

By: Turner

H.B. No. 3350

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the maximum age of commitment of certain juveniles to  
3 the Texas Youth Commission.

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

5 SECTION 1. Section 61.079(a), Human Resources Code, is  
6 amended to read as follows:

7 (a) After a child sentenced to commitment under Section  
8 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 16 years  
9 of age but before the child becomes 21 [~~19~~] years of age, the  
10 commission may refer the child to the juvenile court that entered  
11 the order of commitment for approval of the child's transfer to the  
12 Texas Department of Criminal Justice for confinement if:

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

14 (2) the child's conduct, regardless of whether the  
15 child was released under supervision under Section 61.081,  
16 indicates that the welfare of the community requires the transfer.

17 SECTION 2. Subchapter F, Chapter 61, Human Resources Code,  
18 is amended by adding Section 61.0817 to read as follows:

19 Sec. 61.0817. EXTENSION ORDER FOR CERTAIN PERSONS IN  
20 COMMISSION PROGRAMS. (a) Not more than six months before the 19th  
21 birthday of a person who has been committed to the commission with a  
22 determinate sentence, the commission may refer the person to the  
23 committing juvenile court for a hearing to determine whether to  
24 extend the term of the person's commitment to the commission, for

1 the purpose of continuing in a commission program after the  
2 person's 19th birthday until the earlier of:

3 (1) the date the person completes the program;

4 (2) the date the person's term of sentence under the  
5 order of commitment is complete; or

6 (3) the person's 21st birthday.

7 (b) The court may order a person to remain in the custody of  
8 the commission as provided by Subsection (a) only if after the  
9 hearing the court finds that:

10 (1) the person is in need of additional rehabilitation  
11 from the commission;

12 (2) the commission will provide the most suitable  
13 environment for that rehabilitation; and

14 (3) the person's conduct more likely than not  
15 indicates that the welfare of the community does not require the  
16 person's transfer to the Texas Department of Criminal Justice.

17 SECTION 3. Section 61.084(g), Human Resources Code, is  
18 amended to read as follows:

19 (g) The commission shall transfer a person who has been  
20 sentenced under a determinate sentence to commitment under Section  
21 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, or who has been  
22 returned to the commission under Section 54.11(i)(1), Family Code,  
23 to the custody of the Texas Department of Criminal Justice [~~on the~~  
24 ~~person's 19th birthday~~], if the person has not already been  
25 discharged or transferred, to serve the remainder of the person's  
26 sentence on parole as provided by Section 508.156, Government Code:

27 (1) on the person's 19th birthday, if the court has not

1 extended the person's term of commitment to the commission under  
2 Section 61.0817; or

3 (2) on or before the person's 21st birthday, if the  
4 court has extended the person's term of commitment to the  
5 commission under Section 61.0817.

6 SECTION 4. Sections 61.079 and 61.084, Human Resources  
7 Code, as amended by this Act, and Section 61.0817, Human Resources  
8 Code, as added by this Act, apply only to conduct that occurs on or  
9 after the effective date of this Act. Conduct that occurs before  
10 the effective date of this Act is covered by the law in effect when  
11 the conduct occurred, and the former law is continued in effect for  
12 that purpose. For purposes of this subsection, conduct violating a  
13 penal law of this state occurred before the effective date of this  
14 Act if any element of the violation occurred before that date.

15 SECTION 5. This Act takes effect September 1, 2011.