

By: Schwertner

S.B. No. 1237

A BILL TO BE ENTITLED

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. 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 party or on the judge's or justice's own motion, refer a civil or, on the request of an attorney representing the state, a criminal case to the system regardless of whether the defendant in the criminal case has been formally charged. Referral under this section does not prejudice the case.

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

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

Sec. 152.006. FEE FOR ALTERNATIVE DISPUTE RESOLUTION CENTERS. An entity described by Section 152.002(a) or (b)(1) [~~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.