

By: Dutton, Reynolds

H.B. No. 967

Substitute the following for H.B. No. 967:

By: Ramos

C.S.H.B. No. 967

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the age of criminal responsibility and to certain
3 substantive and procedural matters related to that age.

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

5 ARTICLE 1. AGE OF CRIMINAL RESPONSIBILITY

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

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

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

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

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

16 (ii) under the jurisdiction of a juvenile
17 court.

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

20 (b) Unless the juvenile court waives jurisdiction under
21 Section 54.02, Family Code, and certifies the individual for
22 criminal prosecution or the juvenile court has previously waived
23 jurisdiction under that section and certified the individual for
24 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, 2023. An offense committed or conduct that occurred
6 before September 1, 2023, 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, 2023, 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, 2023. An
15 offense committed before September 1, 2023, 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, 2023, 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. Article [45.059](#)(a), Code of Criminal
24 Procedure, is amended to read as follows:

25 (a) A peace officer taking into custody a person younger
26 than 18 [~~17~~] years of age for violation of a juvenile curfew
27 ordinance of a municipality or order of the commissioners court of a

1 county shall, without unnecessary delay:

2 (1) release the person to the person's parent,
3 guardian, or custodian;

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

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

9 SECTION 3.11. Articles 45.060(a), (b), and (e), Code of
10 Criminal Procedure, are amended to read as follows:

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

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

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

26 "WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 18TH [~~17TH~~]
27 BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO

1 MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. AS AN ADULT, YOU
2 ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS
3 CASE. FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN
4 ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED
5 FOR YOUR ARREST."

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

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

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

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

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

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

25 (E) an offense under the laws of another state,
26 federal law, the laws of a foreign country, or the Uniform Code of
27 Military Justice if the offense contains elements that are

1 substantially similar to the elements of an offense listed under
2 Paragraph (A), (B), (C), or (D).

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

5 (a) During or after disposition of a case under Section
6 54.04, Family Code, for adjudication of an offense for which
7 registration is required under this chapter, the juvenile court on
8 motion of the respondent shall conduct a hearing to determine
9 whether the interests of the public require registration under this
10 chapter. The motion may be filed and the hearing held regardless of
11 whether the respondent is under 19 [~~18~~] years of age. Notice of the
12 motion and hearing shall be provided to the prosecuting attorney.

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

15 (c) If the court enters an order described by Subsection
16 (b)(1), the court retains discretion and jurisdiction to require,
17 or exempt the respondent from, registration under this chapter at
18 any time during the treatment or on the successful or unsuccessful
19 completion of treatment, except that during the period of deferral,
20 registration may not be required. Following successful completion
21 of treatment, the respondent is exempted from registration under
22 this chapter unless a hearing under this subchapter is held on
23 motion of the prosecuting attorney, regardless of whether the
24 respondent is 19 [~~18~~] years of age or older, and the court
25 determines the interests of the public require registration. Not
26 later than the 10th day after the date of the respondent's
27 successful completion of treatment, the treatment provider shall

1 notify the juvenile court and prosecuting attorney of the
2 completion.

3 SECTION 3.15. Article 62.353(b), Code of Criminal
4 Procedure, is amended to read as follows:

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

11 SECTION 3.16. Section 37.085, Education Code, is amended to
12 read as follows:

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

18 SECTION 3.17. Section 153.0071(e-1), Family Code, is
19 amended to read as follows:

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

23 (1) that:

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

27 (B) the agreement would permit a person who is

1 subject to registration under Chapter 62, Code of Criminal
2 Procedure, on the basis of an offense committed by the person when
3 the person was 18 [~~17~~] years of age or older or who otherwise has a
4 history or pattern of past or present physical or sexual abuse
5 directed against any person to:

6 (i) reside in the same household as the
7 child; or

8 (ii) otherwise have unsupervised access to
9 the child; and

10 (2) that the agreement is not in the child's best
11 interest.

12 SECTION 3.18. Section 521.453(i), Transportation Code, is
13 amended to read as follows:

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

19 SECTION 3.19. (a) Except as provided by Subsection (b) of
20 this section, the changes in law made by this article apply only to
21 an offense committed on or after September 1, 2023. An offense
22 committed before September 1, 2023, is governed by the law in effect
23 on the date the offense was committed, and the former law is
24 continued in effect for that purpose.

25 (b) Articles 45.0216(b) and (h), Code of Criminal
26 Procedure, as amended by this article, apply only to the expunction
27 of certain records related to an offense committed on or after

1 September 1, 2023. The expunction of certain records related to an
2 offense committed before September 1, 2023, is governed by the law
3 in effect on the date the offense was committed, and the former law
4 is continued in effect for that purpose.

5 (c) For purposes of this section, an offense was committed
6 before September 1, 2023, if any element of the offense occurred
7 before that date.

8 ARTICLE 4. JUVENILE COURT PROCEDURES

9 SECTION 4.01. Section 51.041, Family Code, is amended to
10 read as follows:

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

17 (b) If the respondent is at least 18 years of age when the
18 order of remand from the appellate court is received by the juvenile
19 court, the juvenile court shall proceed as provided by Sections
20 54.02(o)-(r) for the detention of a person at least 19 [~~18~~] years of
21 age in discretionary transfer proceedings. Pending retrial of the
22 adjudication or transfer proceeding, the juvenile court may:

23 (1) order the respondent released from custody;

24 (2) order the respondent detained in a juvenile
25 detention facility; or

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

1 SECTION 4.02. Section 51.0412, Family Code, is amended to
2 read as follows:

3 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.

4 The court retains jurisdiction over a person, without regard to the
5 age of the person, who is a respondent in an adjudication
6 proceeding, a disposition proceeding, a proceeding to modify
7 disposition, a proceeding for waiver of jurisdiction and transfer
8 to criminal court under Section 54.02(a), or a motion for transfer
9 of determinate sentence probation to an appropriate district court
10 if:

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

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

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

21 SECTION 4.03. Sections 51.12(f) and (h), Family Code, are
22 amended to read as follows:

23 (f) A child detained in a building that contains a jail,
24 lockup, or other place of secure confinement, including an alcohol
25 or other drug treatment facility, shall be separated by sight and
26 sound from adults detained in the same building. Children and
27 adults are separated by sight and sound only if they are unable to

1 see each other and conversation between them is not possible. The
2 separation must extend to all areas of the facility, including
3 sally ports and passageways, and those areas used for admission,
4 counseling, sleeping, toileting, showering, dining, recreational,
5 educational, or vocational activities, and health care. The
6 separation may be accomplished through architectural design. A
7 person who has been transferred for prosecution in criminal court
8 under Section 54.02 and is under 18 [~~17~~] years of age is considered
9 a child for the purposes of this subsection.

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

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

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

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

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

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

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

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

26 (2) the person was:

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

1 years of age at the time the person is alleged to have committed a
2 capital felony or an offense under Section 19.02, Penal Code;

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

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

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

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

15 (A) for a reason beyond the control of the state
16 it was not practicable to proceed in juvenile court before the 19th
17 [~~18th~~] birthday of the person; or

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

21 (i) the state did not have probable cause to
22 proceed in juvenile court and new evidence has been found since the
23 19th [~~18th~~] birthday of the person;

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

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

27 (5) the juvenile court determines that there is

1 probable cause to believe that the child before the court committed
2 the offense alleged.

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

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

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

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

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

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

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

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

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

21 (i) A court that requires as a condition of probation that a
22 child attend psychological counseling under Subsection (a) may,
23 before the date the probation period ends, extend the probation for
24 any additional period necessary to complete the required counseling
25 as determined by the treatment provider, except that the probation
26 may not be extended to a date after the date of the child's 19th
27 [~~18th~~] birthday, or 20th [~~19th~~] birthday if the child is placed on

1 determinate sentence probation under Section 54.04(q).

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

4 (b) If a child is found to have engaged in delinquent
5 conduct or conduct indicating a need for supervision arising from
6 the commission of an offense in which property damage or loss or
7 personal injury occurred, the juvenile court, on notice to all
8 persons affected and on hearing, may order the child or a parent to
9 make full or partial restitution to the victim of the offense. The
10 program of restitution must promote the rehabilitation of the
11 child, be appropriate to the age and physical, emotional, and
12 mental abilities of the child, and not conflict with the child's
13 schooling. When practicable and subject to court supervision, the
14 court may approve a restitution program based on a settlement
15 between the child and the victim of the offense. An order under
16 this subsection may provide for periodic payments by the child or a
17 parent of the child for the period specified in the order but except
18 as provided by Subsection (h), that period may not extend past the
19 date of the 19th [~~18th~~] birthday of the child or past the date the
20 child is no longer enrolled in an accredited secondary school in a
21 program leading toward a high school diploma, whichever date is
22 later.

23 (h) If the juvenile court places the child on probation in a
24 determinate sentence proceeding initiated under Section 53.045 and
25 transfers supervision on the child's 20th [~~19th~~] birthday to a
26 district court for placement on community supervision, the district
27 court shall require the payment of any unpaid restitution as a

1 condition of the community supervision. The liability of the
2 child's parent for restitution may not be extended by transfer to a
3 district court for supervision.

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

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

10 (1) the child reaches:

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

12 (B) the child's 20th [~~19th~~] birthday, if the
13 child was placed on determinate sentence probation under Section
14 54.04(q); or

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

17 (b) Except for a commitment to the Texas Juvenile Justice
18 Department or to a post-adjudication secure correctional facility
19 under former Section 54.04011 or a placement on determinate
20 sentence probation under Section 54.04(q), all dispositions
21 automatically terminate when the child reaches the child's 19th
22 [~~18th~~] birthday.

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

25 (a) On motion of the state concerning a child who is placed
26 on probation under Section 54.04(q) for a period, including any
27 extension ordered under Section 54.05, that will continue after the

1 child's 20th [~~19th~~] birthday, the juvenile court shall hold a
2 hearing to determine whether to transfer the child to an
3 appropriate district court or discharge the child from the sentence
4 of probation.

5 (b) The hearing must be conducted before the person's 20th
6 [~~19th~~] birthday[, ~~or before the person's 18th birthday if the~~
7 ~~offense for which the person was placed on probation occurred~~
8 ~~before September 1, 2011,~~] and must be conducted in the same manner
9 as a hearing to modify disposition under Section [54.05](#).

10 (c) If, after a hearing, the court determines to discharge
11 the child, the court shall specify a date on or before the child's
12 20th [~~19th~~] birthday to discharge the child from the sentence of
13 probation.

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

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

1 (i) If the juvenile court exercises jurisdiction over a
2 person on or after the person's 19th or 20th birthday [~~who is 18 or~~
3 ~~19 years of age or older~~], as applicable, under Section 51.041 or
4 51.0412, the court or jury may, if the person is otherwise eligible,
5 place the person on probation under Section 54.04(q). The juvenile
6 court shall set the conditions of probation and immediately
7 transfer supervision of the person to the appropriate court
8 exercising criminal jurisdiction under Subsection (e).

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

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

18 SECTION 4.12. Section 55.15, Family Code, is amended to
19 read as follows:

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

26 (1) a court order for mental health services for a
27 child automatically expires on the 120th day after the date the

1 child becomes 19 [~~18~~] years of age; and

2 (2) the administrator of a mental health facility
3 shall notify, in writing, by certified mail, return receipt
4 requested, the juvenile court that ordered mental health services
5 or the juvenile court that referred the case to a court that ordered
6 the mental health services of the intent to discharge the child at
7 least 10 days prior to discharge.

8 SECTION 4.13. Section 55.18, Family Code, is amended to
9 read as follows:

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

14 (1) dismiss the juvenile court proceedings with
15 prejudice; or

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

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

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

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

24 (a) The juvenile court shall transfer all pending
25 proceedings from the juvenile court to a criminal court on the 19th
26 [~~18th~~] birthday of a child for whom the juvenile court or a court to
27 which the child's case is referred under Section 55.12(2) has

1 ordered inpatient mental health services if:

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

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

9 SECTION 4.16. Section [55.43\(a\)](#), Family Code, is amended to
10 read as follows:

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

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

15 (2) the child:

16 (A) is not:

17 (i) ordered by a court to receive inpatient
18 mental health services;

19 (ii) committed by a court to a residential
20 care facility; or

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

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

26 SECTION 4.17. The heading to Section [55.44](#), Family Code, is
27 amended to read as follows:

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

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

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

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

13 (2) the child is alleged to have engaged in delinquent
14 conduct that included a violation of a penal law listed in Section
15 53.045 and no adjudication concerning the alleged conduct has been
16 made.

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

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

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

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

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

26 (A) [~~(1)~~] dismisses a petition or any portion of
27 a petition;

1 (B) [~~(2)~~] arrests or modifies a judgment;
2 (C) [~~(3)~~] grants a new trial;
3 (D) [~~(4)~~] sustains a claim of former jeopardy; or
4 (E) [~~(5)~~] grants a motion to suppress evidence, a
5 confession, or an admission and if:

6 (i) [~~(A)~~] jeopardy has not attached in the
7 case;

8 (ii) [~~(B)~~] the prosecuting attorney
9 certifies to the trial court that the appeal is not taken for the
10 purpose of delay; and

11 (iii) [~~(C)~~] the evidence, confession, or
12 admission is of substantial importance in the case; or

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

15 SECTION 4.21. Section 58.0052(a)(3), Family Code, is
16 amended to read as follows:

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

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

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

21 SECTION 4.22. Section 58.253(b), Family Code, is amended to
22 read as follows:

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

1 person:

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

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

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

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

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

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

15 SECTION 4.23. Section [58.255](#)(a), Family Code, is amended to
16 read as follows:

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

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

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

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

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

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

3 SECTION 4.24. Section 58.256(c), Family Code, is amended to
4 read as follows:

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

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

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

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

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

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

20 SECTION 4.25. Section 58.264(b), Family Code, is amended to
21 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

27 SECTION 4.28. Section 59.007(b), Family Code, is amended to

1 read as follows:

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

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

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

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

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

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

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

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

26 (b) A child with mental illness who is receiving continuity
27 of care services during parole from the Texas Juvenile Justice

1 Department and who is no longer eligible to receive services from a
2 local mental health authority when the child becomes 18 [~~17~~] years
3 of age because the child does not meet the requirements of a local
4 service area plan under Section 533.0352(a) may continue to receive
5 continuity of care services from the office until the child
6 completes the child's parole.

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

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

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

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

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

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

23 SECTION 4.35. Section 201.001(a)(2), Human Resources Code,
24 is amended to read as follows:

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

26 [~~(A)~~] 10 years of age or older and younger than 20
27 [~~18~~] years of age who is under the jurisdiction of a juvenile

1 court [~~or~~

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

5 SECTION 4.36. Section 243.001(a), Human Resources Code, is
6 amended to read as follows:

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

14 SECTION 4.37. Section 243.051(b), Human Resources Code, is
15 amended to read as follows:

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

21 SECTION 4.38. Section 244.014(a), Human Resources Code, is
22 amended to read as follows:

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

1 Texas Department of Criminal Justice for confinement if:

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

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

6 SECTION 4.39. Section 244.015, Human Resources Code, is
7 amended to read as follows:

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

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

21 SECTION 4.40. Section 245.053(i), Human Resources Code, is
22 amended to read as follows:

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

1 the required counseling as determined by the treatment provider,
2 except that the release period may not be extended to a date after
3 the date of the child's 19th [~~18th~~] birthday.

4 SECTION 4.41. Sections [245.151](#)(d) and (e), Human Resources
5 Code, are amended to read as follows:

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

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

17 SECTION 4.42. (a) Except as provided by Subsection (b) of
18 this section, the changes in law made by this article apply only to
19 procedures relating to conduct that occurs on or after September 1,
20 2023. Procedures relating to conduct that occurred before
21 September 1, 2023, are governed by the law in effect on the date the
22 conduct occurred, and the former law is continued in effect for that
23 purpose.

24 (b) The change in law made by this article to Section
25 [58.0052](#), Family Code, applies to the sharing of information on or
26 after September 1, 2023, without regard to whether the information
27 was compiled before, on, or after that date.

1 (c) For purposes of this section, conduct occurred before
2 September 1, 2023, if any element of the conduct occurred before
3 that date.

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

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

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

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

17 (B) information relating to a traffic offense.

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

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

1 while 18 [~~17~~] years of age or older.

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

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

- 6 (A) a misdemeanor punishable by confinement; or
- 7 (B) a felony.

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

10 (a) The commission shall:

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

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

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

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

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

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

27 (7) review and comment on plans for the construction

1 and major modification or renovation of county jails;

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

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

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

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

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

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

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

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

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

13 (A) common issues concerning jail
14 administration;

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

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

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

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

25 (A) determine if a prisoner is pregnant;

26 (B) ensure that the jail's health services plan
27 addresses medical care, including obstetrical and gynecological

1 care, mental health care, nutritional requirements, and any special
2 housing or work assignment needs for prisoners who are known or
3 determined to be pregnant; and

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

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

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

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

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

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

1 (22) adopt reasonable rules and procedures regarding
2 visitation of a prisoner at a county jail by a guardian, as defined
3 by Section 1002.012, Estates Code, that:

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

10 (B) require the guardian to provide the sheriff
11 with letters of guardianship issued as provided by Section
12 1106.001, Estates Code, before being allowed to visit the prisoner;

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

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

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

27 (C) if funding is available under Section

1 511.019, install automated electronic sensors or cameras to ensure
2 accurate and timely in-person checks of cells or groups of cells
3 confining at-risk individuals; and

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

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

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

17 SECTION 5.06. Section 521.201, Transportation Code, is
18 amended to read as follows:

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

21 (1) is under 15 years of age;
22 (2) is under 18 years of age unless the person complies
23 with the requirements imposed by Section 521.204;

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

27 (4) holds a driver's license issued by this state or

1 another state or country that is revoked, canceled, or under
2 suspension;

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

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

8 (B) released from a hospital for the mentally
9 incapacitated on a certificate by the superintendent or
10 administrator of the hospital that the person has regained
11 capacity;

12 (6) the department determines to be afflicted with a
13 mental or physical disability or disease that prevents the person
14 from exercising reasonable and ordinary control over a motor
15 vehicle while operating the vehicle on a highway, except that a
16 person may not be refused a license because of a physical defect if
17 common experience shows that the defect does not incapacitate a
18 person from safely operating a motor vehicle;

19 (7) has been reported by a court under Section
20 [521.3452](#) for failure to appear unless the court has filed an
21 additional report on final disposition of the case; or

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

1 disposition of the case.

2 SECTION 5.07. Section 65.251(b), Family Code, and Section
3 521.201, Transportation Code, as amended by this article, apply
4 only to an offense committed or conduct that occurred on or after
5 September 1, 2023. An offense committed or conduct that occurred
6 before September 1, 2023, 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, 2023, if any element of the offense or conduct occurred
11 before that date.

12 ARTICLE 6. ADVISORY COMMITTEE

13 SECTION 6.01. ADVISORY COMMITTEE ON IMPLEMENTATION. (a)
14 Not later than December 1, 2021, the Texas Juvenile Justice Board
15 shall appoint an advisory committee to monitor and evaluate
16 implementation of this Act.

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

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

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

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

25 (4) one representative of county commissioners courts
26 appointed by the board;

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

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

3 (7) juvenile prosecutors;

4 (8) juvenile defense attorneys;

5 (9) juvenile justice advocates; and

6 (10) individuals who were adjudicated for juvenile
7 offenses in this state or who were prosecuted as adults for offenses
8 committed when they were 17 years old, or their family members.

9 (c) The board shall appoint to the advisory committee one
10 chief juvenile probation officer from each regional chiefs
11 association in this state from a list of nominees submitted to the
12 board by each regional chiefs association. To the greatest extent
13 practicable, a regional chiefs association shall include in the
14 association's list of nominees:

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

18 (2) one chief juvenile probation officer of a juvenile
19 probation department serving a county with a population that
20 includes at least 7,500 but fewer than 80,000 persons younger than
21 18 years of age; and

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

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

27 (e) The advisory committee shall assist the Texas Juvenile

1 Justice Department in evaluating and monitoring the implementation
2 of this Act, which includes determining the needs and problems of
3 county juvenile boards and probation departments, and offer
4 recommendations to meet identified needs and problems.

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

7 (g) The advisory committee is not subject to Chapter 2110,
8 Government Code.

9 (h) The advisory committee is abolished and this article
10 expires June 1, 2024.

11 ARTICLE 7. EFFECTIVE DATES

12 SECTION 7.01. (a) Except as provided by Subsection (b) of
13 this section, this Act takes effect September 1, 2023.

14 (b) Article 6 of this Act takes effect September 1, 2021.