

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/30/09  
Date

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2139 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

J. J. Wenz  
Hingosa, chair

Ellis

Huffman  
Ken Seliger  
Seliger

Whitman  
Whitman  
On the part of the Senate

Ruth McClenon

Jeri Hodge

Ray E. My  
Harvey Marguez

On the part of the House

### Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 2139

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the establishment, operation, and funding of  
3 victim-offender mediation programs.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 56, Code of Criminal Procedure, is  
6 amended by adding Subchapter A-1 to read as follows:

7 SUBCHAPTER A-1. PRETRIAL VICTIM-OFFENDER MEDIATION PROGRAM

8 Art. 56.21. AUTHORITY TO ESTABLISH PROGRAM. The  
9 commissioners court of a county or governing body of a municipality  
10 may establish a pretrial victim-offender mediation program for  
11 persons who:

12 (1) have been arrested for or charged with a  
13 misdemeanor or state jail felony under Title 7, Penal Code; and

14 (2) have not previously been convicted of a felony or a  
15 misdemeanor, other than a misdemeanor regulating traffic and  
16 punishable by fine only.

17 Art. 56.22. PROGRAM. (a) A pretrial victim-offender  
18 mediation program established under Article 56.21 must require:

19 (1) the identification of defendants who are eligible  
20 to participate in the program, including a consideration of whether  
21 the defendant meets any additional locally developed eligibility  
22 criteria;

23 (2) the consent of the victim <sup>and</sup> the defendant, ~~and the~~  
24 ~~attorney representing the state~~ to be obtained before an eligible

1 defendant may proceed with pretrial victim-offender mediation; and  
2 (3) the defendant to enter into a binding mediation  
3 agreement in accordance with Article 56.23 that:

4 (A) includes an apology by the defendant; and

5 (B) requires the defendant to:

6 (i) pay restitution to the victim; or

7 (ii) perform community service.

8 (b) All communications made in a pretrial victim-offender  
9 mediation program are confidential and may not be introduced into  
10 evidence except in a proceeding involving a question concerning the  
11 meaning of a mediation agreement.

12 (c) A pretrial victim-offender mediation program may  
13 require the staff and other resources of pretrial services  
14 departments and community supervision correction departments to  
15 assist in monitoring the defendant's compliance with a mediation  
16 agreement reached through the program.

17 (d) A pretrial victim-offender mediation must be conducted  
18 by a court-appointed mediator who meets the training requirements  
19 provided by Sections 154.052(a) and (b), Civil Practice and  
20 Remedies Code. Neither the attorney representing the state nor the  
21 attorney representing the defendant in the criminal action may  
22 serve as a mediator under the pretrial victim-offender mediation  
23 program.

24 (e) If a defendant enters a pretrial victim-offender  
25 mediation program, the court may defer the proceedings without  
26 accepting a plea of guilty or nolo contendere or entering an  
27 adjudication of guilt. The court may not require the defendant to



1 mediation agreement has been successfully completed is final and  
2 may not be appealed, although the attorney for the state or the  
3 court may extend the period for compliance.

4 (j) If the defendant is not arrested or convicted of a  
5 subsequent felony or misdemeanor other than a misdemeanor  
6 regulating traffic and punishable by fine only on or before the  
7 first anniversary of the date the defendant successfully completed  
8 a mediation agreement under this subchapter, on the motion of the  
9 defendant, the court shall enter an order of nondisclosure under  
10 Section 411.081, Government Code, as if the defendant had received  
11 a discharge and dismissal under Section 5(c), Article 42.12, with  
12 respect to all records and files related to the defendant's arrest  
13 for the offense for which the defendant entered the pretrial  
14 victim-offender mediation program.

15 Art. 56.23. MEDIATION AGREEMENT. (a) A mediation agreement  
16 under this subchapter must be:

17 (1) signed by the defendant and the victim; and  
18 (2) ratified by the attorney representing the state in  
19 a request for a court order documenting and approving the mediation  
20 agreement.

21 (b) A mediation agreement may require testing, counseling,  
22 and treatment of the defendant to address alcohol abuse, abuse of  
23 controlled substances, mental health, or anger management or any  
24 other service that is reasonably related to the offense for which  
25 the defendant was arrested or charged.

26 (c) A mediation agreement is not valid for more than one  
27 year after the date on which the mediation agreement is ratified

1 unless the court and the attorney representing the state approve  
2 the extension of the agreement.

3 (d) A mediation agreement under this subchapter does not  
4 constitute a plea or legal admission of responsibility.

5 Art. 56.24. OVERSIGHT. (a) The lieutenant governor and the  
6 speaker of the house of representatives may assign to appropriate  
7 legislative committees duties relating to the oversight of pretrial  
8 victim-offender mediation programs established under this  
9 subchapter.

10 (b) A legislative committee or the governor may request the  
11 state auditor to perform a management, operations, or financial or  
12 accounting audit of a pretrial victim-offender mediation program  
13 established under this subchapter.

14 (c) A county or municipality that establishes a pretrial  
15 victim-offender mediation program:

16 (1) shall notify the attorney general's office when  
17 the county or municipality begins implementation of the program;

18 (2) may provide information regarding the performance  
19 of the program to the attorney general's office on request; and

20 (3) may apply for funds for the program in accordance  
21 with Article 102.0179(g).

22 Art. 56.25. FEES. (a) A pretrial victim-offender  
23 mediation program established under this subchapter may collect  
24 from a defendant in the program:

25 (1) a reasonable program fee not to exceed \$500; and

26 (2) an alcohol or controlled substance testing,  
27 counseling, and treatment fee in an amount necessary to cover the

1 costs of the testing, counseling, or treatment if such testing,  
2 counseling, or treatment is required by the mediation agreement.

3 (b) Fees collected under this article may be paid on a  
4 periodic basis or on a deferred payment schedule at the discretion  
5 of the judge, magistrate, or program director administering the  
6 pretrial victim-offender mediation program. The fees must be:

7 (1) based on the defendant's ability to pay; and

8 (2) used only for purposes specific to the program.

9 SECTION 2. Subchapter A, Chapter 102, Code of Criminal  
10 Procedure, is amended by adding Article 102.0179 to read as  
11 follows:

12 Art. 102.0179. COSTS ATTENDANT TO CERTAIN NONVIOLENT  
13 CONVICTIONS INVOLVING PROPERTY. (a) In addition to other costs on  
14 conviction imposed by this chapter, a person shall pay \$15 as a  
15 court cost on conviction of a felony or misdemeanor under Title 7,  
16 Penal Code.

17 (b) For purposes of this article, a person is considered to  
18 have been convicted if:

19 (1) a sentence is imposed;

20 (2) the defendant receives community supervision or  
21 deferred adjudication; or

22 (3) the court defers final disposition of the case.

23 (c) Court costs under this article are collected in the same  
24 manner as other fines or costs. An officer collecting the costs  
25 shall keep separate records of the funds collected as costs under  
26 this article and shall deposit the funds in the county or municipal  
27 treasury, as appropriate.

1 (d) The custodian of a county or municipal treasury shall:

2 (1) keep records of the amount of funds on deposit  
3 collected under this article; and

4 (2) except as provided by Subsection (e), send to the  
5 comptroller before the last day of the first month following each  
6 calendar quarter the funds collected under this article during the  
7 preceding quarter.

8 (e) A county or municipality is entitled to:

9 (1) if the county or municipality has established a  
10 pretrial victim-offender mediation program, retain 40 percent of  
11 the funds collected under this article by an officer of the county  
12 or municipality, to be used exclusively for the maintenance of a  
13 pretrial victim-offender mediation program operated in the county  
14 or municipality; and

15 (2) if the custodian of the county or municipal  
16 treasury complies with Subsection (d), retain as a collection fee  
17 10 percent of an amount equal to the difference between:

18 (A) the amount of funds collected under this  
19 article by an officer of the county or municipality; and

20 (B) any amount the county or municipality is  
21 entitled to retain under Subdivision (1).

22 (f) If no funds due as costs under this article are  
23 deposited in a county or municipal treasury in a calendar quarter,  
24 the custodian of the treasury shall file the report required for the  
25 quarter in the regular manner and must state that no funds were  
26 collected.

27 (g) The comptroller shall deposit the funds received under



1 this article to the credit of the pretrial victim-offender  
2 mediation program account in the general revenue fund to help fund  
3 pretrial victim-offender mediation programs established under  
4 Subchapter A-1, Chapter 56. The legislature shall appropriate  
5 money from the account solely to the attorney general's office for  
6 distribution to pretrial victim-offender mediation programs that  
7 apply for the money.

8 (h) Funds collected under this article are subject to audit  
9 by the comptroller.

10 SECTION 3. Subchapter B, Chapter 102, Government Code, is  
11 amended by adding Section 102.0216 to read as follows:

12 Sec. 102.0216. ADDITIONAL COURT COSTS ON CONVICTION: CODE  
13 OF CRIMINAL PROCEDURE. A person convicted of an offense under Title  
14 7, Penal Code, shall pay a cost on conviction, in addition to all  
15 other costs, to help fund pretrial victim-offender mediation  
16 programs established under Subchapter A-1, Chapter 56, Code of  
17 Criminal Procedure (Art. 102.0179, Code of Criminal  
18 Procedure) . . . \$15.

19 SECTION 4. Subchapter B, Chapter 103, Government Code, is  
20 amended by adding Section 103.0217 to read as follows:

21 Sec. 103.0217. ADDITIONAL FEES IN CRIMINAL CASES: CODE OF  
22 CRIMINAL PROCEDURE. A defendant who participates in a pretrial  
23 victim-offender mediation program under Subchapter A-1, Chapter  
24 56, Code of Criminal Procedure, may be required to pay a program fee  
25 in an amount not to exceed \$500 and the costs of certain testing,  
26 counseling, and treatment.

27 SECTION 5. Title 3, Family Code, is amended by adding

1 Chapter 62 to read as follows:

2 CHAPTER 62. JUVENILE VICTIM-OFFENDER MEDIATION PILOT PROGRAM

3 Sec. 62.001. DEFINITIONS. In this chapter:

4 (1) "Commission" means the Texas Juvenile Probation  
5 Commission.

6 (2) "Department" means the Bexar County Juvenile  
7 Probation Department.

8 (3) "Program" means the juvenile victim-offender  
9 mediation pilot program created under this chapter.

10 Sec. 62.002. ESTABLISHMENT AND IMPLEMENTATION OF PILOT  
11 PROGRAM. (a) The commission shall establish a juvenile  
12 victim-offender mediation pilot program for children in Bexar  
13 County using funds appropriated for that purpose.

14 (b) In implementing the program, the commission shall  
15 require the department to:

16 (1) establish a resource network on the subject of  
17 victim-offender mediation that includes representatives from the  
18 department, the local dispute resolution center, the juvenile  
19 courts, the district attorney's office, and the local juvenile  
20 defense bar association;

21 (2) develop the program consistent with best practices  
22 identified by the commission; and

23 (3) identify outcome measures that may be used to  
24 measure the effectiveness of the program.

25 Sec. 62.003. REPORT. Not later than December 1, 2010, the  
26 department shall submit a report to the commission regarding the  
27 program. The report must include:

1           (1) a comprehensive analysis of the effectiveness of  
2 the program; and

3           (2) the department's findings and recommendations  
4 regarding continuation or expansion of the program.

5           Sec. 62.004. PROGRAM FUNDING. Subject to Section 62.005,  
6 the commission shall provide sufficient funds to the department for  
7 the program and report, if funds are appropriated for purposes of  
8 this chapter.

9           Sec. 62.005. IMPLEMENTATION CONTINGENT ON FEDERAL FUNDING.  
10 The commission is required to implement this chapter only if the  
11 commission receives, for the purpose of implementing this chapter,  
12 federal supplemental appropriations under the American Recovery  
13 and Reinvestment Act of 2009 (Pub. L. No. 111-5) or any other  
14 similar federal legislation that is enacted on or after January 1,  
15 2009.

16           Sec. 62.006. EXPIRATION. This chapter expires September 2,  
17 2011.

18           SECTION 6. (a) The change in law made by this Act in adding  
19 Subchapter A-1, Chapter 56, Code of Criminal Procedure, applies to  
20 a defendant who enters a pretrial victim-offender mediation program  
21 under that subchapter regardless of whether the defendant committed  
22 the offense for which the defendant enters the program before, on,  
23 or after the effective date of this Act.

24           (b) The change in law made by this Act in adding Article  
25 102.0179, Code of Criminal Procedure, and Section 102.0216,  
26 Government Code, applies only to an offense committed on or after  
27 the effective date of this Act. An offense committed before the

1 effective date of this Act is governed by the law in effect when the  
2 offense was committed, and the former law is continued in effect for  
3 that purpose. For purposes of this subsection, an offense was  
4 committed before the effective date of this Act if any element of  
5 the offense was committed before that date.

6 SECTION 7. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2009.

**House Bill 2139**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Chapter 56, Code of Criminal Procedure, is amended by adding SUBCHAPTER A-1, PRETRIAL VICTIM-OFFENDER MEDIATION PROGRAM as follows:

Art. 56.21. AUTHORITY TO ESTABLISH PROGRAM.

Art. 56.22. PROGRAM.

(a) Among other provisions, requires a pretrial victim-offender mediation program to require the consent of the victim and the defendant to be obtained before an eligible defendant may proceed with pretrial victim-offender mediation.

(b)-(c)

(d) Authorizes pretrial victim-offender mediations to be conducted by any person designated by the court, other than the attorney representing the state or an attorney representing the defendant in the criminal action, regardless of whether the designated person is a trained mediator.

SENATE VERSION

SECTION 1. Same as House version except as follows:

Same as House version.

Same as House version.

(a) Same as House version except requires the consent of the attorney representing the state, in addition to the consent of the victim and the defendant, to be obtained before an eligible defendant may proceed with pretrial victim-offender mediation.

(b)-(c) Same as House version.

(d) Same as House version.

CONFERENCE

SECTION 1. Same as House version except as follows:

Same as House version.

Same as House version.

(a) Same as House version.

(b)-(c) Same as House version.

(d) Requires a pretrial victim-offender mediation to be conducted by a mediator who is appointed by the court, meets the training requirements that qualify a person for an appointment as an impartial third party, and is not the attorney representing the state or an attorney representing the defendant in the criminal action.  
*(The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.)*

**House Bill 2139**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

(e) Authorizes the court, with the consent of the attorney representing the state, to defer the proceedings without accepting a plea of guilty or nolo contendere or entering an adjudication of guilt, if a defendant enters a pretrial victim-offender mediation program.

(f)

(g) Provides that a defendant retains all of the rights that the defendant possessed before entering the pretrial victim-offender mediation program, if the case is returned to the docket.

(h)-(j)

Art. 56.23. MEDIATION AGREEMENT.

Art. 56.24. OVERSIGHT.

Art. 56.25. FEES.

SECTION 2. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0179, COSTS ATTENDANT TO CERTAIN NONVIOLENT CONVICTIONS INVOLVING PROPERTY.

SENATE VERSION

(e) Same as House version except omits the condition that the court obtain the consent of the attorney representing the state and adds language prohibiting the court from requiring the defendant to admit guilt or enter a plea of guilty or nolo contendere to enter the program.

(f) Same as House version.

(g) Same as House version except adds language specifying that for purposes of determining the duration and expiration of an applicable statute of limitation, the running of the period of limitation is tolled while the defendant is enrolled in a pretrial victim-offender mediation program.

(h)-(j) Same as House version.

Same as House version.

Same as House version.

Same as House version.

SECTION 2. Same as House version.

CONFERENCE

(e) Same as Senate version.

(f) Same as House version.

(g) Same as Senate version.

(h)-(j) Same as House version.

Same as House version.

Same as House version.

Same as House version.

SECTION 2. Same as House version.

**House Bill 2139**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 3. Subchapter B, Chapter 102, Government Code, is amended by adding Section 102.0216, ADDITIONAL COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE.

SECTION 4. Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.0217, ADDITIONAL FEES IN CRIMINAL CASES: CODE OF CRIMINAL PROCEDURE.

SECTION 5. Title 3, Family Code, is amended by adding Chapter 62 as follows:  
CHAPTER 62. JUVENILE VICTIM-OFFENDER MEDIATION PILOT PROGRAM  
Sec. 62.001. DEFINITIONS.  
Sec. 62.002. ESTABLISHMENT AND IMPLEMENTATION OF PILOT PROGRAM.  
Sec. 62.003. REPORT.  
Sec. 62.004. PROGRAM FUNDING.  
Sec. 62.005. IMPLEMENTATION CONTINGENT ON FEDERAL FUNDING.  
Sec. 62.006. EXPIRATION.

SECTION 6. (a) Prospective clause.  
(b) Saving provision.

SECTION 7. Effective date.

SENATE VERSION

SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION 5. Same as House version.

SECTION 6. Same as House version.

SECTION 7. Same as House version.

CONFERENCE

SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION 5. Same as House version.

SECTION 6. Same as House version.

SECTION 7. Same as House version.

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

May 30, 2009

**TO:** Honorable David Dewhurst , Lieutenant Governor, Senate  
 Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB2139** by McClendon (Relating to the establishment, operation, and funding of victim-offender mediation programs. ), **Conference Committee Report**

**Estimated Two-year Net Impact to General Revenue Related Funds for HB2139, Conference Committee Report:** an impact of \$0 through the biennium ending August 31, 2011.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain/ (Loss) from <i>General Revenue fund-GR Account, Pretrial Victim- Offender Mediation Program</i>	Probable Savings/(Cost) from <i>General Revenue fund-GR Account, Pretrial Victim- Offender Mediation Program</i>	Probable Savings/(Cost) from <i>Local Units of Government</i>
2010	\$189,000	(\$189,000)	\$162,000
2011	\$455,000	(\$455,000)	\$388,000
2012	\$455,000	(\$455,000)	\$388,000
2013	\$455,000	(\$455,000)	\$388,000
2014	\$455,000	(\$455,000)	\$388,000

**Fiscal Analysis**

The bill would add Subchapter A-1 to Chapter 56 of the Code of Criminal Procedure (CCP) to authorize a county or a municipality to establish a pretrial victim-offender mediation program for cases involving a first-time offender arrested and charged under Title 7 of the Penal Code (Offenses Against Property). Operational procedures that must be followed are provided in the bill, including requirements of the attorney representing the state and staff and other resources of pretrial services departments and community supervision and corrections departments.

The lieutenant governor and the speaker of the house of representatives would be authorized to assign oversight duties of the programs to appropriate legislative committees. A legislative committee or the governor would be authorized to request that the state auditor perform a management, operations, or financial or accounting audit of a pretrial victim-offender mediation program established under the



subchapter. A county or municipality that establishes a program would be required to notify the Office of the Attorney General when the program is implemented and would be authorized to apply for funds for the program in accordance with other provisions in the bill.

A pretrial victim-offender mediation program established under the added subchapter may collect from the defendant a reasonable program fee not to exceed \$500 and an alcohol or controlled substance testing, counseling, and treatment fee in an amount necessary to cover the costs. Fees must be based on the defendant's ability to pay and be used only for purposes specific to the program.

The bill would amend Subchapter A of Chapter 102, Code of Criminal Procedure, to require in addition to other costs on conviction imposed by the chapter, a \$15 court cost on conviction of a felony or misdemeanor under Title 7, Penal Code. If the county or municipality operates a pretrial victim offender mediation program, that entity would be authorized to retain 40 percent of the funds collected to be used exclusively for the maintenance of the pretrial victim-offender mediation program operated within the county or municipality. If a county or municipality complies with certain requirements, the county or municipality may retain as a collection fee 10 percent of an amount equal to the difference between the amount of funds collected and any amount to which the county or municipality would otherwise be entitled. The comptroller would be required to deposit the funds received from the county or municipality to the credit of the pretrial victim-offender mediation program account in the General Revenue Fund to help fund pretrial victim-offender mediation programs established under Subchapter A-1, Chapter 56, CCP. The legislature would be required to appropriate money from the account solely to the OAG for distribution to pretrial victim-offender mediation programs that apply for the money. Funds collected would be subject to audit by the comptroller.

Subchapter B, Chapter 102, and Subchapter B, Chapter 103 of the Government Code would be amended to add language to conform to provisions of Subchapter A-1, CCP.

The bill would amend Family Code, Title 3 to require the Juvenile Probation Commission (JPC) to establish a juvenile victim-offender mediation pilot program in the Bexar County Juvenile Probation Department. This section of the bill would only be required if JPC receives federal supplemental appropriations under the American Recovery and Reinvestment Act of 2009 or similar federal legislation. JPC would require the department to develop resources and programming consistent with best practices, and to identify outcome measures that may be used to measure the programs' effectiveness. The department would be required to report to JPC by December 1, 2010 on the effectiveness of the program, including recommendations regarding expansion of the program. Changes in the law would apply only to an offense committed on or after the effective date of the bill.

The bill would take effect September 1, 2009 unless it receives the votes necessary for immediate enactment.

The proposed legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

It is anticipated that administrative costs resulting from requirements placed on the Comptroller of Public Accounts, Office of the Attorney General, and Office of the State Auditor could be absorbed using existing resources. All other fiscal impact is reflected in the tables above.

## **Methodology**

The Comptroller of Public Accounts used historical data from the *Annual Statistical Report for the Texas Judiciary* (for multiple years), adjusted for growth, indigence, implementation, and retention by local governments to estimate the fiscal impact from the new \$15 court cost. The court costs for criminal cases were multiplied by the total number of convictions, reduced to reflect historical non-collection rates, and adjusted for an implementation lag. Estimates were based on felony and some misdemeanor convictions for which data were available. In general, misdemeanor property offense

data were not sufficiently detailed to be included in the analysis.

It is unknown what amount the legislature might appropriate from the revenue deposited to the Pretrial Victim-Offender Mediation Program account to be distributed to the local programs. Neither is it known how many programs would be established, nor how much money may be requested from the local governments to help fund the local programs. However, for the purpose of this analysis, it is assumed that an amount equal to revenue gained would be appropriated and expended.

### **Local Government Impact**

The table above reflects estimated revenue gain to local governments in the aggregate related to collecting the \$15 court cost if each eligible local entity were to establish a pretrial victim-offender mediation program. Impact would vary by county or municipality depending on the number of cases for which the \$15 fee would be imposed and whether the local government establishes a pretrial victim-offender mediation program, which would then entitle the entity to retain 40 percent of the fee and a collection fee, as opposed to retaining only a collection fee.

It is assumed that a county or municipality would establish a pretrial victim-offender mediation program only if, notwithstanding the \$500 program fee that could be charged to a defendant, the county or municipality has a sufficient budget and would collect sufficient applicable court fees to absorb the associated costs.

The bill would require the Juvenile Probation Commission to establish and implement a juvenile victim-offender mediation pilot program in Bexar County. The bill would require the Bexar County Juvenile Probation Department to establish a resource network comprised of certain local officials defined by the bill, develop the program with the Commission's best practices, identify outcome measures on the effectiveness of the program, and submit a report to the Commission. There would be no costs incurred by Bexar County related to the implementation of the pilot program.

### **Source Agencies:**

**LBB Staff:** JOB, ESi, GG, AI, TP

## Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 2139 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

  
(name)

05/30/09  
(date)