

BILL ANALYSIS

S.B. 1617
By: Harris
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, when a minor commits a crime he or she is certified as either a minor or an adult for the entire criminal prosecution.

As proposed, S.B. 1617 amends current law relating to the discretionary transfer from a juvenile court to a criminal court of certain alleged offenses arising out of a single criminal transaction.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 54.02, Family Code, by amending Subsection (g) and adding Subsection (g-1), as follows:

(g) Requires the juvenile court to either retain or transfer all offenses relating to a single transaction if the petition alleges multiple offenses that constitute more than one criminal transaction. Provides that except as provided by Subsection (g-1), a child is not subject to criminal prosecution at any time for any offense arising out of a criminal transaction for which the juvenile court retains jurisdiction. Makes a nonsubstantive change.

(g-1) Authorizes a child to be subject to criminal prosecution for an offense committed under Chapter 19 (Criminal Homicide) or Section 49.08 (Intoxication Manslaughter), Penal Code, if:

(1) the offense arises out of a criminal transaction for which the juvenile court retained jurisdiction over other offenses relating to the criminal transaction; and

(2) on or before the date the juvenile court retained jurisdiction, one or more of the elements of the offense under Chapter 19 or Section 49.08, Penal Code, had not occurred.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.

EFFECTIVE DATE

September 1, 2011.