

By: Dutton

H.B. No. 1015

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the age of a child at which a juvenile court may
3 exercise jurisdiction over the child, to the age of criminal
4 responsibility, and to certain substantive and procedural matters
5 related to those ages.

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

7 ARTICLE 1. AGE OF CRIMINAL RESPONSIBILITY

8 SECTION 1.01. Section 37.141(1), Education Code, is amended
9 to read as follows:

10 (1) "Child" means a person who is:

11 (A) a student; and

12 (B) at least 12 [~~10~~] years of age and younger than
13 18 years of age.

14 SECTION 1.02. Section 51.02(2), Family Code, is amended to
15 read as follows:

16 (2) "Child" means a person who is:

17 (A) 10 [~~ten~~] years of age or older and under 18
18 [~~17~~] years of age; or

19 (B) 18 [~~seventeen~~] years of age or older and
20 under 20 [~~18~~] years of age who is:

21 (i) alleged or found to have engaged in
22 delinquent conduct or conduct indicating a need for supervision as
23 a result of acts committed before becoming 18 [~~17~~] years of age; and

24 (ii) under the jurisdiction of a juvenile

1 court.

2 SECTION 1.03. Sections 8.07(b), (d), and (e), Penal Code,
3 are amended to read as follows:

4 (b) Unless the juvenile court waives jurisdiction under
5 Section 54.02, Family Code, and certifies the individual for
6 criminal prosecution or the juvenile court has previously waived
7 jurisdiction under that section and certified the individual for
8 criminal prosecution, a person may not be prosecuted for or
9 convicted of any offense committed before reaching 18 [~~17~~] years of
10 age except an offense described by Subsections (a)(1)-(5).

11 (d) Notwithstanding Subsection (a), a person may not be
12 prosecuted for or convicted of an offense described by Subsection
13 (a)(4) or (5) that the person committed when younger than 12 [~~10~~]
14 years of age.

15 (e) A person who is at least 12 [~~10~~] years of age but younger
16 than 15 years of age is presumed incapable of committing an offense
17 described by Subsection (a)(4) or (5), other than an offense under a
18 juvenile curfew ordinance or order. This presumption may be
19 refuted if the prosecution proves to the court by a preponderance of
20 the evidence that the actor had sufficient capacity to understand
21 that the conduct engaged in was wrong at the time the conduct was
22 engaged in. The prosecution is not required to prove that the actor
23 at the time of engaging in the conduct knew that the act was a
24 criminal offense or knew the legal consequences of the offense.

25 SECTION 1.04. The changes in law made by this article apply
26 only to an offense committed or conduct that occurs on or after
27 September 1, 2018. An offense committed or conduct that occurs

1 before September 1, 2018, is governed by the law in effect on the
2 date the offense was committed or the conduct occurred, and the
3 former law is continued in effect for that purpose. For purposes of
4 this section, an offense was committed or conduct occurred before
5 September 1, 2018, if any element of the offense or conduct occurred
6 before that date.

7 ARTICLE 2. OFFENSES WITH AGE AS AN ELEMENT

8 SECTION 2.01. Section 15.031(e), Penal Code, is amended to
9 read as follows:

10 (e) An offense under this section is one category lower than
11 the solicited offense, except that an offense under this section is
12 the same category as the solicited offense if it is shown on the
13 trial of the offense that the actor:

14 (1) was at the time of the offense 18 [~~17~~] years of age
15 or older and a member of a criminal street gang, as defined by
16 Section 71.01; and

17 (2) committed the offense with the intent to:

18 (A) further the criminal activities of the
19 criminal street gang; or

20 (B) avoid detection as a member of a criminal
21 street gang.

22 SECTION 2.02. Section 21.02(b), Penal Code, is amended to
23 read as follows:

24 (b) A person commits an offense if:

25 (1) during a period that is 30 or more days in
26 duration, the person commits two or more acts of sexual abuse,
27 regardless of whether the acts of sexual abuse are committed

1 against one or more victims; and

2 (2) at the time of the commission of each of the acts
3 of sexual abuse, the actor is 18 [~~17~~] years of age or older and the
4 victim is a child younger than 14 years of age.

5 SECTION 2.03. Section 33.021(b), Penal Code, is amended to
6 read as follows:

7 (b) A person who is 18 [~~17~~] years of age or older commits an
8 offense if, with the intent to commit an offense listed in Article
9 62.001(5)(A), (B), or (K), Code of Criminal Procedure, the person,
10 over the Internet, by electronic mail or text message or other
11 electronic message service or system, or through a commercial
12 online service, intentionally:

13 (1) communicates in a sexually explicit manner with a
14 minor; or

15 (2) distributes sexually explicit material to a minor.

16 SECTION 2.04. Section 71.028(c), Penal Code, is amended to
17 read as follows:

18 (c) Except as provided by Subsection (d), the punishment
19 prescribed for an offense described by Subsection (b) is increased
20 to the punishment prescribed for the next highest category of
21 offense if the actor is 18 [~~17~~] years of age or older and it is shown
22 beyond a reasonable doubt on the trial of the offense that the actor
23 committed the offense at a location that was:

24 (1) in, on, or within 1,000 feet of any:

25 (A) real property that is owned, rented, or
26 leased by a school or school board;

27 (B) premises owned, rented, or leased by an

- 1 institution of higher education;
- 2 (C) premises of a public or private youth center;
- 3 or
- 4 (D) playground;
- 5 (2) in, on, or within 300 feet of any:
 - 6 (A) shopping mall;
 - 7 (B) movie theater;
 - 8 (C) premises of a public swimming pool; or
 - 9 (D) premises of a video arcade facility; or
- 10 (3) on a school bus.

11 SECTION 2.05. Section 729.001(a), Transportation Code, is
12 amended to read as follows:

13 (a) A person who is younger than 18 [~~17~~] years of age commits
14 an offense if the person operates a motor vehicle on a public road
15 or highway, a street or alley in a municipality, or a public beach
16 in violation of any traffic law of this state, including:

- 17 (1) Chapter 502, other than Section [~~502.282 or~~
18 502.412;
- 19 (2) Chapter 521, other than an offense under Section
20 521.457;
- 21 (3) Subtitle C, other than an offense punishable by
22 imprisonment or by confinement in jail under Section 550.021,
23 550.022, 550.024, or 550.025;
- 24 (4) Chapter 601;
- 25 (5) Chapter 621;
- 26 (6) Chapter 661; and
- 27 (7) Chapter 681.

1 SECTION 2.06. Section 729.002, Transportation Code, is
2 amended to read as follows:

3 Sec. 729.002. OPERATION OF MOTOR VEHICLE BY MINOR WITHOUT
4 LICENSE. (a) A person who is younger than 18 [~~17~~] years of age
5 commits an offense if the person operates a motor vehicle without a
6 driver's license authorizing the operation of a motor vehicle on a:

- 7 (1) public road or highway;
- 8 (2) street or alley in a municipality; or
- 9 (3) public beach as defined by Section 729.001.

10 (b) An offense under this section is punishable in the same
11 manner as if the person was 18 [~~17~~] years of age or older and
12 operated a motor vehicle without a license as described by
13 Subsection (a), except that an offense under this section is not
14 punishable by confinement or imprisonment.

15 SECTION 2.07. The changes in law made by this article apply
16 only to an offense committed on or after September 1, 2018. An
17 offense committed before September 1, 2018, is governed by the law
18 in effect on the date the offense was committed, and the former law
19 is continued in effect for that purpose. For purposes of this
20 section, an offense was committed before September 1, 2018, if any
21 element of the offense occurred before that date.

22 ARTICLE 3. CRIMINAL PROCEDURES

23 SECTION 3.01. Article 4.19, Code of Criminal Procedure, is
24 amended to read as follows:

25 Art. 4.19. TRANSFER OF PERSON CERTIFIED TO STAND TRIAL AS AN
26 ADULT. (a) Notwithstanding the order of a juvenile court to
27 detain a person under the age of 18 [~~17~~] who has been certified to

1 stand trial as an adult in a certified juvenile detention facility
2 under Section 54.02(h), Family Code, the judge of the criminal
3 court having jurisdiction over the person may order the person to be
4 transferred to an adult facility. A child who is transferred to an
5 adult facility must be detained under conditions meeting the
6 requirements of Section 51.12, Family Code.

7 (b) On the 18th [~~17th~~] birthday of a person described by
8 Subsection (a) who is detained in a certified juvenile detention
9 facility under Section 54.02(h), Family Code, the judge of the
10 criminal court having jurisdiction over the person shall order the
11 person to be transferred to an adult facility.

12 SECTION 3.02. Article 45.0215(a), Code of Criminal
13 Procedure, is amended to read as follows:

14 (a) This article applies to a defendant who has not had the
15 disabilities of minority removed and [~~has been~~

16 [~~(1) charged with an offense other than an offense~~
17 ~~under Section 43.261, Penal Code, if the defendant is younger than~~
18 ~~17 years of age, or~~

19 [~~(2) charged with an offense under Section 43.261,~~
20 ~~Penal Code, if the defendant~~] is younger than 18 years of age.

21 SECTION 3.03. Articles 45.0216(b) and (h), Code of Criminal
22 Procedure, are amended to read as follows:

23 (b) A person may apply to the court in which the person was
24 convicted to have the conviction expunged as provided by this
25 article on or after the person's 18th [~~17th~~] birthday if:

26 (1) the person was convicted of not more than one
27 offense described by Section 8.07(a)(4) or (5), Penal Code, while

1 the person was a child; or

2 (2) the person was convicted only once of an offense
3 under Section 43.261, Penal Code.

4 (h) Records of a person under 18 [~~17~~] years of age relating
5 to a complaint may be expunged under this article if:

6 (1) the complaint was dismissed under Article 45.051
7 or 45.052 or other law; or

8 (2) the person was acquitted of the offense.

9 SECTION 3.04. Article 45.045(b), Code of Criminal
10 Procedure, is amended to read as follows:

11 (b) A capias pro fine may not be issued for an individual
12 convicted for an offense committed before the individual's 18th
13 [~~17th~~] birthday unless:

14 (1) the individual is 18 [~~17~~] years of age or older;

15 (2) the court finds that the issuance of the capias pro
16 fine is justified after considering:

17 (A) the sophistication and maturity of the
18 individual;

19 (B) the criminal record and history of the
20 individual; and

21 (C) the reasonable likelihood of bringing about
22 the discharge of the judgment through the use of procedures and
23 services currently available to the court; and

24 (3) the court has proceeded under Article 45.050 to
25 compel the individual to discharge the judgment.

26 SECTION 3.05. Article 45.0492(a), Code of Criminal
27 Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd

1 Legislature, Regular Session, 2011, is amended to read as follows:

2 (a) This article applies only to a defendant younger than 18
3 [~~17~~] years of age who is assessed a fine or costs for a Class C
4 misdemeanor occurring in a building or on the grounds of the primary
5 or secondary school at which the defendant was enrolled at the time
6 of the offense.

7 SECTION 3.06. Article 45.0492(a), Code of Criminal
8 Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd
9 Legislature, Regular Session, 2011, is amended to read as follows:

10 (a) This article applies only to a defendant younger than 18
11 [~~17~~] years of age who is assessed a fine or costs for a Class C
12 misdemeanor.

13 SECTION 3.07. Articles 45.050(d), (e), and (g), Code of
14 Criminal Procedure, are amended to read as follows:

15 (d) A justice or municipal court may hold a person in
16 contempt and impose a remedy authorized by Subsection (c)(2) if:

17 (1) the person was convicted for an offense committed
18 before the person's 18th [~~17th~~] birthday;

19 (2) the person failed to obey the order while the
20 person was 18 [~~17~~] years of age or older; and

21 (3) the failure to obey occurred under circumstances
22 that constitute contempt of court.

23 (e) A justice or municipal court may hold a person in
24 contempt and impose a remedy authorized by Subsection (c)(2) if the
25 person, while younger than 18 [~~17~~] years of age, engaged in conduct
26 in contempt of an order issued by the justice or municipal court,
27 but contempt proceedings could not be held before the person's 18th

1 ~~[17th]~~ birthday.

2 (g) A justice or municipal court may not refer a child who
3 violates a court order while 18 ~~[17]~~ years of age or older to a
4 juvenile court for delinquency proceedings for contempt of court.

5 SECTION 3.08. Article 45.057(h), Code of Criminal
6 Procedure, is amended to read as follows:

7 (h) A child and parent required to appear before the court
8 have an obligation to provide the court in writing with the current
9 address and residence of the child. The obligation does not end
10 when the child reaches age 18 ~~[17]~~. On or before the seventh day
11 after the date the child or parent changes residence, the child or
12 parent shall notify the court of the current address in the manner
13 directed by the court. A violation of this subsection may result in
14 arrest and is a Class C misdemeanor. The obligation to provide
15 notice terminates on discharge and satisfaction of the judgment or
16 final disposition not requiring a finding of guilt.

17 SECTION 3.09. Article 45.058(h), Code of Criminal
18 Procedure, is amended to read as follows:

19 (h) In this article, "child" means a person who is:

20 (1) at least 12 ~~[10]~~ years of age and younger than 18
21 ~~[17]~~ years of age; and

22 (2) charged with or convicted of an offense that a
23 justice or municipal court has jurisdiction of under Article 4.11
24 or 4.14.

25 SECTION 3.10. Article 45.059(a), Code of Criminal
26 Procedure, is amended to read as follows:

27 (a) A peace officer taking into custody a person younger

1 than 18 [~~17~~] years of age for violation of a juvenile curfew
2 ordinance of a municipality or order of the commissioners court of a
3 county shall, without unnecessary delay:

4 (1) release the person to the person's parent,
5 guardian, or custodian;

6 (2) take the person before a justice or municipal
7 court to answer the charge; or

8 (3) take the person to a place designated as a juvenile
9 curfew processing office by the head of the law enforcement agency
10 having custody of the person.

11 SECTION 3.11. Articles [45.060](#)(a), (b), and (e), Code of
12 Criminal Procedure, are amended to read as follows:

13 (a) Except as provided by Articles [45.058](#) and [45.059](#), an
14 individual may not be taken into secured custody for offenses
15 alleged to have occurred before the individual's 18th [~~17th~~]
16 birthday.

17 (b) On or after an individual's 18th [~~17th~~] birthday, if the
18 court has used all available procedures under this chapter to
19 secure the individual's appearance to answer allegations made
20 before the individual's 18th [~~17th~~] birthday, the court may issue a
21 notice of continuing obligation to appear by personal service or by
22 mail to the last known address and residence of the individual. The
23 notice must order the individual to appear at a designated time,
24 place, and date to answer the allegations detailed in the notice.

25 (e) A notice of continuing obligation to appear issued under
26 this article must contain the following statement provided in
27 boldfaced type or capital letters:

1 "WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 18TH [~~17TH~~]
2 BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO
3 MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. AS AN ADULT, YOU
4 ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS
5 CASE. FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN
6 ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED
7 FOR YOUR ARREST."

8 SECTION 3.12. Article 62.001(6), Code of Criminal
9 Procedure, is amended to read as follows:

10 (6) "Sexually violent offense" means any of the
11 following offenses committed by a person 18 [~~17~~] years of age or
12 older:

13 (A) an offense under Section 21.02 (Continuous
14 sexual abuse of young child or children), 21.11(a)(1) (Indecency
15 with a child), 22.011 (Sexual assault), or 22.021 (Aggravated
16 sexual assault), Penal Code;

17 (B) an offense under Section 43.25 (Sexual
18 performance by a child), Penal Code;

19 (C) an offense under Section 20.04(a)(4)
20 (Aggravated kidnapping), Penal Code, if the defendant committed the
21 offense with intent to violate or abuse the victim sexually;

22 (D) an offense under Section 30.02 (Burglary),
23 Penal Code, if the offense is punishable under Subsection (d) of
24 that section and the defendant committed the offense with intent to
25 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
26 or

27 (E) an offense under the laws of another state,

1 federal law, the laws of a foreign country, or the Uniform Code of
2 Military Justice if the offense contains elements that are
3 substantially similar to the elements of an offense listed under
4 Paragraph (A), (B), (C), or (D).

5 SECTION 3.13. Article 62.351(a), Code of Criminal
6 Procedure, is amended to read as follows:

7 (a) During or after disposition of a case under Section
8 54.04, Family Code, for adjudication of an offense for which
9 registration is required under this chapter, the juvenile court on
10 motion of the respondent shall conduct a hearing to determine
11 whether the interests of the public require registration under this
12 chapter. The motion may be filed and the hearing held regardless of
13 whether the respondent is under 19 [~~18~~] years of age. Notice of the
14 motion and hearing shall be provided to the prosecuting attorney.

15 SECTION 3.14. Article 62.352(c), Code of Criminal
16 Procedure, is amended to read as follows:

17 (c) If the court enters an order described by Subsection
18 (b)(1), the court retains discretion and jurisdiction to require,
19 or exempt the respondent from, registration under this chapter at
20 any time during the treatment or on the successful or unsuccessful
21 completion of treatment, except that during the period of deferral,
22 registration may not be required. Following successful completion
23 of treatment, the respondent is exempted from registration under
24 this chapter unless a hearing under this subchapter is held on
25 motion of the prosecuting attorney, regardless of whether the
26 respondent is 19 [~~18~~] years of age or older, and the court
27 determines the interests of the public require registration. Not

1 later than the 10th day after the date of the respondent's
2 successful completion of treatment, the treatment provider shall
3 notify the juvenile court and prosecuting attorney of the
4 completion.

5 SECTION 3.15. Article [62.353\(b\)](#), Code of Criminal
6 Procedure, is amended to read as follows:

7 (b) The person may file a motion under Subsection (a) in the
8 original juvenile case regardless of whether the person, at the
9 time of filing the motion, is 19 [~~18~~] years of age or older. Notice
10 of the motion shall be provided to the prosecuting attorney. A
11 hearing on the motion shall be provided as in other cases under this
12 subchapter.

13 SECTION 3.16. Section [37.085](#), Education Code, is amended to
14 read as follows:

15 Sec. 37.085. ARRESTS PROHIBITED FOR CERTAIN CLASS C
16 MISDEMEANORS. Notwithstanding any other provision of law, a
17 warrant may not be issued for the arrest of a person for a Class C
18 misdemeanor under this code committed when the person was younger
19 than 18 [~~17~~] years of age.

20 SECTION 3.17. Section [521.453\(i\)](#), Transportation Code, is
21 amended to read as follows:

22 (i) If the person ordered to perform community service under
23 Subsection (h) is younger than 18 [~~17~~] years of age, the community
24 service shall be performed as if ordered by a juvenile court under
25 Section [54.044\(a\)](#), Family Code, as a condition of probation under
26 Section [54.04\(d\)](#), Family Code.

27 SECTION 3.18. (a) Except as provided by Subsection (b) of

1 this section, the changes in law made by this article apply only to
2 an offense committed on or after September 1, 2018. An offense
3 committed before September 1, 2018, is governed by the law in effect
4 on the date the offense was committed, and the former law is
5 continued in effect for that purpose.

6 (b) Articles 45.0216(b) and (h), Code of Criminal
7 Procedure, as amended by this article, apply only to the expunction
8 of certain records related to an offense committed on or after
9 September 1, 2018. The expunction of certain records related to an
10 offense committed before September 1, 2018, is governed by the law
11 in effect on the date the offense was committed, and the former law
12 is continued in effect for that purpose.

13 (c) For purposes of this section, an offense was committed
14 before September 1, 2018, if any element of the offense occurred
15 before that date.

16 ARTICLE 4. JUVENILE COURT PROCEDURES

17 SECTION 4.01. Section 51.041, Family Code, is amended to
18 read as follows:

19 Sec. 51.041. JURISDICTION AFTER APPEAL. (a) The court
20 retains jurisdiction over a person, without regard to the age of the
21 person, for conduct engaged in by the person before becoming 18 [~~17~~]
22 years of age if, as a result of an appeal by the person or the state
23 under Chapter 56 of an order of the court, the order is reversed or
24 modified and the case remanded to the court by the appellate court.

25 (b) If the respondent is at least 18 years of age when the
26 order of remand from the appellate court is received by the juvenile
27 court, the juvenile court shall proceed as provided by Sections

1 54.02(o)-(r) for the detention of a person at least 19 [~~18~~] years of
2 age in discretionary transfer proceedings. Pending retrial of the
3 adjudication or transfer proceeding, the juvenile court may:

- 4 (1) order the respondent released from custody;
5 (2) order the respondent detained in a juvenile
6 detention facility; or
7 (3) set bond and order the respondent detained in a
8 county adult facility if bond is not made.

9 SECTION 4.02. Section 51.0412, Family Code, is amended to
10 read as follows:

11 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.
12 The court retains jurisdiction over a person, without regard to the
13 age of the person, who is a respondent in an adjudication
14 proceeding, a disposition proceeding, a proceeding to modify
15 disposition, a proceeding for waiver of jurisdiction and transfer
16 to criminal court under Section 54.02(a), or a motion for transfer
17 of determinate sentence probation to an appropriate district court
18 if:

19 (1) the petition or motion was filed while the
20 respondent was younger than 19 or 20 [~~18 or 19~~] years of age, as
21 applicable;

22 (2) the proceeding is not complete before the
23 respondent becomes 19 or 20 [~~18 or 19~~] years of age, as applicable;
24 and

25 (3) the court enters a finding in the proceeding that
26 the prosecuting attorney exercised due diligence in an attempt to
27 complete the proceeding before the respondent became 19 or 20 [~~18 or~~

1 ~~19~~] years of age, as applicable.

2 SECTION 4.03. Sections [51.12](#)(f) and (h), Family Code, are
3 amended to read as follows:

4 (f) A child detained in a building that contains a jail,
5 lockup, or other place of secure confinement, including an alcohol
6 or other drug treatment facility, shall be separated by sight and
7 sound from adults detained in the same building. Children and
8 adults are separated by sight and sound only if they are unable to
9 see each other and conversation between them is not possible. The
10 separation must extend to all areas of the facility, including
11 sally ports and passageways, and those areas used for admission,
12 counseling, sleeping, toileting, showering, dining, recreational,
13 educational, or vocational activities, and health care. The
14 separation may be accomplished through architectural design. A
15 person who has been transferred for prosecution in criminal court
16 under Section [54.02](#) and is under 18 [~~17~~] years of age is considered
17 a child for the purposes of this subsection.

18 (h) This section does not apply to a person:

19 (1) who has been transferred to criminal court for
20 prosecution under Section [54.02](#) and is at least 18 [~~17~~] years of
21 age; or

22 (2) who is at least 18 [~~17~~] years of age and who has
23 been taken into custody after having:

24 (A) escaped from a juvenile facility operated by
25 or under contract with the Texas Juvenile Justice Department; or

26 (B) violated a condition of release under
27 supervision of the department.

1 SECTION 4.04. Section 54.02(j), Family Code, is amended to
2 read as follows:

3 (j) The juvenile court may waive its exclusive original
4 jurisdiction and transfer a person to the appropriate district
5 court or criminal district court for criminal proceedings if:

6 (1) the person is 19 [~~18~~] years of age or older;

7 (2) the person was:

8 (A) 12 [~~10~~] years of age or older and under 18
9 [~~17~~] years of age at the time the person is alleged to have
10 committed a capital felony or an offense under Section 19.02, Penal
11 Code;

12 (B) 14 years of age or older and under 18 [~~17~~]
13 years of age at the time the person is alleged to have committed an
14 aggravated controlled substance felony or a felony of the first
15 degree other than an offense under Section 19.02, Penal Code; or

16 (C) 15 years of age or older and under 18 [~~17~~]
17 years of age at the time the person is alleged to have committed a
18 felony of the second or third degree or a state jail felony;

19 (3) no adjudication concerning the alleged offense has
20 been made or no adjudication hearing concerning the offense has
21 been conducted;

22 (4) the juvenile court finds from a preponderance of
23 the evidence that:

24 (A) for a reason beyond the control of the state
25 it was not practicable to proceed in juvenile court before the 19th
26 [~~18th~~] birthday of the person; or

27 (B) after due diligence of the state it was not

1 practicable to proceed in juvenile court before the 19th [~~18th~~]
2 birthday of the person because:

3 (i) the state did not have probable cause to
4 proceed in juvenile court and new evidence has been found since the
5 19th [~~18th~~] birthday of the person;

6 (ii) the person could not be found; or

7 (iii) a previous transfer order was
8 reversed by an appellate court or set aside by a district court; and

9 (5) the juvenile court determines that there is
10 probable cause to believe that the child before the court committed
11 the offense alleged.

12 SECTION 4.05. Section 54.0326(b), Family Code, is amended
13 to read as follows:

14 (b) A juvenile court may defer adjudication proceedings
15 under Section 54.03 until the child's 19th [~~18th~~] birthday and
16 require a child to participate in a program established under
17 Section 152.0017, Human Resources Code, if the child:

18 (1) is alleged to have engaged in delinquent conduct
19 or conduct indicating a need for supervision and may be a victim of
20 conduct that constitutes an offense under Section 20A.02, Penal
21 Code; and

22 (2) presents to the court an oral or written request to
23 participate in the program.

24 SECTION 4.06. Sections 54.04(e), (l), and (q), Family Code,
25 are amended to read as follows:

26 (e) The Texas Juvenile Justice Department shall accept a
27 person properly committed to it by a juvenile court even though the

1 person may be 18 [~~17~~] years of age or older at the time of
2 commitment.

3 (1) Except as provided by Subsection (q), a court or jury
4 may place a child on probation under Subsection (d)(1) for any
5 period, except that probation may not continue on or after the
6 child's 19th [~~18th~~] birthday. Except as provided by Subsection
7 (q), the court may, before the period of probation ends, extend the
8 probation for any period, except that the probation may not extend
9 to or after the child's 19th [~~18th~~] birthday.

10 (q) If a court or jury sentences a child to commitment in the
11 Texas Juvenile Justice Department or a post-adjudication secure
12 correctional facility under Subsection (d)(3) for a term of not
13 more than 10 years, the court or jury may place the child on
14 probation under Subsection (d)(1) as an alternative to making the
15 disposition under Subsection (d)(3). The court shall prescribe
16 the period of probation ordered under this subsection for a term of
17 not more than 10 years. The court may, before the sentence of
18 probation expires, extend the probationary period under Section
19 [54.05](#), except that the sentence of probation and any extension may
20 not exceed 10 years. The court may, before the child's 20th [~~19th~~]
21 birthday, discharge the child from the sentence of probation. If a
22 sentence of probation ordered under this subsection and any
23 extension of probation ordered under Section [54.05](#) will continue
24 after the child's 20th [~~19th~~] birthday, the court shall discharge
25 the child from the sentence of probation on the child's 20th [~~19th~~]
26 birthday unless the court transfers the child to an appropriate
27 district court under Section [54.051](#).

1 SECTION 4.07. Section 54.0405(i), Family Code, is amended
2 to read as follows:

3 (i) A court that requires as a condition of probation that a
4 child attend psychological counseling under Subsection (a) may,
5 before the date the probation period ends, extend the probation for
6 any additional period necessary to complete the required counseling
7 as determined by the treatment provider, except that the probation
8 may not be extended to a date after the date of the child's 19th
9 [~~18th~~] birthday, or 20th [~~19th~~] birthday if the child is placed on
10 determinate sentence probation under Section 54.04(q).

11 SECTION 4.08. Sections 54.041(b) and (h), Family Code, are
12 amended to read as follows:

13 (b) If a child is found to have engaged in delinquent
14 conduct or conduct indicating a need for supervision arising from
15 the commission of an offense in which property damage or loss or
16 personal injury occurred, the juvenile court, on notice to all
17 persons affected and on hearing, may order the child or a parent to
18 make full or partial restitution to the victim of the offense. The
19 program of restitution must promote the rehabilitation of the
20 child, be appropriate to the age and physical, emotional, and
21 mental abilities of the child, and not conflict with the child's
22 schooling. When practicable and subject to court supervision, the
23 court may approve a restitution program based on a settlement
24 between the child and the victim of the offense. An order under
25 this subsection may provide for periodic payments by the child or a
26 parent of the child for the period specified in the order but except
27 as provided by Subsection (h), that period may not extend past the

1 date of the 19th [~~18th~~] birthday of the child or past the date the
2 child is no longer enrolled in an accredited secondary school in a
3 program leading toward a high school diploma, whichever date is
4 later.

5 (h) If the juvenile court places the child on probation in a
6 determinate sentence proceeding initiated under Section 53.045 and
7 transfers supervision on the child's 20th [~~19th~~] birthday to a
8 district court for placement on community supervision, the district
9 court shall require the payment of any unpaid restitution as a
10 condition of the community supervision. The liability of the
11 child's parent for restitution may not be extended by transfer to a
12 district court for supervision.

13 SECTION 4.09. Sections 54.05(a) and (b), Family Code, are
14 amended to read as follows:

15 (a) Any [~~Except as provided by Subsection (a-1), any~~]
16 disposition, except a commitment to the Texas Juvenile Justice
17 Department, may be modified by the juvenile court as provided in
18 this section until:

19 (1) the child reaches:

20 (A) the child's 19th [~~18th~~] birthday; or

21 (B) the child's 20th [~~19th~~] birthday, if the
22 child was placed on determinate sentence probation under Section
23 54.04(q); or

24 (2) the child is earlier discharged by the court or
25 operation of law.

26 (b) Except for a commitment to the Texas Juvenile Justice
27 Department or to a post-adjudication secure correctional facility

1 under Section 54.04011 or a placement on determinate sentence
2 probation under Section 54.04(q), all dispositions automatically
3 terminate when the child reaches the child's 19th [~~18th~~] birthday.

4 SECTION 4.10. Section 54.051, Family Code, is amended by
5 amending Subsections (a), (b), (c), (d), (e-2), and (i) and adding
6 Subsection (j) to read as follows:

7 (a) On motion of the state concerning a child who is placed
8 on probation under Section 54.04(q) for a period, including any
9 extension ordered under Section 54.05, that will continue after the
10 child's applicable [~~19th~~] birthday, the juvenile court shall hold a
11 hearing to determine whether to transfer the child to an
12 appropriate district court or discharge the child from the sentence
13 of probation.

14 (b) The hearing must be conducted before the person's
15 applicable [~~19th~~] birthday[, ~~or before the person's 18th birthday~~
16 ~~if the offense for which the person was placed on probation occurred~~
17 ~~before September 1, 2011,~~] and must be conducted in the same manner
18 as a hearing to modify disposition under Section 54.05.

19 (c) If, after a hearing, the court determines to discharge
20 the child, the court shall specify a date on or before the child's
21 applicable [~~19th~~] birthday to discharge the child from the
22 sentence of probation.

23 (d) If, after a hearing, the court determines to transfer
24 the child, the court shall transfer the child to an appropriate
25 district court on the child's applicable [~~19th~~] birthday.

26 (e-2) If a person who is placed on community supervision
27 under this section violates a condition of that supervision or if

1 the person violated a condition of probation ordered under Section
2 54.04(q) and that probation violation was not discovered by the
3 state before the person's 20th [~~19th~~] birthday, the district court
4 shall dispose of the violation of community supervision or
5 probation, as appropriate, in the same manner as if the court had
6 originally exercised jurisdiction over the case. If the judge
7 revokes community supervision, the judge may reduce the prison
8 sentence to any length without regard to the minimum term imposed by
9 Article 42A.755(a), Code of Criminal Procedure.

10 (i) If the juvenile court exercises jurisdiction over a
11 person on or after the person's [~~who is 18 or 19 years of age or~~
12 ~~older, as~~] applicable birthday, under Section 51.041 or 51.0412,
13 the court or jury may, if the person is otherwise eligible, place
14 the person on probation under Section 54.04(q). The juvenile court
15 shall set the conditions of probation and immediately transfer
16 supervision of the person to the appropriate court exercising
17 criminal jurisdiction under Subsection (e).

18 (j) In this section, "applicable birthday" means the
19 person's:

20 (1) 18th birthday, if the conduct for which the person
21 was placed on probation occurred before September 1, 2011;

22 (2) 19th birthday, if the conduct for which the person
23 was placed on probation occurred on or after September 1, 2011, but
24 before September 1, 2018; or

25 (3) 20th birthday, if the conduct for which the person
26 was placed on probation occurred on or after September 1, 2018.

27 SECTION 4.11. Section 54.11(1), Family Code, is amended to

1 read as follows:

2 (1) Pending the conclusion of a transfer hearing, the
3 juvenile court shall order that the person who is referred for
4 transfer be detained in a certified juvenile detention facility as
5 provided by Subsection (m). If the person is at least 18 [~~17~~] years
6 of age, the juvenile court may order that the person be detained
7 without bond in an appropriate county facility for the detention of
8 adults accused of criminal offenses.

9 SECTION 4.12. Section 55.15, Family Code, is amended to
10 read as follows:

11 Sec. 55.15. STANDARDS OF CARE; EXPIRATION OF COURT ORDER
12 FOR MENTAL HEALTH SERVICES. If the juvenile court or a court to
13 which the child's case is referred under Section 55.12(2) orders
14 mental health services for the child, the child shall be cared for,
15 treated, and released in conformity to Subtitle C, Title 7, Health
16 and Safety Code, except:

17 (1) a court order for mental health services for a
18 child automatically expires on the 120th day after the date the
19 child becomes 19 [~~18~~] years of age; and

20 (2) the administrator of a mental health facility
21 shall notify, in writing, by certified mail, return receipt
22 requested, the juvenile court that ordered mental health services
23 or the juvenile court that referred the case to a court that ordered
24 the mental health services of the intent to discharge the child at
25 least 10 days prior to discharge.

26 SECTION 4.13. Section 55.18, Family Code, is amended to
27 read as follows:

1 Sec. 55.18. DISCHARGE FROM MENTAL HEALTH FACILITY BEFORE
2 REACHING 19 [~~18~~] YEARS OF AGE. If the child is discharged from the
3 mental health facility before reaching 19 [~~18~~] years of age, the
4 juvenile court may:

5 (1) dismiss the juvenile court proceedings with
6 prejudice; or

7 (2) continue with proceedings under this title as
8 though no order of mental health services had been made.

9 SECTION 4.14. The heading to Section 55.19, Family Code, is
10 amended to read as follows:

11 Sec. 55.19. TRANSFER TO CRIMINAL COURT ON 19TH [~~18TH~~]
12 BIRTHDAY.

13 SECTION 4.15. Section 55.19(a), Family Code, is amended to
14 read as follows:

15 (a) The juvenile court shall transfer all pending
16 proceedings from the juvenile court to a criminal court on the 19th
17 [~~18th~~] birthday of a child for whom the juvenile court or a court to
18 which the child's case is referred under Section 55.12(2) has
19 ordered inpatient mental health services if:

20 (1) the child is not discharged or furloughed from the
21 inpatient mental health facility before reaching 19 [~~18~~] years of
22 age; and

23 (2) the child is alleged to have engaged in delinquent
24 conduct that included a violation of a penal law listed in Section
25 53.045 and no adjudication concerning the alleged conduct has been
26 made.

27 SECTION 4.16. Section 55.43(a), Family Code, is amended to

1 read as follows:

2 (a) The prosecuting attorney may file with the juvenile
3 court a motion for a restoration hearing concerning a child if:

4 (1) the child is found unfit to proceed as a result of
5 mental illness or an intellectual disability; and

6 (2) the child:

7 (A) is not:

8 (i) ordered by a court to receive inpatient
9 mental health services;

10 (ii) committed by a court to a residential
11 care facility; or

12 (iii) ordered by a court to receive
13 treatment on an outpatient basis; or

14 (B) is discharged or currently on furlough from a
15 mental health facility or outpatient center before the child
16 reaches 19 [~~18~~] years of age.

17 SECTION 4.17. The heading to Section 55.44, Family Code, is
18 amended to read as follows:

19 Sec. 55.44. TRANSFER TO CRIMINAL COURT ON 19TH [~~18TH~~]
20 BIRTHDAY OF CHILD.

21 SECTION 4.18. Section 55.44(a), Family Code, is amended to
22 read as follows:

23 (a) The juvenile court shall transfer all pending
24 proceedings from the juvenile court to a criminal court on the 19th
25 [~~18th~~] birthday of a child for whom the juvenile court or a court to
26 which the child's case is referred has ordered inpatient mental
27 health services or residential care for persons with an

1 intellectual disability if:

2 (1) the child is not discharged or currently on
3 furlough from the facility before reaching 19 [~~18~~] years of age; and

4 (2) the child is alleged to have engaged in delinquent
5 conduct that included a violation of a penal law listed in Section
6 53.045 and no adjudication concerning the alleged conduct has been
7 made.

8 SECTION 4.19. The heading to Section 56.03, Family Code, is
9 amended to read as follows:

10 Sec. 56.03. APPEAL BY STATE [~~IN CASES OF OFFENSES ELIGIBLE~~
11 ~~FOR DETERMINATE SENTENCE~~].

12 SECTION 4.20. Section 56.03(b), Family Code, is amended to
13 read as follows:

14 (b) The state is entitled to appeal an order of a court:

15 (1) in a juvenile case in which the grand jury has
16 approved of the petition under Section 53.045 if the order:

17 (A) [~~(1)~~] dismisses a petition or any portion of
18 a petition;

19 (B) [~~(2)~~] arrests or modifies a judgment;

20 (C) [~~(3)~~] grants a new trial;

21 (D) [~~(4)~~] sustains a claim of former jeopardy; or

22 (E) [~~(5)~~] grants a motion to suppress evidence, a
23 confession, or an admission and if:

24 (i) [~~(A)~~] jeopardy has not attached in the
25 case;

26 (ii) [~~(B)~~] the prosecuting attorney
27 certifies to the trial court that the appeal is not taken for the

1 purpose of delay; and

2 (iii) [~~(c)~~] the evidence, confession, or
3 admission is of substantial importance in the case; or

4 (2) if the order denies the transfer of the child under
5 Section 54.02 to criminal court for prosecution as an adult.

6 SECTION 4.21. Sections 58.003(c), (c-2), (c-4), (c-6), and
7 (c-8), Family Code, are amended to read as follows:

8 (c) Subject to Subsection (b), a court may order the sealing
9 of records concerning a person adjudicated as having engaged in
10 delinquent conduct that violated a penal law of the grade of felony
11 only if:

12 (1) the person is 19 years of age or older;

13 (2) the person was not transferred by a juvenile court
14 under Section 54.02 to a criminal court for prosecution;

15 (3) the records have not been used as evidence in the
16 punishment phase of a criminal proceeding under Section 3(a),
17 Article 37.07, Code of Criminal Procedure; and

18 (4) the person has not been convicted of a penal law of
19 the grade of felony after becoming age 18 [~~17~~].

20 (c-2) If the court orders the sealing of a child's records
21 under Subsection (c-1), a prosecuting attorney or juvenile
22 probation department may maintain until the child's 19th [~~17th~~]
23 birthday a separate record of the child's name and date of birth and
24 the date the child successfully completed the drug court
25 program. The prosecuting attorney or juvenile probation
26 department, as applicable, shall send the record to the court as
27 soon as practicable after the child's 19th [~~17th~~] birthday to be

1 added to the child's other sealed records.

2 (c-4) A prosecuting attorney or juvenile probation
3 department may maintain until a child's 19th [~~17th~~] birthday a
4 separate record of the child's name and date of birth and the date
5 on which the child's records are sealed, if the child's records are
6 sealed under Subsection (c-3). The prosecuting attorney or
7 juvenile probation department, as applicable, shall send the record
8 to the court as soon as practicable after the child's 19th [~~17th~~]
9 birthday to be added to the child's other sealed records.

10 (c-6) A prosecuting attorney or juvenile probation
11 department may maintain until a child's 19th [~~17th~~] birthday a
12 separate record of the child's name and date of birth and the date
13 on which the child successfully completed the educational program,
14 if the child's records are sealed under Subsection (c-5). The
15 prosecuting attorney or juvenile probation department, as
16 applicable, shall send the record to the court as soon as
17 practicable after the child's 19th [~~17th~~] birthday to be added to
18 the child's other sealed records.

19 (c-8) If the court orders the sealing of a child's records
20 under Subsection (c-7), a prosecuting attorney or juvenile
21 probation department may maintain until the child's 19th [~~18th~~]
22 birthday a separate record of the child's name and date of birth and
23 the date the child successfully completed the trafficked persons
24 program. The prosecuting attorney or juvenile probation
25 department, as applicable, shall send the record to the court as
26 soon as practicable after the child's 19th [~~18th~~] birthday to be
27 added to the child's other sealed records.

1 SECTION 4.22. Section 58.0052(a)(2), Family Code, is
2 amended to read as follows:

- 3 (2) "Multi-system youth" means a person who:
4 (A) is younger than 20 [~~19~~] years of age; and
5 (B) has received services from two or more
6 juvenile service providers.

7 SECTION 4.23. Section 58.0071(d), Family Code, is amended
8 to read as follows:

9 (d) The physical records and files of a juvenile case may
10 only be destroyed if the child who is the respondent in the case:

- 11 (1) is at least 19 [~~18~~] years of age and:
12 (A) the most serious allegation adjudicated was
13 conduct indicating a need for supervision;
14 (B) the most serious allegation was conduct
15 indicating a need for supervision and there was not an
16 adjudication; or
17 (C) the referral or information did not relate to
18 conduct indicating a need for supervision or delinquent conduct and
19 the juvenile court or the court's staff did not take action on the
20 referral or information for that reason;

- 21 (2) is at least 21 years of age and:
22 (A) the most serious allegation adjudicated was
23 delinquent conduct that violated a penal law of the grade of
24 misdemeanor; or
25 (B) the most serious allegation was delinquent
26 conduct that violated a penal law of the grade of misdemeanor or
27 felony and there was not an adjudication; or

1 (3) is at least 31 years of age and the most serious
2 allegation adjudicated was delinquent conduct that violated a penal
3 law of the grade of felony.

4 SECTION 4.24. Section 58.203(a), Family Code, is amended to
5 read as follows:

6 (a) The department shall certify to the juvenile probation
7 department to which a referral was made that resulted in
8 information being submitted to the juvenile justice information
9 system that the records relating to a person's juvenile case are
10 subject to automatic restriction of access if:

11 (1) the person is at least 19 [~~17~~] years of age;

12 (2) the juvenile case did not include conduct
13 resulting in determinate sentence proceedings in the juvenile court
14 under Section 53.045; and

15 (3) the juvenile case was not certified for trial in
16 criminal court under Section 54.02.

17 SECTION 4.25. Section 58.208, Family Code, is amended to
18 read as follows:

19 Sec. 58.208. INFORMATION TO CHILD ON DISCHARGE. On the
20 final discharge of a child from the juvenile system or on the last
21 official action in the case, if there is no adjudication, the
22 appropriate juvenile justice official shall provide to the child:

23 (1) a written explanation of how automatic restricted
24 access under this subchapter works;

25 (2) a copy of this subchapter; and

26 (3) a statement that if the child wishes to receive
27 notification of an action restricting access to the child's records

1 under Section 58.207(a), the child must before the child's 19th
2 [~~17th~~] birthday provide the juvenile probation department with a
3 current address where the child can receive notification.

4 SECTION 4.26. Section 58.209(a), Family Code, is amended to
5 read as follows:

6 (a) When a child is placed on probation for an offense that
7 may be eligible for automatic restricted access at age 19 [~~17~~] or
8 when a child is received by the Texas Juvenile Justice Department on
9 an indeterminate commitment, a probation officer or an official at
10 the Texas Juvenile Justice Department reception center, as soon as
11 practicable, shall explain the substance of the following
12 information to the child:

13 (1) if the child was adjudicated as having committed
14 delinquent conduct for a felony or jailable misdemeanor, that the
15 child probably has a juvenile record with the department and the
16 Federal Bureau of Investigation;

17 (2) that the child's juvenile record is a permanent
18 record that is not destroyed or erased unless the record is eligible
19 for sealing and the child or the child's family hires a lawyer and
20 files a petition in court to have the record sealed;

21 (3) that the child's juvenile record, other than
22 treatment records made confidential by law, can be accessed by
23 police, sheriff's officers, prosecutors, probation officers,
24 correctional officers, and other criminal and juvenile justice
25 officials in this state and elsewhere;

26 (4) that the child's juvenile record, other than
27 treatment records made confidential by law, can be accessed by

1 employers, educational institutions, licensing agencies, and other
2 organizations when the child applies for employment or educational
3 programs;

4 (5) if the child's juvenile record is placed on
5 restricted access when the child becomes 19 [~~17~~] years of age, that
6 access will be denied to employers, educational institutions, and
7 others except for criminal justice agencies;

8 (6) that restricted access does not require any action
9 by the child or the child's family, including the filing of a
10 petition or hiring of a lawyer, but occurs automatically at age 19
11 [~~17~~]; and

12 (7) that if the child is under the jurisdiction of the
13 juvenile court or the Texas Juvenile Justice Department on or after
14 the child's 19th [~~17th~~] birthday, the law regarding restricted
15 access will not apply until the person is discharged from the
16 jurisdiction of the court or department, as appropriate.

17 SECTION 4.27. Section 58.211(a), Family Code, is amended to
18 read as follows:

19 (a) If the department has notified a juvenile probation
20 department that a record has been placed on restricted access and
21 the department later receives information in the department's
22 criminal history system that the subject of the records has been
23 convicted of or placed on deferred adjudication for a felony or a
24 misdemeanor punishable by confinement in jail for an offense
25 committed after the person reached the age of 18 [~~17~~], the person's
26 juvenile records are no longer subject to restricted access. The
27 department shall notify the appropriate local juvenile probation

1 departments in the manner described by Section 58.203 that the
2 person's records are no longer subject to restricted access.

3 SECTION 4.28. Section 59.005(b), Family Code, is amended to
4 read as follows:

5 (b) The juvenile court or the probation department shall
6 discharge the child from the custody of the probation department on
7 the date the provisions of this section are met or on the child's
8 19th [~~18th~~] birthday, whichever is earlier.

9 SECTION 4.29. Section 59.006(b), Family Code, is amended to
10 read as follows:

11 (b) The juvenile court shall discharge the child from the
12 custody of the probation department on the date the provisions of
13 this section are met or on the child's 19th [~~18th~~] birthday,
14 whichever is earlier.

15 SECTION 4.30. Section 59.007(b), Family Code, is amended to
16 read as follows:

17 (b) The juvenile court shall discharge the child from the
18 custody of the probation department on the date the provisions of
19 this section are met or on the child's 19th [~~18th~~] birthday,
20 whichever is earlier.

21 SECTION 4.31. Section 59.008(b), Family Code, is amended to
22 read as follows:

23 (b) The juvenile court shall discharge the child from the
24 custody of the probation department on the date the provisions of
25 this section are met or on the child's 19th [~~18th~~] birthday,
26 whichever is earlier.

27 SECTION 4.32. Section 59.009(c), Family Code, is amended to

1 read as follows:

2 (c) The Texas Juvenile Justice Department, juvenile board,
3 or local juvenile probation department may discharge the child from
4 the custody of the department, board, or probation department, as
5 applicable, on the date the provisions of this section are met or on
6 the child's 20th [~~19th~~] birthday, whichever is earlier.

7 SECTION 4.33. Section 61.051(c), Family Code, is amended to
8 read as follows:

9 (c) The juvenile court retains jurisdiction to enter a
10 contempt order if the motion for enforcement is filed not later than
11 six months after the child's 19th [~~18th~~] birthday.

12 SECTION 4.34. Section 614.019(b), Health and Safety Code,
13 is amended to read as follows:

14 (b) A child with mental illness who is receiving continuity
15 of care services during parole from the Texas Juvenile Justice
16 Department and who is no longer eligible to receive services from a
17 local mental health authority when the child becomes 18 [~~17~~] years
18 of age because the child does not meet the requirements of a local
19 service area plan under Section 533.0352(a) may continue to receive
20 continuity of care services from the office until the child
21 completes the child's parole.

22 SECTION 4.35. Section 63.001(1), Human Resources Code, is
23 amended to read as follows:

24 (1) "Juvenile" means a person from the age of 10 to 20
25 [~~18~~] years who:

26 (A) has been found to have engaged in delinquent
27 conduct by a juvenile court; and

1 (B) is under the jurisdiction of the juvenile
2 court [of competent jurisdiction].

3 SECTION 4.36. Section 152.0015, Human Resources Code, is
4 amended to read as follows:

5 Sec. 152.0015. PRETRIAL DETENTION POLICY FOR CERTAIN
6 JUVENILES. A juvenile board shall establish a policy that
7 specifies whether a person who has been transferred for criminal
8 prosecution under Section 54.02, Family Code, and is younger than
9 18 [~~17~~] years of age may be detained in a juvenile facility pending
10 trial as provided by Section 51.12, Family Code.

11 SECTION 4.37. Sections 152.0016(e) and (j), Human Resources
12 Code, are amended to read as follows:

13 (e) A juvenile board or a local juvenile probation
14 department shall accept a person properly committed to it by a
15 juvenile court under Section 54.04011, Family Code, in the same
16 manner in which the Texas Juvenile Justice Department accepts a
17 person under Section 54.04(e), Family Code, even though the person
18 may be 18 [~~17~~] years of age or older at the time of the commitment.

19 (j) After a child committed to a post-adjudication secure
20 correctional facility with a determinate sentence under Section
21 54.04011(c)(2), Family Code, becomes 16 years of age but before the
22 child becomes 20 [~~19~~] years of age, the juvenile board or local
23 juvenile probation department operating or contracting for the
24 operation of the facility may refer the child to the juvenile court
25 that entered the order of commitment for approval of the child's
26 transfer to the Texas Department of Criminal Justice for
27 confinement if the child has not completed the sentence and:

1 (1) the child's conduct, regardless of whether the
2 child was released under supervision through a program established
3 by the board or department, indicates that the welfare of the
4 community requires the transfer; or

5 (2) while the child was released under supervision:

6 (A) a juvenile court adjudicated the child as
7 having engaged in delinquent conduct constituting a felony offense;

8 (B) a criminal court convicted the child of a
9 felony offense; or

10 (C) the child's release under supervision was
11 revoked.

12 SECTION 4.38. Section 201.001(a)(2), Human Resources Code,
13 is amended to read as follows:

14 (2) "Child" means an individual[+]

15 [~~(A)~~] 10 years of age or older and younger than 20
16 [~~18~~] years of age who is under the jurisdiction of a juvenile
17 court[~~, or~~

18 [~~(B) 10 years of age or older and younger than 19~~
19 ~~years of age who is committed to the department under Title 3,~~
20 ~~Family Code].~~

21 SECTION 4.39. Section 243.001(a), Human Resources Code, is
22 amended to read as follows:

23 (a) The department may not assign a child younger than 16
24 [~~15~~] years of age to the same correctional facility dormitory as a
25 person who is at least 18 [~~17~~] years of age unless the department
26 determines that the placement is necessary to ensure the safety of
27 children in the custody of the department. This subsection does not

1 apply to a dormitory that is used exclusively for short-term
2 assessment and orientation purposes.

3 SECTION 4.40. Section 243.051(b), Human Resources Code, is
4 amended to read as follows:

5 (b) A child who is arrested or taken into custody under
6 Subsection (a) may be detained in any suitable place, including an
7 adult jail facility if the person is 18 [~~17~~] years of age or older,
8 until the child is returned to the custody of the department or
9 transported to a department facility.

10 SECTION 4.41. Section 244.014(a), Human Resources Code, is
11 amended to read as follows:

12 (a) After a child sentenced to commitment under Section
13 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 17 [~~16~~]
14 years of age but before the child becomes 20 [~~19~~] years of age, the
15 department may refer the child to the juvenile court that entered
16 the order of commitment for approval of the child's transfer to the
17 Texas Department of Criminal Justice for confinement if:

- 18 (1) the child has not completed the sentence; and
19 (2) the child's conduct, regardless of whether the
20 child was released under supervision under Section 245.051,
21 indicates that the welfare of the community requires the transfer.

22 SECTION 4.42. Section 244.015, Human Resources Code, is
23 amended to read as follows:

24 Sec. 244.015. EVALUATION OF CERTAIN CHILDREN SERVING
25 DETERMINATE SENTENCES. (a) When a child who is sentenced to
26 commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),
27 Family Code, becomes 19 [~~18~~] years of age, the department shall

1 evaluate whether the child is in need of additional services that
2 can be completed in the six-month period after the child's 19th
3 [~~18th~~] birthday to prepare the child for release from the custody of
4 the department or transfer to the Texas Department of Criminal
5 Justice.

6 (b) This section does not apply to a child who is released
7 from the custody of the department or who is transferred to the
8 Texas Department of Criminal Justice before the child's 19th [~~18th~~]
9 birthday.

10 SECTION 4.43. Section [245.053](#)(i), Human Resources Code, is
11 amended to read as follows:

12 (i) If the department requires as a condition of release
13 that a child attend psychological counseling under Subsection (a),
14 the department may, before the date the period of release ends,
15 petition the appropriate court to request the court to extend the
16 period of release for an additional period necessary to complete
17 the required counseling as determined by the treatment provider,
18 except that the release period may not be extended to a date after
19 the date of the child's 19th [~~18th~~] birthday.

20 SECTION 4.44. Sections [245.151](#)(d) and (e), Human Resources
21 Code, are amended to read as follows:

22 (d) Except as provided by Subsection (e), the department
23 shall discharge from its custody a person not already discharged on
24 the person's 20th [~~19th~~] birthday.

25 (e) The department shall transfer a person who has been
26 sentenced under a determinate sentence to commitment under Section
27 [54.04](#)(d)(3), [54.04](#)(m), or [54.05](#)(f), Family Code, or who has been

1 returned to the department under Section 54.11(i)(1), Family Code,
2 to the custody of the Texas Department of Criminal Justice on the
3 person's 20th [~~19th~~] birthday, if the person has not already been
4 discharged or transferred, to serve the remainder of the person's
5 sentence on parole as provided by Section 508.156, Government Code.

6 SECTION 4.45. (a) Except as provided by Subsection (b) of
7 this section, the changes in law made by this article apply only to
8 procedures relating to conduct that occurs on or after September 1,
9 2018. Procedures relating to conduct that occurred before
10 September 1, 2018, are governed by the law in effect on the date the
11 conduct occurred, and the former law is continued in effect for that
12 purpose.

13 (b) The change in law made by this article to Section
14 58.0052, Family Code, applies to the sharing of information on or
15 after September 1, 2018, without regard to whether the information
16 was compiled before, on, or after that date.

17 (c) For purposes of this section, conduct occurred before
18 September 1, 2018, if any element of the conduct occurred before
19 that date.

20 ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL
21 RESPONSIBILITY

22 SECTION 5.01. Section 109.001(5), Business & Commerce Code,
23 is amended to read as follows:

24 (5) "Confidential criminal record information of a
25 child" means information about a person's involvement in the
26 criminal justice system resulting from conduct that occurred or was
27 alleged to occur when the person was younger than 18 [~~17~~] years of

1 age that is confidential under Chapter 45, Code of Criminal
2 Procedure, or other law. The term does not include:

3 (A) criminal record information of a person
4 certified to stand trial as an adult for that conduct, as provided
5 by Section 54.02, Family Code; or

6 (B) information relating to a traffic offense.

7 SECTION 5.02. Section 65.251(b), Family Code, is amended to
8 read as follows:

9 (b) If a child fails to obey an order issued by a truancy
10 court under Section 65.103(a) or a child is in direct contempt of
11 court and the child has failed to obey an order or has been found in
12 direct contempt of court on two or more previous occasions, the
13 truancy court, after providing notice and an opportunity for a
14 hearing, may refer the child to the juvenile probation department
15 as a request for truancy intervention, unless the child failed to
16 obey the truancy court order or was in direct contempt of court
17 while 18 [~~17~~] years of age or older.

18 SECTION 5.03. Section 79.001(10), Government Code, is
19 amended to read as follows:

20 (10) "Juvenile offense" means conduct committed by a
21 person while younger than 18 [~~17~~] years of age that constitutes:

22 (A) a misdemeanor punishable by confinement; or

23 (B) a felony.

24 SECTION 5.04. Section 511.009(a), Government Code, as
25 amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B.
26 634), Acts of the 84th Legislature, Regular Session, 2015, is
27 reenacted and amended to read as follows:

1 (a) The commission shall:

2 (1) adopt reasonable rules and procedures
3 establishing minimum standards for the construction, equipment,
4 maintenance, and operation of county jails;

5 (2) adopt reasonable rules and procedures
6 establishing minimum standards for the custody, care, and treatment
7 of prisoners;

8 (3) adopt reasonable rules establishing minimum
9 standards for the number of jail supervisory personnel and for
10 programs and services to meet the needs of prisoners;

11 (4) adopt reasonable rules and procedures
12 establishing minimum requirements for programs of rehabilitation,
13 education, and recreation in county jails;

14 (5) revise, amend, or change rules and procedures if
15 necessary;

16 (6) provide to local government officials
17 consultation on and technical assistance for county jails;

18 (7) review and comment on plans for the construction
19 and major modification or renovation of county jails;

20 (8) require that the sheriff and commissioners of each
21 county submit to the commission, on a form prescribed by the
22 commission, an annual report on the conditions in each county jail
23 within their jurisdiction, including all information necessary to
24 determine compliance with state law, commission orders, and the
25 rules adopted under this chapter;

26 (9) review the reports submitted under Subdivision (8)
27 and require commission employees to inspect county jails regularly

1 to ensure compliance with state law, commission orders, and rules
2 and procedures adopted under this chapter;

3 (10) adopt a classification system to assist sheriffs
4 and judges in determining which defendants are low-risk and
5 consequently suitable participants in a county jail work release
6 program under Article 42.034, Code of Criminal Procedure;

7 (11) adopt rules relating to requirements for
8 segregation of classes of inmates and to capacities for county
9 jails;

10 (12) require that the chief jailer of each municipal
11 lockup submit to the commission, on a form prescribed by the
12 commission, an annual report of persons under 18 [~~17~~] years of age
13 securely detained in the lockup, including all information
14 necessary to determine compliance with state law concerning secure
15 confinement of children in municipal lockups;

16 (13) at least annually determine whether each county
17 jail is in compliance with the rules and procedures adopted under
18 this chapter;

19 (14) require that the sheriff and commissioners court
20 of each county submit to the commission, on a form prescribed by the
21 commission, an annual report of persons under 18 [~~17~~] years of age
22 securely detained in the county jail, including all information
23 necessary to determine compliance with state law concerning secure
24 confinement of children in county jails;

25 (15) schedule announced and unannounced inspections
26 of jails under the commission's jurisdiction using the risk
27 assessment plan established under Section 511.0085 to guide the

1 inspections process;

2 (16) adopt a policy for gathering and distributing to
3 jails under the commission's jurisdiction information regarding:

4 (A) common issues concerning jail
5 administration;

6 (B) examples of successful strategies for
7 maintaining compliance with state law and the rules, standards, and
8 procedures of the commission; and

9 (C) solutions to operational challenges for
10 jails;

11 (17) report to the Texas Correctional Office on
12 Offenders with Medical or Mental Impairments on a jail's compliance
13 with Article 16.22, Code of Criminal Procedure;

14 (18) adopt reasonable rules and procedures
15 establishing minimum requirements for jails to:

16 (A) determine if a prisoner is pregnant; and

17 (B) ensure that the jail's health services plan
18 addresses medical and mental health care, including nutritional
19 requirements, and any special housing or work assignment needs for
20 persons who are confined in the jail and are known or determined to
21 be pregnant;

22 (19) provide guidelines to sheriffs regarding
23 contracts between a sheriff and another entity for the provision of
24 food services to or the operation of a commissary in a jail under
25 the commission's jurisdiction, including specific provisions
26 regarding conflicts of interest and avoiding the appearance of
27 impropriety; ~~and~~

1 (20) adopt reasonable rules and procedures
2 establishing minimum standards for prisoner visitation that
3 provide each prisoner at a county jail with a minimum of two
4 in-person, noncontact visitation periods per week of at least 20
5 minutes duration each;

6 (21) [~~(20)~~] require the sheriff of each county to:

7 (A) investigate and verify the veteran status of
8 each prisoner by using data made available from the Veterans
9 Reentry Search Service (VRSS) operated by the United States
10 Department of Veterans Affairs or a similar service; and

11 (B) use the data described by Paragraph (A) to
12 assist prisoners who are veterans in applying for federal benefits
13 or compensation for which the prisoners may be eligible under a
14 program administered by the United States Department of Veterans
15 Affairs; and

16 (22) [~~(20)~~] adopt reasonable rules and procedures
17 regarding visitation of a prisoner at a county jail by a guardian,
18 as defined by Section [1002.012](#), Estates Code, that:

19 (A) allow visitation by a guardian to the same
20 extent as the prisoner's next of kin, including placing the
21 guardian on the prisoner's approved visitors list on the guardian's
22 request and providing the guardian access to the prisoner during a
23 facility's standard visitation hours if the prisoner is otherwise
24 eligible to receive visitors; and

25 (B) require the guardian to provide the sheriff
26 with letters of guardianship issued as provided by Section
27 [1106.001](#), Estates Code, before being allowed to visit the prisoner.

1 SECTION 5.05. Section 351.903(a), Local Government Code, is
2 amended to read as follows:

3 (a) To provide for the public safety, the commissioners
4 court of a county by order may adopt a curfew to regulate the
5 movements or actions of persons under 18 [~~17~~] years of age during
6 the period beginning one-half hour after sunset and extending until
7 one-half hour before sunrise or during school hours, or both. The
8 order applies only to the unincorporated area of the county.

9 SECTION 5.06. Section 521.201, Transportation Code, is
10 amended to read as follows:

11 Sec. 521.201. LICENSE INELIGIBILITY IN GENERAL. The
12 department may not issue any license to a person who:

- 13 (1) is under 15 years of age;
- 14 (2) is under 18 years of age unless the person complies
15 with the requirements imposed by Section 521.204;
- 16 (3) is shown to be addicted to the use of alcohol, a
17 controlled substance, or another drug that renders a person
18 incapable of driving;
- 19 (4) holds a driver's license issued by this state or
20 another state or country that is revoked, canceled, or under
21 suspension;
- 22 (5) has been determined by a judgment of a court to be
23 totally incapacitated or incapacitated to act as the operator of a
24 motor vehicle unless the person has, by the date of the license
25 application, been:
 - 26 (A) restored to capacity by judicial decree; or
 - 27 (B) released from a hospital for the mentally

1 incapacitated on a certificate by the superintendent or
2 administrator of the hospital that the person has regained
3 capacity;

4 (6) the department determines to be afflicted with a
5 mental or physical disability or disease that prevents the person
6 from exercising reasonable and ordinary control over a motor
7 vehicle while operating the vehicle on a highway, except that a
8 person may not be refused a license because of a physical defect if
9 common experience shows that the defect does not incapacitate a
10 person from safely operating a motor vehicle;

11 (7) has been reported by a court under Section
12 [521.3452](#) for failure to appear unless the court has filed an
13 additional report on final disposition of the case; or

14 (8) has been reported by a court for failure to appear
15 or default in payment of a fine for a misdemeanor that is not
16 covered under Subdivision (7) and that is punishable by a fine only,
17 including a misdemeanor under a municipal ordinance, committed by a
18 person who was under 18 [~~17~~] years of age at the time of the alleged
19 offense, unless the court has filed an additional report on final
20 disposition of the case.

21 SECTION 5.07. Section [521.294](#), Transportation Code, is
22 amended to read as follows:

23 Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE
24 REVOCATION. The department shall revoke the person's license if
25 the department determines that the person:

- 26 (1) is incapable of safely operating a motor vehicle;
27 (2) has not complied with the terms of a citation

1 issued by a jurisdiction that is a party to the Nonresident Violator
2 Compact of 1977 for a traffic violation to which that compact
3 applies;

4 (3) has failed to provide medical records or has
5 failed to undergo medical or other examinations as required by a
6 panel of the medical advisory board;

7 (4) has failed to pass an examination required by the
8 director under this chapter;

9 (5) has been reported by a court under Section
10 [521.3452](#) for failure to appear unless the court files an additional
11 report on final disposition of the case;

12 (6) has been reported within the preceding two years
13 by a justice or municipal court for failure to appear or for a
14 default in payment of a fine for a misdemeanor punishable only by
15 fine, other than a failure reported under Section [521.3452](#),
16 committed by a person who is at least 14 years of age but younger
17 than 18 [~~17~~] years of age when the offense was committed, unless the
18 court files an additional report on final disposition of the case;
19 or

20 (7) has committed an offense in another state or
21 Canadian province that, if committed in this state, would be
22 grounds for revocation.

23 SECTION 5.08. Section [109.001](#)(5), Business & Commerce Code,
24 and Sections [521.201](#) and [521.294](#), Transportation Code, as amended
25 by this article, apply only to an offense committed on or after
26 September 1, 2018. An offense committed before September 1, 2018,
27 is governed by the law in effect on the date the offense was

1 committed, and the former law is continued in effect for that
2 purpose. For purposes of this section, an offense was committed
3 before September 1, 2018, if any element of the offense occurred
4 before that date.

5 ARTICLE 6. ADVISORY COMMITTEE

6 SECTION 6.01. ADVISORY COMMITTEE ON IMPLEMENTATION. (a)

7 Not later than December 1, 2017, the Texas Juvenile Justice Board
8 shall appoint an advisory committee to monitor and evaluate
9 implementation of this Act.

10 (b) In making appointments to the advisory committee, the
11 board shall include members who are interested parties, including:

12 (1) the executive director of the Texas Juvenile
13 Justice Department or the executive director's designee;

14 (2) the director of probation services of the Texas
15 Juvenile Justice Department or the director's designee;

16 (3) the executive commissioner of the Health and Human
17 Services Commission or the executive commissioner's designee;

18 (4) one representative of county commissioners courts
19 appointed by the board;

20 (5) two juvenile court judges appointed by the board;

21 (6) seven chief juvenile probation officers appointed
22 by the board as provided by Subsection (c) of this section;

23 (7) juvenile prosecutors;

24 (8) juvenile defense attorneys;

25 (9) juvenile justice advocates; and

26 (10) individuals who were adjudicated for juvenile
27 offenses in this state or who were prosecuted as adults for offenses

1 committed when they were 17 years old, or their family members.

2 (c) The board shall appoint to the advisory council one
3 chief juvenile probation officer from each regional chiefs
4 association in this state from a list of nominees submitted to the
5 board by each regional chiefs association. To the greatest extent
6 practicable, a regional chiefs association shall include in the
7 association's list of nominees:

8 (1) one chief juvenile probation officer of a juvenile
9 probation department serving a county with a population that
10 includes fewer than 7,500 persons younger than 18 years of age;

11 (2) one chief juvenile probation officer of a juvenile
12 probation department serving a county with a population that
13 includes at least 7,500 but fewer than 80,000 persons younger than
14 18 years of age; and

15 (3) one chief juvenile probation officer of a juvenile
16 probation department serving a county with a population that
17 includes 80,000 or more persons younger than 18 years of age.

18 (d) The board shall designate one of the members as
19 presiding officer of the advisory committee.

20 (e) The advisory committee shall assist the Texas Juvenile
21 Justice Department in evaluating and monitoring the implementation
22 of this Act, which includes determining the needs and problems of
23 county juvenile boards and probation departments, and offer
24 recommendations to meet identified needs and problems.

25 (f) Members of the advisory committee serve without
26 compensation and are not entitled to reimbursement for expenses.

27 (g) The advisory committee is not subject to Chapter 2110,

1 Government Code.

2 (h) The advisory committee is abolished and this article
3 expires June 1, 2019.

4 ARTICLE 7. TRANSITION AND EFFECTIVE DATES

5 SECTION 7.01. To the extent of any conflict, this Act
6 prevails over another Act of the 85th Legislature, Regular Session,
7 2017, relating to nonsubstantive additions to and corrections in
8 enacted codes.

9 SECTION 7.02. (a) Except as provided by Subsection (b) of
10 this section, this Act takes effect September 1, 2018.

11 (b) Article 6 of this Act takes effect September 1, 2017.