

By: Harris

S.B. No. 1617

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the discretionary transfer from a juvenile court to a  
3 criminal court of certain alleged offenses arising out of a single  
4 criminal transaction.

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

6 SECTION 1. Section 54.02, Family Code, is amended by  
7 amending Subsection (g) and adding Subsection (g-1) to read as  
8 follows:

9 (g) If the petition alleges multiple offenses that  
10 constitute more than one criminal transaction, the juvenile court  
11 shall either retain or transfer all offenses relating to a single  
12 transaction. Except as provided by Subsection (g-1), a [A] child is  
13 not subject to criminal prosecution at any time for any offense  
14 arising out of a criminal transaction for which the juvenile court  
15 retains jurisdiction.

16 (g-1) A child may be subject to criminal prosecution for an  
17 offense committed under Chapter 19 or Section 49.08, Penal Code,  
18 if:

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

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

1           SECTION 2. The change in law made by this Act applies only  
2 to conduct that occurs on or after the effective date of this Act.  
3 Conduct that occurs before the effective date of this Act is  
4 governed by the law in effect on the date the conduct occurred, and  
5 the former law is continued in effect for that purpose. For  
6 purposes of this section, conduct occurs before the effective date  
7 of this Act if any element of the conduct occurs before that date.

8           SECTION 3. This Act takes effect September 1, 2011.