

By: Turner of Harris

H.B. No. 2241

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the maximum age of commitment of certain juveniles to
3 the Texas Juvenile Justice Department.

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

5 SECTION 1. Section 244.014(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 department 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 245.051,
16 indicates that the welfare of the community requires the transfer.

17 SECTION 2. Subchapter C, Chapter 245, Human Resources Code,
18 is amended by adding Section 245.107 to read as follows:

19 Sec. 245.107. EXTENSION ORDER FOR CERTAIN PERSONS IN
20 DEPARTMENT PROGRAMS. (a) Not more than six months before the 19th
21 birthday of a person who has been committed to the department with a
22 determinate sentence, the department 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 department, for

1 the purpose of continuing in a department 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 department 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 department;

12 (2) the department 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 245.151(e), Human Resources Code, is
18 amended to read as follows:

19 (e) The department 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 department 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 department under
2 Section 245.107; 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 department under Section 245.107.

6 SECTION 4. Sections 244.014(a) and 245.151(e), Human
7 Resources Code, as amended by this Act, and Section 245.107, Human
8 Resources Code, as added by this Act, apply only to conduct
9 violating a penal law of this state that occurs on or after the
10 effective date of this Act. Conduct that occurs before the
11 effective date of this Act is covered by the law in effect when the
12 conduct occurred, and the former law is continued in effect for that
13 purpose. For purposes of this section, conduct violating a penal
14 law of this state occurred before the effective date of this Act if
15 any element of the violation occurred before that date.

16 SECTION 5. This Act takes effect September 1, 2013.