2-3 Sec. 152.007. PARTICIPANT FEE FOR CRIMINAL DISPUTE
2-4 RESOLUTION. (a) An entity that provides services for the
2-5 resolution of criminal disputes under this chapter may collect a
2-6 reasonable fee set by the commissioners court from a person who
2-7 receives the services, not to exceed \$350, except that a fee may not
2-8 be collected from an alleged victim of the crime.

2-9 (b) If the referring court determines that a participant in
2-10 services described by Subsection (a) has the financial resources to
2-11 enable the participant to offset in part or in whole the costs of
2-12 legal services provided to the participant under Article 26.04,
2-13 Code of Criminal Procedure, in connection with the criminal dispute
2-14 resolution, including any expenses and costs, the court may order
2-15 the participant to reimburse the county in which the referral was
2-16 made an amount that the court finds the participant is able to pay.

2-17 SECTION 5. (a) The changes in law made by this Act with
2-18 respect to criminal cases apply only to a criminal case in which the
2-19 defendant is arrested for or charged with an offense that occurs on
2-20 or after the effective date of this Act. A criminal case in which
2-21 the defendant is arrested for or charged with an offense that occurs
2-22 before the effective date of this Act is governed by the law in
2-23 effect when the offense was committed, and the former law is
2-24 continued in effect for that purpose. For purposes of this section,
2-25 an offense was committed before the effective date of this Act if
2-26 any element of the offense was committed before that date.

2-27 (b) The changes in law made by this Act with respect to civil
2-28 cases apply only to a civil case referred to a county alternative
2-29 dispute resolution system on or after the effective date of this
2-30 Act. A civil case referred before the effective date of this Act is
2-31 governed by the law applicable to the case immediately before the
2-32 effective date of this Act, and the former law is continued in
2-33 effect for that purpose.

2-34 SECTION 6. This Act takes effect September 1, 2013.

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