

BILL ANALYSIS

Senate Research Center
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S.B. 1125
By: Armbrister
Criminal Justice
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As Filed

DIGEST

Currently, the use of mediation, dispute resolution, or arbitration in civil cases in which the parties are incapable of resolution may not require a trial. As such, the Civil Practice and Remedies Code sets forth a procedure for mediation. Courts which enter an order requiring the State of Texas to participate in mediation have intruded into the discretionary area of authority of the state's prosecutor and disregard the authority of the legislature in its statutory enactments regulating the prosecutor's duties. S.B. 1125 would establish conditions regarding mediation in criminal cases.

PURPOSE

As proposed, S.B. 1125 establishes conditions regarding mediation in criminal cases.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 26.13, Code of Criminal Procedure, by adding Subsection (h), to prohibit a court, notwithstanding this article, from ordering the State of Texas and any of the state's prosecuting attorneys, to participate in mediation, dispute resolution, arbitration, or other similar procedures, in relation to a criminal prosecution unless upon written consent from the state.

SECTION 2. Emergency clause.

Effective date: upon passage.