

By: Hughes

S.B. No. 941

A BILL TO BE ENTITLED

AN ACT

relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

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

ARTICLE 1. AGE OF CRIMINAL RESPONSIBILITY

SECTION 1.01. Section 51.02(2), Family Code, is amended to read as follows:

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

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

(B) 18 [~~seventeen~~] years of age or older and under 19 [~~18~~] years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 18 [~~17~~] years of age.

SECTION 1.02. Section 8.07(b), Penal Code, is amended to read as follows:

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

SECTION 1.03. The changes in law made by this article apply

only to an offense committed or conduct that occurs on or after the effective date of this Act. An offense committed or conduct that occurs before the effective date of this Act is governed by the law in effect on the date the offense was committed or the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed or conduct occurred before the effective date of this Act if any element of the offense or conduct occurred before that date.

ARTICLE 2. OFFENSES WITH AGE AS AN ELEMENT

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

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

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

(2) committed the offense with the intent to:

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

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

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

(b) A person commits an offense if:

(1) during a period that is 30 or more days in

1 duration, the person commits two or more acts of sexual abuse,
2 regardless of whether the acts of sexual abuse are committed
3 against one or more victims; and

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

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

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

15 (1) communicates in a sexually explicit manner with a
16 minor; or

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

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

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

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

27 (A) real property that is owned, rented, or

1 leased by a school or school board;

2 (B) premises owned, rented, or leased by an
3 institution of higher education;

4 (C) premises of a public or private youth center;
5 or

6 (D) playground;

7 (2) in, on, or within 300 feet of any:

8 (A) shopping mall;

9 (B) movie theater;

10 (C) premises of a public swimming pool; or

11 (D) premises of a video arcade facility; or

12 (3) on a school bus.

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

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

19 (1) Chapter 502, other than Section [~~502.282 or~~]
20 502.412;

21 (2) Chapter 521, other than an offense under Section
22 521.457;

23 (3) Subtitle C, other than an offense punishable by
24 imprisonment or by confinement in jail under Section 550.021,
25 550.022, 550.024, or 550.025;

26 (4) Chapter 601;

27 (5) Chapter 621;

(6) Chapter 661; and

(7) Chapter 681.

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

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

(1) public road or highway;

(2) street or alley in a municipality; or

(3) public beach as defined by Section 729.001.

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

SECTION 2.07. The changes in law made by this article apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

ARTICLE 3. CRIMINAL PROCEDURES

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

1 Art. 4.19. TRANSFER OF PERSON CERTIFIED TO STAND TRIAL AS AN
2 ADULT. (a) Notwithstanding the order of a juvenile court to
3 detain a person under the age of 18 [~~17~~] who has been certified to
4 stand trial as an adult in a certified juvenile detention facility
5 under Section 54.02(h), Family Code, the judge of the criminal
6 court having jurisdiction over the person may order the person to be
7 transferred to an adult facility. A child who is transferred to an
8 adult facility must be detained under conditions meeting the
9 requirements of Section 51.12, Family Code.

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

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

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

19 ~~[(1) charged with an offense other than an offense~~
20 ~~under Section 43.261, Penal Code, if the defendant is younger than~~
21 ~~17 years of age, or~~

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

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

26 (b) A person may apply to the court in which the person was
27 convicted to have the conviction expunged as provided by this

1 article on or after the person's 18th [~~17th~~] birthday if:

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

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

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

9 (1) the complaint was dismissed under Article 45.051
10 or 45.052 or other law; or

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

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

14 (b) A capias pro fine may not be issued for an individual
15 convicted for an offense committed before the individual's 18th
16 [~~17th~~] birthday unless:

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

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

20 (A) the sophistication and maturity of the
21 individual;

22 (B) the criminal record and history of the
23 individual; and

24 (C) the reasonable likelihood of bringing about
25 the discharge of the judgment through the use of procedures and
26 services currently available to the court; and

27 (3) the court has proceeded under Article 45.050 to

1 compel the individual to discharge the judgment.

2 SECTION 3.05. Article 45.0492(a), Code of Criminal
3 Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd
4 Legislature, Regular Session, 2011, is amended to read as follows:

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

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

13 (a) This article applies only to a defendant younger than 18
14 [~~17~~] years of age who is assessed a fine or costs for a Class C
15 misdemeanor.

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

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

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

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

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

26 (e) A justice or municipal court may hold a person in
27 contempt and impose a remedy authorized by Subsection (c)(2) if the

1 person, while younger than 18 [~~17~~] years of age, engaged in conduct
2 in contempt of an order issued by the justice or municipal court,
3 but contempt proceedings could not be held before the person's 18th
4 [~~17th~~] birthday.

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

8 SECTION 3.08. Article [45.057](#)(h), Code of Criminal
9 Procedure, is amended to read as follows:

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

20 SECTION 3.09. Article [45.058](#)(h), Code of Criminal
21 Procedure, is amended to read as follows:

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

23 (1) at least 10 years of age and younger than 18 [~~17~~]
24 years of age; and

25 (2) charged with or convicted of an offense that a
26 justice or municipal court has jurisdiction of under Article [4.11](#)
27 or [4.14](#).

SECTION 3.10. Articles 45.060(a), (b), and (e), Code of Criminal Procedure, are amended to read as follows:

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

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

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

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

SECTION 3.11. Article 62.001(6), Code of Criminal Procedure, is amended to read as follows:

(6) "Sexually violent offense" means any of the

1 following offenses committed by a person 18 [~~17~~] years of age or
2 older:

3 (A) an offense under Section 21.02 (Continuous
4 sexual abuse of young child or children), 21.11(a)(1) (Indecency
5 with a child), 22.011 (Sexual assault), or 22.021 (Aggravated
6 sexual assault), Penal Code;

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

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

12 (D) an offense under Section 30.02 (Burglary),
13 Penal Code, if the offense is punishable under Subsection (d) of
14 that section and the defendant committed the offense with intent to
15 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
16 or

17 (E) an offense under the laws of another state,
18 federal law, the laws of a foreign country, or the Uniform Code of
19 Military Justice if the offense contains elements that are
20 substantially similar to the elements of an offense listed under
21 Paragraph (A), (B), (C), or (D).

22 SECTION 3.12. Section 37.085, Education Code, is amended to
23 read as follows:

24 Sec. 37.085. ARRESTS PROHIBITED FOR CERTAIN CLASS C
25 MISDEMEANORS. Notwithstanding any other provision of law, a
26 warrant may not be issued for the arrest of a person for a Class C
27 misdemeanor under this code committed when the person was younger

1 than 18 [~~17~~] years of age.

2 SECTION 3.13. Section [521.453](#)(i), Transportation Code, is
3 amended to read as follows:

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

9 SECTION 3.14. (a) Except as provided by Subsection (b) of
10 this section, the changes in law made by this article apply only to
11 an offense committed on or after the effective date of this Act. An
12 offense committed before the effective date of this Act is governed
13 by the law in effect on the date the offense was committed, and the
14 former law is continued in effect for that purpose.

15 (b) Articles [45.0216](#)(b) and (h), Code of Criminal
16 Procedure, as amended by this article, apply only to the expunction
17 of certain records related to an offense committed on or after the
18 effective date of this Act. The expunction of certain records
19 related to an offense committed before the effective date of this
20 Act is governed by the law in effect on the date the offense was
21 committed, and the former law is continued in effect for that
22 purpose.

23 (c) For purposes of this section, an offense was committed
24 before the effective date of this Act if any element of the offense
25 occurred before that date.

26 ARTICLE 4. JUVENILE COURT PROCEDURES

27 SECTION 4.01. Section [51.041](#), Family Code, is amended to

1 read as follows:

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

8 (b) If the respondent is at least 18 years of age when the
9 order of remand from the appellate court is received by the juvenile
10 court, the juvenile court shall proceed as provided by Sections
11 54.02(o)-(r) for the detention of a person at least 19 [~~18~~] years of
12 age in discretionary transfer proceedings. Pending retrial of the
13 adjudication or transfer proceeding, the juvenile court may:

14 (1) order the respondent released from custody;

15 (2) order the respondent detained in a juvenile
16 detention facility; or

17 (3) set bond and order the respondent detained in a
18 county adult facility if bond is not made.

19 SECTION 4.02. Section 51.0412, Family Code, is amended to
20 read as follows:

21 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.
22 The court retains jurisdiction over a person, without regard to the
23 age of the person, who is a respondent in an adjudication
24 proceeding, a disposition proceeding, a proceeding to modify
25 disposition, a proceeding for waiver of jurisdiction and transfer
26 to criminal court under Section 54.02(a), or a motion for transfer
27 of determinate sentence probation to an appropriate district court

1 if:

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

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

8 (3) the court enters a finding in the proceeding that
9 the prosecuting attorney exercised due diligence in an attempt to
10 complete the proceeding before the respondent became 19 or 20 [~~18 or~~
11 ~~19~~] years of age, as applicable.

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

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

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

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

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

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

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

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

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

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

(2) the person was:

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

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

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

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

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

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

(B) after due diligence of the state it was not practicable to proceed in juvenile court before the 19th [~~18th~~] birthday of the person because:

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

(ii) the person could not be found; or

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

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

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

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

(1) is alleged to have engaged in delinquent conduct

or conduct indicating a need for supervision and may be a victim of conduct that constitutes an offense under Section 20A.02, Penal Code; and

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

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

(e) The Texas Juvenile Justice Department shall accept a person properly committed to it by a juvenile court even though the person may be 18 [~~17~~] years of age or older at the time of commitment.

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

(q) If a court or jury sentences a child to commitment in the Texas Juvenile Justice Department or a post-adjudication secure correctional facility under Subsection (d)(3) for a term of not more than 10 years, the court or jury may place the child on probation under Subsection (d)(1) as an alternative to making the disposition under Subsection (d)(3). The court shall prescribe the period of probation ordered under this subsection for a term of not more than 10 years. The court may, before the sentence of probation expires, extend the probationary period under Section

1 54.05, except that the sentence of probation and any extension may
2 not exceed 10 years. The court may, before the child's 20th [~~19th~~]
3 birthday, discharge the child from the sentence of probation. If a
4 sentence of probation ordered under this subsection and any
5 extension of probation ordered under Section 54.05 will continue
6 after the child's 20th [~~19th~~] birthday, the court shall discharge
7 the child from the sentence of probation on the child's 20th [~~19th~~]
8 birthday unless the court transfers the child to an appropriate
9 district court under Section 54.051.

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

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

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

22 (b) If a child is found to have engaged in delinquent
23 conduct or conduct indicating a need for supervision arising from
24 the commission of an offense in which property damage or loss or
25 personal injury occurred, the juvenile court, on notice to all
26 persons affected and on hearing, may order the child or a parent to
27 make full or partial restitution to the victim of the offense. The

1 program of restitution must promote the rehabilitation of the
 2 child, be appropriate to the age and physical, emotional, and
 3 mental abilities of the child, and not conflict with the child's
 4 schooling. When practicable and subject to court supervision, the
 5 court may approve a restitution program based on a settlement
 6 between the child and the victim of the offense. An order under
 7 this subsection may provide for periodic payments by the child or a
 8 parent of the child for the period specified in the order but except
 9 as provided by Subsection (h), that period may not extend past the
 10 date of the 19th ~~[18th]~~ birthday of the child or past the date the
 11 child is no longer enrolled in an accredited secondary school in a
 12 program leading toward a high school diploma, whichever date is
 13 later.

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

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

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

(1) the child reaches:

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

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

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

(b) Except for a commitment to the Texas Juvenile Justice Department or to a post-adjudication secure correctional facility under Section 54.04011 or a placement on determinate sentence probation under Section 54.04(q), all dispositions automatically terminate when the child reaches the child's 19th [~~18th~~] birthday.

SECTION 4.10. Sections 54.051(a), (b), (c), (d), (e-2), and (i), Family Code, are amended to read as follows:

(a) On motion of the state concerning a child who is placed on probation under Section 54.04(q) for a period, including any extension ordered under Section 54.05, that will continue after the child's 20th [~~19th~~] birthday, the juvenile court shall hold a hearing to determine whether to transfer the child to an appropriate district court or discharge the child from the sentence of probation.

(b) The hearing must be conducted before the person's 20th [~~19th~~] birthday[, ~~or before the person's 18th birthday if the offense for which the person was placed on probation occurred before September 1, 2011,~~] and must be conducted in the same manner as a hearing to modify disposition under Section 54.05.

(c) If, after a hearing, the court determines to discharge

1 the child, the court shall specify a date on or before the child's
2 20th [~~19th~~] birthday to discharge the child from the sentence of
3 probation.

4 (d) If, after a hearing, the court determines to transfer
5 the child, the court shall transfer the child to an appropriate
6 district court on the child's 20th [~~19th~~] birthday.

7 (e-2) If a person who is placed on community supervision
8 under this section violates a condition of that supervision or if
9 the person violated a condition of probation ordered under Section
10 [54.04](#)(q) and that probation violation was not discovered by the
11 state before the person's 20th [~~19th~~] birthday, the district court
12 shall dispose of the violation of community supervision or
13 probation, as appropriate, in the same manner as if the court had
14 originally exercised jurisdiction over the case. If the judge
15 revokes community supervision, the judge may reduce the prison
16 sentence to any length without regard to the minimum term imposed by
17 Article [42A.755](#)(a), Code of Criminal Procedure.

18 (i) If the juvenile court exercises jurisdiction over a
19 person who is 19 or 20 [~~18 or 19~~] years of age or older, as
20 applicable, under Section [51.041](#) or [51.0412](#), the court or jury may,
21 if the person is otherwise eligible, place the person on probation
22 under Section [54.04](#)(q). The juvenile court shall set the
23 conditions of probation and immediately transfer supervision of the
24 person to the appropriate court exercising criminal jurisdiction
25 under Subsection (e).

26 SECTION 4.11. Section [54.11](#)(1), Family Code, is amended to
27 read as follows:

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

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

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

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

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

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

27 Sec. 55.18. DISCHARGE FROM MENTAL HEALTH FACILITY BEFORE

1 REACHING 19 [~~18~~] YEARS OF AGE. If the child is discharged from the
2 mental health facility before reaching 19 [~~18~~] years of age, the
3 juvenile court may:

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

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

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

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

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

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

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

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

26 SECTION 4.16. Section 55.43(a), Family Code, is amended to
27 read as follows:

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

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

5 (2) the child:

6 (A) is not:

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

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

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

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

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

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

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

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

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

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

7 SECTION 4.19. Sections 58.003(c), (c-2), (c-4), (c-6), and
8 (c-8), Family Code, are amended to read as follows:

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

13 (1) the person is 20 [~~19~~] years of age or older;

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

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

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

21 (c-2) If the court orders the sealing of a child's records
22 under Subsection (c-1), a prosecuting attorney or juvenile
23 probation department may maintain until the child's 18th [~~17th~~]
24 birthday a separate record of the child's name and date of birth and
25 the date the child successfully completed the drug court
26 program. The prosecuting attorney or juvenile probation
27 department, as applicable, shall send the record to the court as

1 soon as practicable after the child's 18th [~~17th~~] birthday to be
2 added to the child's other sealed records.

3 (c-4) A prosecuting attorney or juvenile probation
4 department may maintain until a child's 18th [~~17th~~] birthday a
5 separate record of the child's name and date of birth and the date
6 on which the child's records are sealed, if the child's records are
7 sealed under Subsection (c-3). The prosecuting attorney or
8 juvenile probation department, as applicable, shall send the record
9 to the court as soon as practicable after the child's 18th [~~17th~~]
10 birthday to be added to the child's other sealed records.

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

20 (c-8) If the court orders the sealing of a child's records
21 under Subsection (c-7), a prosecuting attorney or juvenile
22 probation department may maintain until the child's 19th [~~18th~~]
23 birthday a separate record of the child's name and date of birth and
24 the date the child successfully completed the trafficked persons
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 [~~18th~~] birthday to be

1 added to the child's other sealed records.

2 SECTION 4.20. Section 58.0052(a)(2), Family Code, is
3 amended to read as follows:

4 (2) "Multi-system youth" means a person who:

5 (A) is younger than 20 [~~19~~] years of age; and

6 (B) has received services from two or more
7 juvenile service providers.

8 SECTION 4.21. Section 58.0071(d), Family Code, is amended
9 to read as follows:

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

12 (1) is at least 19 [~~18~~] years of age and:

13 (A) the most serious allegation adjudicated was
14 conduct indicating a need for supervision;

15 (B) the most serious allegation was conduct
16 indicating a need for supervision and there was not an
17 adjudication; or

18 (C) the referral or information did not relate to
19 conduct indicating a need for supervision or delinquent conduct and
20 the juvenile court or the court's staff did not take action on the
21 referral or information for that reason;

22 (2) is at least 21 years of age and:

23 (A) the most serious allegation adjudicated was
24 delinquent conduct that violated a penal law of the grade of
25 misdemeanor; or

26 (B) the most serious allegation was delinquent
27 conduct that violated a penal law of the grade of misdemeanor or

felony and there was not an adjudication; or

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

SECTION 4.22. Section 58.203(a), Family Code, is amended to read as follows:

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

(1) the person is at least 18 [~~17~~] years of age;

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

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

SECTION 4.23. Section 58.208, Family Code, is amended to read as follows:

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

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

(2) a copy of this subchapter; and

(3) a statement that if the child wishes to receive

1 notification of an action restricting access to the child's records
2 under Section 58.207(a), the child must before the child's 18th
3 [~~17th~~] birthday provide the juvenile probation department with a
4 current address where the child can receive notification.

5 SECTION 4.24. Section 58.209(a), Family Code, is amended to
6 read as follows:

7 (a) When a child is placed on probation for an offense that
8 may be eligible for automatic restricted access at age 18 [~~17~~] or
9 when a child is received by the Texas Juvenile Justice Department on
10 an indeterminate commitment, a probation officer or an official at
11 the Texas Juvenile Justice Department reception center, as soon as
12 practicable, shall explain the substance of the following
13 information to the child:

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

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

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

27 (4) that the child's juvenile record, other than

1 treatment records made confidential by law, can be accessed by
2 employers, educational institutions, licensing agencies, and other
3 organizations when the child applies for employment or educational
4 programs;

5 (5) if the child's juvenile record is placed on
6 restricted access when the child becomes 18 [~~17~~] years of age, that
7 access will be denied to employers, educational institutions, and
8 others except for criminal justice agencies;

9 (6) that restricted access does not require any action
10 by the child or the child's family, including the filing of a
11 petition or hiring of a lawyer, but occurs automatically at age 18
12 [~~17~~]; and

13 (7) that if the child is under the jurisdiction of the
14 juvenile court or the Texas Juvenile Justice Department on or after
15 the child's 18th [~~17th~~] birthday, the law regarding restricted
16 access will not apply until the person is discharged from the
17 jurisdiction of the court or department, as appropriate.

18 SECTION 4.25. Section [58.211](#)(a), Family Code, is amended to
19 read as follows:

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

1 department shall notify the appropriate local juvenile probation
2 departments in the manner described by Section 58.203 that the
3 person's records are no longer subject to restricted access.

4 SECTION 4.26. Section 59.005(b), Family Code, is amended to
5 read as follows:

6 (b) The juvenile court or the probation department shall
7 discharge the child from the custody of the probation department on
8 the date the provisions of this section are met or on the child's
9 19th [~~18th~~] birthday, whichever is earlier.

10 SECTION 4.27. Section 59.006(b), Family Code, is amended to
11 read as follows:

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

16 SECTION 4.28. Section 59.007(b), Family Code, is amended to
17 read as follows:

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

22 SECTION 4.29. Section 59.008(b), Family Code, is amended to
23 read as follows:

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

SECTION 4.30. Section 59.009(c), Family Code, is amended to read as follows:

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

SECTION 4.31. Section 61.051(c), Family Code, is amended to read as follows:

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

SECTION 4.32. Section 614.019(b), Health and Safety Code, is amended to read as follows:

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

SECTION 4.33. Section 63.001(1), Human Resources Code, is amended to read as follows:

(1) "Juvenile" means a person from the age of 10 to 19 [~~18~~] years who has been found to have engaged in delinquent conduct by a court of competent jurisdiction.

SECTION 4.34. Section 152.0015, Human Resources Code, is amended to read as follows:

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

SECTION 4.35. Sections 152.0016(e) and (j), Human Resources Code, are amended to read as follows:

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

(j) After a child committed to a post-adjudication secure correctional facility with a determinate sentence under Section 54.04011(c)(2), Family Code, becomes 17 [~~16~~] years of age but before the child becomes 20 [~~19~~] years of age, the juvenile board or local juvenile probation department operating or contracting for the operation of the facility may refer the child to the juvenile court that entered the order of commitment for approval of the child's transfer to the Texas Department of Criminal Justice for confinement if the child has not completed the sentence and:

(1) the child's conduct, regardless of whether the child was released under supervision through a program established

1 by the board or department, indicates that the welfare of the
2 community requires the transfer; or

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

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

6 (B) a criminal court convicted the child of a
7 felony offense; or

8 (C) the child's release under supervision was
9 revoked.

10 SECTION 4.36. Section 201.001(a)(2), Human Resources Code,
11 is amended to read as follows:

12 (2) "Child" means an individual:

13 (A) 10 years of age or older and younger than 19
14 [~~18~~] years of age who is under the jurisdiction of a juvenile court;
15 or

16 (B) 10 years of age or older and younger than 20
17 [~~19~~] years of age who is committed to the department under Title 3,
18 Family Code.

19 SECTION 4.37. Section 243.001(a), Human Resources Code, is
20 amended to read as follows:

21 (a) The department may not assign a child younger than 16
22 [~~15~~] years of age to the same correctional facility dormitory as a
23 person who is at least 18 [~~17~~] years of age unless the department
24 determines that the placement is necessary to ensure the safety of
25 children in the custody of the department. This subsection does not
26 apply to a dormitory that is used exclusively for short-term
27 assessment and orientation purposes.

SECTION 4.38. Section 243.051(b), Human Resources Code, is amended to read as follows:

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

SECTION 4.39. Section 244.014(a), Human Resources Code, is amended to read as follows:

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

(1) the child has not completed the sentence; and

(2) the child's conduct, regardless of whether the child was released under supervision under Section 245.051, indicates that the welfare of the community requires the transfer.

SECTION 4.40. Section 244.015, Human Resources Code, is amended to read as follows:

Sec. 244.015. EVALUATION OF CERTAIN CHILDREN SERVING DETERMINATE SENTENCES. (a) When a child who is sentenced to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 19 [~~18~~] years of age, the department shall evaluate whether the child is in need of additional services that can be completed in the six-month period after the child's 19th

1 ~~[18th]~~ birthday to prepare the child for release from the custody of
2 the department or transfer to the Texas Department of Criminal
3 Justice.

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

8 SECTION 4.41. Section [245.053](#)(i), Human Resources Code, is
9 amended to read as follows:

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

18 SECTION 4.42. Sections [245.151](#)(d) and (e), Human Resources
19 Code, are amended to read as follows:

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

23 (e) The department shall transfer a person who has been
24 sentenced under a determinate sentence to commitment under Section
25 [54.04](#)(d)(3), [54.04](#)(m), or [54.05](#)(f), Family Code, or who has been
26 returned to the department under Section [54.11](#)(i)(1), Family Code,
27 to the custody of the Texas Department of Criminal Justice on the

person's 20th [~~19th~~] birthday, if the person has not already been discharged or transferred, to serve the remainder of the person's sentence on parole as provided by Section [508.156](#), Government Code.

SECTION 4.43. (a) Except as provided by Subsection (b) or (c) of this section, the changes in law made by this article apply only to procedures relating to conduct that occurs on or after the effective date of this Act. Procedures relating to conduct that occurred before the effective date of this Act are governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

(b) If the conduct for which a person was placed on probation occurred before September 1, 2011, the hearing required by Section 54.051, Family Code, must be conducted before the person's 18th birthday and is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

(c) The change in law made by this Act to Section 58.0052, Family Code, applies to the sharing of information on or after the effective date of this Act, without regard to whether the information was compiled before, on, or after that date.

(d) For purposes of this section, conduct occurred before a certain date if any element of the conduct occurred before that date.

ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL
RESPONSIBILITY

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

1 (5) "Confidential criminal record information of a
2 child" means information about a person's involvement in the
3 criminal justice system resulting from conduct that occurred or was
4 alleged to occur when the person was younger than 18 [~~17~~] years of
5 age that is confidential under Chapter 45, Code of Criminal
6 Procedure, or other law. The term does not include:

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

10 (B) information relating to a traffic offense.

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

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

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

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

26 (A) a misdemeanor punishable by confinement; or

27 (B) a felony.

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

(a) The commission shall:

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

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

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

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

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

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

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

(8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to

determine compliance with state law, commission orders, and the rules adopted under this chapter;

(9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;

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

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

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

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

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

1 confinement of children in county jails;

2 (15) schedule announced and unannounced inspections
3 of jails under the commission's jurisdiction using the risk
4 assessment plan established under Section 511.0085 to guide the
5 inspections process;

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

8 (A) common issues concerning jail
9 administration;

10 (B) examples of successful strategies for
11 maintaining compliance with state law and the rules, standards, and
12 procedures of the commission; and

13 (C) solutions to operational challenges for
14 jails;

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

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

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

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

26 (19) provide guidelines to sheriffs regarding
27 contracts between a sheriff and another entity for the provision of

1 food services to or the operation of a commissary in a jail under
2 the commission's jurisdiction, including specific provisions
3 regarding conflicts of interest and avoiding the appearance of
4 impropriety; ~~and~~

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

10 (21) ~~[(20)]~~ require the sheriff of each county to:

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

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

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

23 (A) allow visitation by a guardian to the same
24 extent as the prisoner's next of kin, including placing the
25 guardian on the prisoner's approved visitors list on the guardian's
26 request and providing the guardian access to the prisoner during a
27 facility's standard visitation hours if the prisoner is otherwise

1 eligible to receive visitors; and

2 (B) require the guardian to provide the sheriff
3 with letters of guardianship issued as provided by Section
4 [1106.001](#), Estates Code, before being allowed to visit the prisoner.

5 SECTION 5.05. Section [521.201](#), Transportation Code, is
6 amended to read as follows:

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

9 (1) is under 15 years of age;

10 (2) is under 18 years of age unless the person complies
11 with the requirements imposed by Section [521.204](#);

12 (3) is shown to be addicted to the use of alcohol, a
13 controlled substance, or another drug that renders a person
14 incapable of driving;

15 (4) holds a driver's license issued by this state or
16 another state or country that is revoked, canceled, or under
17 suspension;

18 (5) has been determined by a judgment of a court to be
19 totally incapacitated or incapacitated to act as the operator of a
20 motor vehicle unless the person has, by the date of the license
21 application, been:

22 (A) restored to capacity by judicial decree; or

23 (B) released from a hospital for the mentally
24 incapacitated on a certificate by the superintendent or
25 administrator of the hospital that the person has regained
26 capacity;

27 (6) the department determines to be afflicted with a

1 mental or physical disability or disease that prevents the person
2 from exercising reasonable and ordinary control over a motor
3 vehicle while operating the vehicle on a highway, except that a
4 person may not be refused a license because of a physical defect if
5 common experience shows that the defect does not incapacitate a
6 person from safely operating a motor vehicle;

7 (7) has been reported by a court under Section
8 521.3452 for failure to appear unless the court has filed an
9 additional report on final disposition of the case; or

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

17 SECTION 5.06. Section 521.294, Transportation Code, is
18 amended to read as follows:

19 Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE
20 REVOCATION. The department shall revoke the person's license if
21 the department determines that the person:

22 (1) is incapable of safely operating a motor vehicle;

23 (2) has not complied with the terms of a citation
24 issued by a jurisdiction that is a party to the Nonresident Violator
25 Compact of 1977 for a traffic violation to which that compact
26 applies;

27 (3) has failed to provide medical records or has

1 failed to undergo medical or other examinations as required by a
2 panel of the medical advisory board;

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

5 (5) has been reported by a court under Section
6 521.3452 for failure to appear unless the court files an additional
7 report on final disposition of the case;

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

16 (7) has committed an offense in another state or
17 Canadian province that, if committed in this state, would be
18 grounds for revocation.

19 SECTION 5.07. Section 109.001(5), Business & Commerce Code,
20 and Sections 521.201 and 521.294(6), Transportation Code, as
21 amended by this article, apply only to an offense committed on or
22 after the effective date of this Act. An offense committed before
23 the effective date of this Act is governed by the law in effect on
24 the date the offense was committed, and the former law is continued
25 in effect for that purpose. For purposes of this section, an
26 offense was committed before the effective date of this Act if any
27 element of the offense occurred before that date.

1 ARTICLE 6. CONFLICT OF LAWS PROVISION AND EFFECTIVE DATE

2 SECTION 6.01. To the extent of any conflict, this Act
3 prevails over another Act of the 85th Legislature, Regular Session,
4 2017, relating to nonsubstantive additions to and corrections in
5 enacted codes.

6 SECTION 6.02. This Act takes effect September 1, 2017.