

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 10, 2019**

**TO:** Honorable James White, Chair, House Committee on Corrections

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB4009** by Toth (Relating to the establishment, operation, and funding of victim-offender mediation programs; authorizing fees.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure, the Family Code, the Government Code, and the Human Resources Code to authorize the commissioners courts of counties and governing bodies of municipalities to establish pre-trial victim-offender mediation programs for defendants arrested or charged with a crime other than certain violent or sexually-related offenses. The program would apply to proceedings relating to juveniles. A defendant and victim would be permitted to mediate an agreement for the defendant to pay restitution, perform community service, or undergo substance-abuse treatment. The court would be authorized to dismiss the indictment or information against the defendant upon successful completion and defendant could obtain an order of nondisclosure or that the records of a juvenile case be sealed. A defendant participating in the program could be required to pay a \$15 fee and a participation fee.

The bill would require the Juvenile Justice Department (TJJD) to monitor the success of these program and to establish guidelines for programs to be implemented and administered by juvenile boards.

According to the Office of Court Administration (OCA), no significant impact to the state court system is anticipated.

According to the Department of Criminal Justice, no significant fiscal impact is anticipated.

According to TJJD, no fiscal implication to the state is anticipated.

According to the Comptroller of Public Accounts, because fees and court costs would be retained locally there would be no fiscal impact to the state and no administrative costs to the Office.

**Local Government Impact**

According to OCA, no significant fiscal impact to local courts is anticipated.

According to the Texas Municipal League, no significant fiscal impact to cities is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304  
Comptroller of Public Accounts, 644 Juvenile Justice Department, 696  
Department of Criminal Justice

**LBB Staff:** WP, LBO, SD, GP, LCO