

1-1 By: Harris S.B. No. 1617  
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read  
1-3 first time and referred to Committee on Jurisprudence;  
1-4 April 6, 2011, reported favorably by the following vote: Yeas 6,  
1-5 Nays 0; April 6, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the discretionary transfer from a juvenile court to a  
1-9 criminal court of certain alleged offenses arising out of a single  
1-10 criminal transaction.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 54.02, Family Code, is amended by  
1-13 amending Subsection (g) and adding Subsection (g-1) to read as  
1-14 follows:

1-15 (g) If the petition alleges multiple offenses that  
1-16 constitute more than one criminal transaction, the juvenile court  
1-17 shall either retain or transfer all offenses relating to a single  
1-18 transaction. Except as provided by Subsection (g-1), a [A] child is  
1-19 not subject to criminal prosecution at any time for any offense  
1-20 arising out of a criminal transaction for which the juvenile court  
1-21 retains jurisdiction.

1-22 (g-1) A child may be subject to criminal prosecution for an  
1-23 offense committed under Chapter 19 or Section 49.08, Penal Code,  
1-24 if:

1-25 (1) the offense arises out of a criminal transaction  
1-26 for which the juvenile court retained jurisdiction over other  
1-27 offenses relating to the criminal transaction; and

1-28 (2) on or before the date the juvenile court retained  
1-29 jurisdiction, one or more of the elements of the offense under  
1-30 Chapter 19 or Section 49.08, Penal Code, had not occurred.

1-31 SECTION 2. The change in law made by this Act applies only  
1-32 to conduct that occurs on or after the effective date of this Act.  
1-33 Conduct that occurs before the effective date of this Act is  
1-34 governed by the law in effect on the date the conduct occurred, and  
1-35 the former law is continued in effect for that purpose. For  
1-36 purposes of this section, conduct occurs before the effective date  
1-37 of this Act if any element of the conduct occurs before that date.

1-38 SECTION 3. This Act takes effect September 1, 2011.

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