

By: Wu

H.B. No. 486

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 20 [~~18~~] years of age who is:

(i) 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; and

(ii) under the jurisdiction of a juvenile court.

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

1 convicted of any offense committed before reaching 18 [~~17~~] years of
2 age except an offense described by Subsections (a)(1)-(5).

3 SECTION 1.03. The changes in law made by this article apply
4 only to an offense committed or conduct that occurs on or after
5 September 1, 2021. An offense committed or conduct that occurred
6 before September 1, 2021, is governed by the law in effect on the
7 date the offense was committed or the conduct occurred, and the
8 former law is continued in effect for that purpose. For purposes of
9 this section, an offense was committed or conduct occurred before
10 September 1, 2021, if any element of the offense or conduct occurred
11 before that date.

12 ARTICLE 2. OFFENSES WITH AGE AS AN ELEMENT

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

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

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

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

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

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

27 SECTION 2.02. Section 21.02(b), Penal Code, is amended to

1 read as follows:

2 (b) A person commits an offense if:

3 (1) during a period that is 30 or more days in
4 duration, the person commits two or more acts of sexual abuse,
5 regardless of whether the acts of sexual abuse are committed
6 against one or more victims; and

7 (2) at the time of the commission of each of the acts
8 of sexual abuse, the actor is 18 [~~17~~] years of age or older and the
9 victim is a child younger than 14 years of age, regardless of
10 whether the actor knows the age of the victim at the time of the
11 offense.

12 SECTION 2.03. Section [33.021\(b\)](#), Penal Code, is amended to
13 read as follows:

14 (b) A person who is 18 [~~17~~] years of age or older commits an
15 offense if, with the intent to commit an offense listed in Article
16 [62.001\(5\)\(A\)](#), (B), or (K), Code of Criminal Procedure, the person,
17 over the Internet, by electronic mail or text message or other
18 electronic message service or system, or through a commercial
19 online service, intentionally:

20 (1) communicates in a sexually explicit manner with a
21 minor; or

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

23 SECTION 2.04. Section [71.028\(c\)](#), Penal Code, is amended to
24 read as follows:

25 (c) Except as provided by Subsection (d), the punishment
26 prescribed for an offense described by Subsection (b) is increased
27 to the punishment prescribed for the next highest category of

1 offense if the actor is 18 [~~17~~] years of age or older and it is shown
2 beyond a reasonable doubt on the trial of the offense that the actor
3 committed the offense at a location that was:

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

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

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

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

10 or

11 (D) playground;

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

13 (A) shopping mall;

14 (B) movie theater;

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

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

17 (3) on a school bus.

18 SECTION 2.05. Sections 545.424(b) and (b-1),
19 Transportation Code, are amended to read as follows:

20 (b) A person under 18 [~~17~~] years of age who holds a
21 restricted motorcycle license may not operate a motorcycle while
22 using a wireless communication device, except in case of emergency.
23 This subsection does not apply to a person licensed by the Federal
24 Communications Commission while operating a radio frequency device
25 other than a wireless communication device.

26 (b-1) A person under 18 [~~17~~] years of age who holds a
27 restricted motorcycle license, during the 12-month period

1 following the issuance of an original motorcycle license to the
2 person, may not operate a motorcycle after midnight and before 5
3 a.m. unless:

4 (1) the person is in sight of the person's parent or
5 guardian; or

6 (2) the operation of the vehicle is necessary for the
7 operator to attend or participate in employment or a school-related
8 activity or because of a medical emergency.

9 SECTION 2.06. Section 729.001(a), Transportation Code, is
10 amended to read as follows:

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

15 (1) Chapter 502, other than Section [~~502.282~~ or]
16 502.412;

17 (2) Chapter 521, other than an offense under Section
18 521.457;

19 (3) Subtitle C, other than an offense punishable by
20 imprisonment or by confinement in jail under Section 550.021,
21 550.022, 550.024, or 550.025;

22 (4) Chapter 601;

23 (5) Chapter 621;

24 (6) Chapter 661; and

25 (7) Chapter 681.

26 SECTION 2.07. Section 729.002, Transportation Code, is
27 amended to read as follows:

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

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

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

13 SECTION 2.08. The changes in law made by this article apply
14 only to an offense committed on or after September 1, 2021. An
15 offense committed before September 1, 2021, is governed by the law
16 in effect on the date the offense was committed, and the former law
17 is continued in effect for that purpose. For purposes of this
18 section, an offense was committed before September 1, 2021, if any
19 element of the offense occurred before that date.

20 ARTICLE 3. CRIMINAL PROCEDURES

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

23 Art. 4.19. TRANSFER OF PERSON CERTIFIED TO STAND TRIAL AS AN
24 ADULT. (a) Notwithstanding the order of a juvenile court to detain
25 a person under the age of 18 [~~17~~] who has been certified to stand
26 trial as an adult in a certified juvenile detention facility under
27 Section 54.02(h), Family Code, the judge of the criminal court

1 having jurisdiction over the person may order the person to be
2 transferred to an adult facility. A child who is transferred to an
3 adult facility must be detained under conditions meeting the
4 requirements of Section 51.12, Family Code.

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

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

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

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

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

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

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

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

27 (2) the person was convicted only once of an offense

1 under Section 43.261, Penal Code.

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

4 (1) the complaint was dismissed under Article 45.051
5 or 45.052 or other law; or

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

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

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

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

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

15 (A) the sophistication and maturity of the
16 individual;

17 (B) the criminal record and history of the
18 individual; and

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

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

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

27 (a) This article applies only to a defendant younger than 18

1 [17] years of age who is assessed a fine or costs for a Class C
2 misdemeanor occurring in a building or on the grounds of the primary
3 or secondary school at which the defendant was enrolled at the time
4 of the offense.

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

8 (a) This article applies only to a defendant younger than 18
9 [17] years of age who is assessed a fine or costs for a Class C
10 misdemeanor.

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

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

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

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

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

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

27 (g) A justice or municipal court may not refer a child who

1 violates a court order while 18 [~~17~~] years of age or older to a
2 juvenile court for delinquency proceedings for contempt of court.

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

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

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

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

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

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

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

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

1 birthday.

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

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

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

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

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

25 (A) an offense under Section 21.02 (Continuous
26 sexual abuse of young child or children), 21.11(a)(1) (Indecency
27 with a child), 22.011 (Sexual assault), or 22.021 (Aggravated

1 sexual assault), Penal Code;

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

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

7 (D) an offense under Section 30.02 (Burglary),
8 Penal Code, if the offense is punishable under Subsection (d) of
9 that section and the defendant committed the offense with intent to
10 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
11 or

12 (E) an offense under the laws of another state,
13 federal law, the laws of a foreign country, or the Uniform Code of
14 Military Justice if the offense contains elements that are
15 substantially similar to the elements of an offense listed under
16 Paragraph (A), (B), (C), or (D).

17 SECTION 3.12. Article 62.351(a), Code of Criminal
18 Procedure, is amended to read as follows:

19 (a) During or after disposition of a case under Section
20 54.04, Family Code, for adjudication of an offense for which
21 registration is required under this chapter, the juvenile court on
22 motion of the respondent shall conduct a hearing to determine
23 whether the interests of the public require registration under this
24 chapter. The motion may be filed and the hearing held regardless of
25 whether the respondent is under 19 [~~18~~] years of age. Notice of the
26 motion and hearing shall be provided to the prosecuting attorney.

27 SECTION 3.13. Article 62.352(c), Code of Criminal

1 Procedure, is amended to read as follows:

2 (c) If the court enters an order described by Subsection
3 (b)(1), the court retains discretion and jurisdiction to require,
4 or exempt the respondent from, registration under this chapter at
5 any time during the treatment or on the successful or unsuccessful
6 completion of treatment, except that during the period of deferral,
7 registration may not be required. Following successful completion
8 of treatment, the respondent is exempted from registration under
9 this chapter unless a hearing under this subchapter is held on
10 motion of the prosecuting attorney, regardless of whether the
11 respondent is 19 [~~18~~] years of age or older, and the court
12 determines the interests of the public require registration. Not
13 later than the 10th day after the date of the respondent's
14 successful completion of treatment, the treatment provider shall
15 notify the juvenile court and prosecuting attorney of the
16 completion.

17 SECTION 3.14. Article 62.353(b), Code of Criminal
18 Procedure, is amended to read as follows:

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

25 SECTION 3.15. Section 37.085, Education Code, is amended to
26 read as follows:

27 Sec. 37.085. ARRESTS PROHIBITED FOR CERTAIN CLASS C

1 MISDEMEANORS. Notwithstanding any other provision of law, a
2 warrant may not be issued for the arrest of a person for a Class C
3 misdemeanor under this code committed when the person was younger
4 than 18 [~~17~~] years of age.

5 SECTION 3.16. Section [153.0071\(e-1\)](#), Family Code, is
6 amended to read as follows:

7 (e-1) Notwithstanding Subsections (d) and (e), a court may
8 decline to enter a judgment on a mediated settlement agreement if
9 the court finds:

10 (1) that:

11 (A) a party to the agreement was a victim of
12 family violence, and that circumstance impaired the party's ability
13 to make decisions; or

14 (B) the agreement would permit a person who is
15 subject to registration under Chapter [62](#), Code of Criminal
16 Procedure, on the basis of an offense committed by the person when
17 the person was 18 [~~17~~] years of age or older or who otherwise has a
18 history or pattern of past or present physical or sexual abuse
19 directed against any person to:

20 (i) reside in the same household as the
21 child; or

22 (ii) otherwise have unsupervised access to
23 the child; and

24 (2) that the agreement is not in the child's best
25 interest.

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

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

6 SECTION 3.18. (a) Except as provided by Subsection (b) of
7 this section, the changes in law made by this article apply only to
8 an offense committed on or after September 1, 2021. An offense
9 committed before September 1, 2021, is governed by the law in effect
10 on the date the offense was committed, and the former law is
11 continued in effect for that purpose.

12 (b) Articles 45.0216(b) and (h), Code of Criminal
13 Procedure, as amended by this article, apply only to the expunction
14 of certain records related to an offense committed on or after
15 September 1, 2021. The expunction of certain records related to an
16 offense committed before September 1, 2021, is governed by the law
17 in effect on the date the offense was committed, and the former law
18 is continued in effect for that purpose.

19 (c) For purposes of this section, an offense was committed
20 before September 1, 2021, if any element of the offense occurred
21 before that date.

22 ARTICLE 4. JUVENILE COURT PROCEDURES

23 SECTION 4.01. Section 51.041, Family Code, is amended to
24 read as follows:

25 Sec. 51.041. JURISDICTION AFTER APPEAL. (a) The court
26 retains jurisdiction over a person, without regard to the age of the
27 person, for conduct engaged in by the person before becoming 18 [~~17~~]

1 years of age if, as a result of an appeal by the person or the state
2 under Chapter 56 of an order of the court, the order is reversed or
3 modified and the case remanded to the court by the appellate court.

4 (b) If the respondent is at least 18 years of age when the
5 order of remand from the appellate court is received by the juvenile
6 court, the juvenile court shall proceed as provided by Sections
7 54.02(o)-(r) for the detention of a person at least 19 [~~18~~] years of
8 age in discretionary transfer proceedings. Pending retrial of the
9 adjudication or transfer proceeding, the juvenile court may:

- 10 (1) order the respondent released from custody;
11 (2) order the respondent detained in a juvenile
12 detention facility; or
13 (3) set bond and order the respondent detained in a
14 county adult facility if bond is not made.

15 SECTION 4.02. Section 51.0412, Family Code, is amended to
16 read as follows:

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

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

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

4 (3) the court enters a finding in the proceeding that
5 the prosecuting attorney exercised due diligence in an attempt to
6 complete the proceeding before the respondent became 19 or 20 [~~18 or~~
7 ~~19~~] years of age, as applicable.

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

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

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

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

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

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

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

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

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

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

13 (2) the person was:

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

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

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

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

27 (4) the juvenile court finds from a preponderance of

1 the evidence that:

2 (A) for a reason beyond the control of the state
3 it was not practicable to proceed in juvenile court before the 19th
4 [~~18th~~] birthday of the person; or

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

8 (i) the state did not have probable cause to
9 proceed in juvenile court and new evidence has been found since the
10 19th [~~18th~~] birthday of the person;

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

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

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

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

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

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

27 (2) presents to the court an oral or written request to

1 participate in the program.

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

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

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

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

1 probation ordered under Section 54.05 will continue after the
2 child's 20th [~~19th~~] birthday, the court shall discharge the child
3 from the sentence of probation on the child's 20th [~~19th~~] birthday
4 unless the court transfers the child to an appropriate district
5 court under Section 54.051.

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

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

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

18 (b) If a child is found to have engaged in delinquent
19 conduct or conduct indicating a need for supervision arising from
20 the commission of an offense in which property damage or loss or
21 personal injury occurred, the juvenile court, on notice to all
22 persons affected and on hearing, may order the child or a parent to
23 make full or partial restitution to the victim of the offense. The
24 program of restitution must promote the rehabilitation of the
25 child, be appropriate to the age and physical, emotional, and
26 mental abilities of the child, and not conflict with the child's
27 schooling. When practicable and subject to court supervision, the

1 court may approve a restitution program based on a settlement
2 between the child and the victim of the offense. An order under
3 this subsection may provide for periodic payments by the child or a
4 parent of the child for the period specified in the order but except
5 as provided by Subsection (h), that period may not extend past the
6 date of the 19th [~~18th~~] birthday of the child or past the date the
7 child is no longer enrolled in an accredited secondary school in a
8 program leading toward a high school diploma, whichever date is
9 later.

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

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

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

24 (1) the child reaches:

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

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

1 54.04(q); or

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

4 (b) Except for a commitment to the Texas Juvenile Justice
5 Department or to a post-adjudication secure correctional facility
6 under former Section 54.04011 or a placement on determinate
7 sentence probation under Section 54.04(q), all dispositions
8 automatically terminate when the child reaches the child's 19th
9 ~~[18th]~~ birthday.

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

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

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

25 (c) If, after a hearing, the court determines to discharge
26 the child, the court shall specify a date on or before the child's
27 applicable ~~[19th]~~ birthday to discharge the child from the

1 sentence of probation.

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

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

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

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

26 (1) 18th birthday, if the conduct for which the person
27 was placed on probation occurred before September 1, 2011;

1 (2) 19th birthday, if the conduct for which the person
2 was placed on probation occurred on or after September 1, 2011, but
3 before September 1, 2021; or

4 (3) 20th birthday, if the conduct for which the person
5 was placed on probation occurred on or after September 1, 2021.

6 SECTION 4.11. Section 54.11(1), Family Code, is amended to
7 read as follows:

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

15 SECTION 4.12. Section 55.15, Family Code, is amended to
16 read as follows:

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

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

26 (2) the administrator of a mental health facility
27 shall notify, in writing, by certified mail, return receipt

1 requested, the juvenile court that ordered mental health services
2 or the juvenile court that referred the case to a court that ordered
3 the mental health services of the intent to discharge the child at
4 least 10 days prior to discharge.

5 SECTION 4.13. Section 55.18, Family Code, is amended to
6 read as follows:

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

11 (1) dismiss the juvenile court proceedings with
12 prejudice; or

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

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

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

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

21 (a) The juvenile court shall transfer all pending
22 proceedings from the juvenile court to a criminal court on the 19th
23 [~~18th~~] birthday of a child for whom the juvenile court or a court to
24 which the child's case is referred under Section 55.12(2) has
25 ordered inpatient mental health services if:

26 (1) the child is not discharged or furloughed from the
27 inpatient mental health facility before reaching 19 [~~18~~] years of

1 age; and

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

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

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

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

12 (2) the child:

13 (A) is not:

14 (i) ordered by a court to receive inpatient
15 mental health services;

16 (ii) committed by a court to a residential
17 care facility; or

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

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

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

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

27 SECTION 4.18. Section 55.44(a), Family Code, is amended to

1 read as follows:

2 (a) The juvenile court shall transfer all pending
3 proceedings from the juvenile court to a criminal court on the 19th
4 [~~18th~~] birthday of a child for whom the juvenile court or a court to
5 which the child's case is referred has ordered inpatient mental
6 health services or residential care for persons with an
7 intellectual disability if:

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

10 (2) the child is alleged to have engaged in delinquent
11 conduct that included a violation of a penal law listed in Section
12 53.045 and no adjudication concerning the alleged conduct has been
13 made.

14 SECTION 4.19. Section 58.0052(a)(3), Family Code, is
15 amended to read as follows:

16 (3) "Multi-system youth" means a person who:

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

18 (B) has received services from two or more
19 juvenile service providers.

20 SECTION 4.20. Section 58.253(b), Family Code, is amended to
21 read as follows:

22 (b) A person who was referred to a juvenile probation
23 department for delinquent conduct is entitled to have all records
24 related to the person's juvenile matters, including records
25 relating to any matters involving conduct indicating a need for
26 supervision, sealed without applying to the juvenile court if the
27 person:

1 (1) is at least 20 [~~19~~] years of age;

2 (2) has not been adjudicated as having engaged in
3 delinquent conduct or, if adjudicated for delinquent conduct, was
4 not adjudicated for delinquent conduct violating a penal law of the
5 grade of felony;

6 (3) does not have any pending delinquent conduct
7 matters;

8 (4) has not been transferred by a juvenile court to a
9 criminal court for prosecution under Section 54.02;

10 (5) has not as an adult been convicted of a felony or a
11 misdemeanor punishable by confinement in jail; and

12 (6) does not have any pending charges as an adult for a
13 felony or a misdemeanor punishable by confinement in jail.

14 SECTION 4.21. Section 58.255(a), Family Code, is amended to
15 read as follows:

16 (a) A person who was referred to a juvenile court for
17 conduct indicating a need for supervision is entitled to have all
18 records related to all conduct indicating a need for supervision
19 matters sealed without applying to the juvenile court if the
20 person:

21 (1) has records relating to the conduct filed with the
22 court clerk;

23 (2) is at least 19 [~~18~~] years of age;

24 (3) has not been referred to the juvenile probation
25 department for delinquent conduct;

26 (4) has not as an adult been convicted of a felony; and

27 (5) does not have any pending charges as an adult for a

1 felony or a misdemeanor punishable by confinement in jail.

2 SECTION 4.22. Section 58.256(c), Family Code, is amended to
3 read as follows:

4 (c) Except as provided by Subsection (d), the juvenile court
5 may order the sealing of records related to all matters for which
6 the person was referred to the juvenile probation department if the
7 person:

8 (1) is at least 18 [~~17~~] years of age, or is younger
9 than 18 [~~17~~] years of age and at least one year has elapsed after the
10 date of final discharge in each matter for which the person was
11 referred to the juvenile probation department;

12 (2) does not have any delinquent conduct matters
13 pending with any juvenile probation department or juvenile court;

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

16 (4) has not as an adult been convicted of a felony; and

17 (5) does not have any pending charges as an adult for a
18 felony or a misdemeanor punishable by confinement in jail.

19 SECTION 4.23. Section 58.264(b), Family Code, is amended to
20 read as follows:

21 (b) The records related to a person referred to a juvenile
22 probation department may be destroyed if the person:

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

24 (A) the most serious conduct for which the person
25 was referred was conduct indicating a need for supervision, whether
26 or not the person was adjudicated; or

27 (B) the referral or information did not relate to

1 conduct indicating a need for supervision or delinquent conduct and
2 the juvenile probation department, prosecutor, or juvenile court
3 did not take action on the referral or information for that reason;

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

5 (A) the most serious conduct for which the person
6 was adjudicated was delinquent conduct that violated a penal law of
7 the grade of misdemeanor; or

8 (B) the most serious conduct for which the person
9 was referred was delinquent conduct and the person was not
10 adjudicated as having engaged in the conduct; or

11 (3) is at least 31 years of age and the most serious
12 conduct for which the person was adjudicated was delinquent conduct
13 that violated a penal law of the grade of felony.

14 SECTION 4.24. Section 59.005(b), Family Code, is amended to
15 read as follows:

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

20 SECTION 4.25. Section 59.006(b), Family Code, is amended to
21 read as follows:

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

26 SECTION 4.26. Section 59.007(b), Family Code, is amended to
27 read as follows:

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

5 SECTION 4.27. Section 59.008(b), Family Code, is amended to
6 read as follows:

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

11 SECTION 4.28. Section 59.009(c), Family Code, is amended to
12 read as follows:

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

18 SECTION 4.29. Section 61.051(c), Family Code, is amended to
19 read as follows:

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

23 SECTION 4.30. Section 614.019(b), Health and Safety Code,
24 is amended to read as follows:

25 (b) A child with mental illness who is receiving continuity
26 of care services during parole from the Texas Juvenile Justice
27 Department and who is no longer eligible to receive services from a

1 local mental health authority when the child becomes 18 [~~17~~] years
2 of age because the child does not meet the requirements of a local
3 service area plan under Section 533.0352(a) may continue to receive
4 continuity of care services from the office until the child
5 completes the child's parole.

6 SECTION 4.31. Section 63.001(1), Human Resources Code, is
7 amended to read as follows:

8 (1) "Juvenile" means a person from the age of 10 to 19
9 [~~18~~] years who:

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

12 (B) is under the jurisdiction of the juvenile
13 court [~~of competent jurisdiction~~].

14 SECTION 4.32. Section 152.0015, Human Resources Code, is
15 amended to read as follows:

16 Sec. 152.0015. PRETRIAL DETENTION POLICY FOR CERTAIN
17 JUVENILES. A juvenile board shall establish a policy that
18 specifies whether a person who has been transferred for criminal
19 prosecution under Section 54.02, Family Code, and is younger than
20 18 [~~17~~] years of age may be detained in a juvenile facility pending
21 trial as provided by Section 51.12, Family Code.

22 SECTION 4.33. Section 201.001(a)(2), Human Resources Code,
23 is amended to read as follows:

24 (2) "Child" means an individual[~~+~~

25 [~~(A)~~] 10 years of age or older and younger than 20
26 [~~18~~] years of age who is under the jurisdiction of a juvenile

27 court[~~, or~~

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

4 SECTION 4.34. Section 243.001(a), Human Resources Code, is
5 amended to read as follows:

6 (a) The department may not assign a child younger than 16
7 [~~15~~] years of age to the same correctional facility dormitory as a
8 person who is at least 18 [~~17~~] years of age unless the department
9 determines that the placement is necessary to ensure the safety of
10 children in the custody of the department. This subsection does not
11 apply to a dormitory that is used exclusively for short-term
12 assessment and orientation purposes.

13 SECTION 4.35. Section 243.051(b), Human Resources Code, is
14 amended to read as follows:

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

20 SECTION 4.36. Section 244.014(a), Human Resources Code, is
21 amended to read as follows:

22 (a) After a child sentenced to commitment under Section
23 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 17 [~~16~~]
24 years of age but before the child becomes 20 [~~19~~] years of age, the
25 department may refer the child to the juvenile court that entered
26 the order of commitment for approval of the child's transfer to the
27 Texas Department of Criminal Justice for confinement if:

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

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

5 SECTION 4.37. Section 244.015, Human Resources Code, is
6 amended to read as follows:

7 Sec. 244.015. EVALUATION OF CERTAIN CHILDREN SERVING
8 DETERMINATE SENTENCES. (a) When a child who is sentenced to
9 commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),
10 Family Code, becomes 19 [~~18~~] years of age, the department shall
11 evaluate whether the child is in need of additional services that
12 can be completed in the six-month period after the child's 19th
13 [~~18th~~] birthday to prepare the child for release from the custody of
14 the department or transfer to the Texas Department of Criminal
15 Justice.

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

20 SECTION 4.38. Section 245.053(i), Human Resources Code, is
21 amended to read as follows:

22 (i) If the department requires as a condition of release
23 that a child attend psychological counseling under Subsection (a),
24 the department may, before the date the period of release ends,
25 petition the appropriate court to request the court to extend the
26 period of release for an additional period necessary to complete
27 the required counseling as determined by the treatment provider,

1 except that the release period may not be extended to a date after
2 the date of the child's 19th [~~18th~~] birthday.

3 SECTION 4.39. Sections [245.151](#)(d) and (e), Human Resources
4 Code, are amended to read as follows:

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

8 (e) The department shall transfer a person who has been
9 sentenced under a determinate sentence to commitment under Section
10 [54.04](#)(d)(3), [54.04](#)(m), or [54.05](#)(f), Family Code, or who has been
11 returned to the department under Section [54.11](#)(i)(1), Family Code,
12 to the custody of the Texas Department of Criminal Justice on the
13 person's 20th [~~19th~~] birthday, if the person has not already been
14 discharged or transferred, to serve the remainder of the person's
15 sentence on parole as provided by Section [508.156](#), Government Code.

16 SECTION 4.40. (a) Except as provided by Subsection (b) of
17 this section, the changes in law made by this article apply only to
18 procedures relating to conduct that occurs on or after September 1,
19 2021. Procedures relating to conduct that occurred before
20 September 1, 2021, are governed by the law in effect on the date the
21 conduct occurred, and the former law is continued in effect for that
22 purpose.

23 (b) The change in law made by this article to Section
24 [58.0052](#), Family Code, applies to the sharing of information on or
25 after September 1, 2021, without regard to whether the information
26 was compiled before, on, or after that date.

27 (c) For purposes of this section, conduct occurred before

1 September 1, 2021, if any element of the conduct occurred before
2 that date.

3 ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL
4 RESPONSIBILITY

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

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

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

16 (B) information relating to a traffic offense.

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

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

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

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

5 (A) a misdemeanor punishable by confinement; or

6 (B) a felony.

7 SECTION 5.04. Section 511.009(a), Government Code, is
8 amended to read as follows:

9 (a) The commission shall:

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

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

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

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

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

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

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

1 (8) require that the sheriff and commissioners of each
2 county submit to the commission, on a form prescribed by the
3 commission, an annual report on the conditions in each county jail
4 within their jurisdiction, including all information necessary to
5 determine compliance with state law, commission orders, and the
6 rules adopted under this chapter;

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

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

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

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

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

27 (14) require that the sheriff and commissioners court

1 of each county submit to the commission, on a form prescribed by the
2 commission, an annual report of persons under 18 [~~17~~] years of age
3 securely detained in the county jail, including all information
4 necessary to determine compliance with state law concerning secure
5 confinement of children in county jails;

6 (15) schedule announced and unannounced inspections
7 of jails under the commission's jurisdiction using the risk
8 assessment plan established under Section [511.0085](#) to guide the
9 inspections process;

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

12 (A) common issues concerning jail
13 administration;

14 (B) examples of successful strategies for
15 maintaining compliance with state law and the rules, standards, and
16 procedures of the commission; and

17 (C) solutions to operational challenges for
18 jails;

19 (17) report to the Texas Correctional Office on
20 Offenders with Medical or Mental Impairments on a jail's compliance
21 with Article [16.22](#), Code of Criminal Procedure;

22 (18) adopt reasonable rules and procedures
23 establishing minimum requirements for a county jail to:

24 (A) determine if a prisoner is pregnant;

25 (B) ensure that the jail's health services plan
26 addresses medical care, including obstetrical and gynecological
27 care, mental health care, nutritional requirements, and any special

1 housing or work assignment needs for prisoners who are known or
2 determined to be pregnant; and

3 (C) identify when a pregnant prisoner is in labor
4 and provide appropriate care to the prisoner, including promptly
5 transporting the prisoner to a local hospital;

6 (19) provide guidelines to sheriffs regarding
7 contracts between a sheriff and another entity for the provision of
8 food services to or the operation of a commissary in a jail under
9 the commission's jurisdiction, including specific provisions
10 regarding conflicts of interest and avoiding the appearance of
11 impropriety;

12 (20) adopt reasonable rules and procedures
13 establishing minimum standards for prisoner visitation that
14 provide each prisoner at a county jail with a minimum of two
15 in-person, noncontact visitation periods per week of at least 20
16 minutes duration each;

17 (21) require the sheriff of each county to:

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

22 (B) use the data described by Paragraph (A) to
23 assist prisoners who are veterans in applying for federal benefits
24 or compensation for which the prisoners may be eligible under a
25 program administered by the United States Department of Veterans
26 Affairs;

27 (22) adopt reasonable rules and procedures regarding

1 visitation of a prisoner at a county jail by a guardian, as defined
2 by Section 1002.012, Estates Code, that:

3 (A) allow visitation by a guardian to the same
4 extent as the prisoner's next of kin, including placing the
5 guardian on the prisoner's approved visitors list on the guardian's
6 request and providing the guardian access to the prisoner during a
7 facility's standard visitation hours if the prisoner is otherwise
8 eligible to receive visitors; and

9 (B) require the guardian to provide the sheriff
10 with letters of guardianship issued as provided by Section
11 1106.001, Estates Code, before being allowed to visit the prisoner;

12 (23) adopt reasonable rules and procedures to ensure
13 the safety of prisoners, including rules and procedures that
14 require a county jail to:

15 (A) give prisoners the ability to access a mental
16 health professional at the jail or through a telemental health
17 service 24 hours a day or, if a mental health professional is not at
18 the county jail at the time, then require the jail to use all
19 reasonable efforts to arrange for the inmate to have access to a
20 mental health professional within a reasonable time;

21 (B) give prisoners the ability to access a health
22 professional at the jail or through a telehealth service 24 hours a
23 day or, if a health professional is unavailable at the jail or
24 through a telehealth service, provide for a prisoner to be
25 transported to access a health professional; and

26 (C) if funding is available under Section
27 511.019, install automated electronic sensors or cameras to ensure

1 accurate and timely in-person checks of cells or groups of cells
2 confining at-risk individuals; and

3 (24) adopt reasonable rules and procedures
4 establishing minimum standards for the quantity and quality of
5 feminine hygiene products, including tampons in regular and large
6 sizes and menstrual pads with wings in regular and large sizes,
7 provided to a female prisoner.

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

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

12 (1) is under 15 years of age;

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

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

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

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

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

26 (B) released from a hospital for the mentally
27 incapacitated on a certificate by the superintendent or

1 administrator of the hospital that the person has regained
2 capacity;

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

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

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

20 SECTION 5.06. Section [65.251\(b\)](#), Family Code, and Section
21 [521.201](#), Transportation Code, as amended by this article, apply
22 only to an offense committed or conduct that occurred on or after
23 September 1, 2021. An offense committed or conduct that occurred
24 before September 1, 2021, is governed by the law in effect on the
25 date the offense was committed or the conduct occurred, and the
26 former law is continued in effect for that purpose. For purposes of
27 this section, an offense was committed or conduct occurred before

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1 September 1, 2021, if any element of the offense or conduct occurred
2 before that date.

3 ARTICLE 6. EFFECTIVE DATE

4 SECTION 6.01. This Act takes effect September 1, 2021.