

## **BILL ANALYSIS**

Senate Research Center  
82R9854 CAE-F

S.B. 1271  
By: Duncan  
State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

This bill is designed to remedy the discrepancy between the statutory scope of county alternative dispute resolution centers (DRCs) under Chapter 152 (Alternative Dispute Resolution System Established by Counties), Civil Practice and Remedies Code, and what the DRCs already currently do. Though the Civil Practice and Remedies Code states that DRCs are designed to resolve disputes among individuals (citizen disputes), many DRCs handle cases involving companies and units of government. Moreover, many DRCs handle matters of a pseudo-criminal nature, referred by a judge, police department, or district attorney. These are typically cases that will not result in any charges being filed because there is not enough material for the prosecutor to assemble a case.

S.B. 1271 addresses all of these concerns by amending the Civil Practice and Remedies Code to include cases involving companies and units of government. The bill also establishes that judges may refer a civil or criminal case to a DRC established by a county. As a safeguard, under the bill, a criminal case referral requires the written consent of the state.

As proposed, S.B. 1271 amends current law relating to alternative dispute resolution systems established by counties.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 152.001, Civil Practices and Remedies Code, to redefine "alternative dispute resolution system."

SECTION 2. Amends Section 152.002(a), Civil Practices and Remedies Code, to authorize the commissioners court of a county by order to establish an alternative dispute resolution system for the peaceable and expeditious resolution of disputes, rather than citizen disputes.

SECTION 3. Amends Section 152.003, Civil Practices and Remedies Code, to authorize 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, to, on a motion of a party or on the judge's or justice's own motion, refer a civil or, on the written consent of the state, a criminal case to the system.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2011.