

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

8 Sec. 152.003. REFERRAL OF CASES. (a) A judge of a district  
9 court, county court, statutory county court, probate court, or  
10 justice of the peace court in a county in which an alternative  
11 dispute resolution system has been established may, on motion of a  
12 party or on the judge's or justice's own motion, refer a civil or, on  
13 the request of an attorney representing the state, a criminal case  
14 to the system regardless of whether the defendant in the criminal  
15 case has been formally charged. Referral under this section does  
16 not prejudice the case.

17                   (b) Before requesting a referral of a criminal case under  
18 this section, an attorney representing the state must obtain the  
19 consent of the victim to the referral.

20 SECTION 2. Section 152.006, Civil Practice and Remedies  
21 Code, is amended to read as follows:

22 Sec. 152.006. FEE FOR ALTERNATIVE DISPUTE RESOLUTION  
23 CENTERS. An entity described by Section 152.002(a) or (b)(1)  
24 [152.002(b)(1)] that provides services for the resolution of

1 disputes [~~in a county that borders the Gulf of Mexico with a~~  
2 ~~population of 250,000 or more but less than 300,000~~] may collect a  
3 reasonable fee [~~in any amount~~] set by the commissioners court [~~from~~  
4 ~~a person who receives the services. This section may not be~~  
5 ~~construed to affect the collection of a fee by any other entity~~  
6 ~~described by Section 152.002(b)(1)~~].

7 SECTION 3. Chapter 152, Civil Practice and Remedies Code,  
8 is amended by adding Section 152.007 to read as follows:

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

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

23 SECTION 4. Section 154.021, Civil Practice and Remedies  
24 Code, is amended by adding Subsection (d) to read as follows:

25 (d) Except as provided by Section 152.003 of this code or  
26 Article 26.13(g), Code of Criminal Procedure, a court may not refer  
27 a criminal case for alternative dispute resolution.

1 SECTION 5. (a) The changes in law made by this Act with  
2 respect to criminal cases apply only to a criminal case in which the  
3 defendant is arrested for or charged with an offense that occurs on  
4 or after the effective date of this Act. A criminal case in which  
5 the defendant is arrested for or charged with an offense that occurs  
6 before the effective date of this Act is governed by the law in  
7 effect when the offense was committed, and the former law is  
8 continued in effect for that purpose. For purposes of this section,  
9 an offense was committed before the effective date of this Act if  
10 any element of the offense was committed before that date.

11 (b) The changes in law made by this Act with respect to civil  
12 cases apply only to a civil case referred to a county alternative  
13 dispute resolution system on or after the effective date of this  
14 Act. A civil case referred before the effective date of this Act is  
15 governed by the law applicable to the case immediately before the  
16 effective date of this Act, and the former law is continued in  
17 effect for that purpose.

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