

By: Wu

H.B. No. 330

A BILL TO BE ENTITLED

AN ACT

relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

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

ARTICLE 1. AGE OF CRIMINAL RESPONSIBILITY

SECTION 1.01. Section 51.02(2), Family Code, is amended to read as follows:

(2) "Child" means a person who is:

(A) 10 [~~ten~~] years of age or older and under 18 [~~17~~] years of age; or

(B) 18 [~~seventeen~~] years of age or older and under 19 [~~18~~] years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 18 [~~17~~] years of age.

SECTION 1.02. Section 8.07(b), Penal Code, is amended to read as follows:

(b) Unless the juvenile court waives jurisdiction under Section 54.02, Family Code, and certifies the individual for criminal prosecution or the juvenile court has previously waived jurisdiction under that section and certified the individual for criminal prosecution, a person may not be prosecuted for or convicted of any offense committed before reaching 18 [~~17~~] years of age except an offense described by Subsections (a)(1)-(5).

SECTION 1.03. The changes in law made by this article apply

only to an offense committed or conduct violating a penal law that occurs on or after the effective date of this Act. An offense committed or conduct that occurs before the effective date of this Act is governed by the law in effect on the date the offense was committed or the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed or conduct violating a penal law occurred before the effective date of this Act if any element of the offense or conduct occurred before that date.

ARTICLE 2. OFFENSES WITH AGE AS AN ELEMENT

SECTION 2.01. Sections 15.031(e) and (f), Penal Code, are amended to read as follows:

(e) An offense under this section is one category lower than the solicited offense, except that an offense under this section is the same category as the solicited offense if it is shown on the trial of the offense that the actor:

(1) was at the time of the offense 18 [~~17~~] years of age or older and a member of a criminal street gang, as defined by Section 71.01; and

(2) committed the offense with the intent to:

(A) further the criminal activities of the criminal street gang; or

(B) avoid detection as a member of a criminal street gang.

(f) In this section, "minor" means an individual younger than 18 [~~17~~] years of age.

SECTION 2.02. Section 21.02(b), Penal Code, is amended to

1 read as follows:

2 (b) A person commits an offense if:

3 (1) during a period that is 30 or more days in  
4 duration, the person commits two or more acts of sexual abuse,  
5 regardless of whether the acts of sexual abuse are committed  
6 against one or more victims; and

7 (2) at the time of the commission of each of the acts  
8 of sexual abuse, the actor is 18 [~~17~~] years of age or older and the  
9 victim is a child younger than 14 years of age.

10 SECTION 2.03. Section 33.021(a)(1), Penal Code, is amended  
11 to read as follows:

12 (1) "Minor" means:

13 (A) an individual who represents himself or  
14 herself to be younger than 18 [~~17~~] years of age; or

15 (B) an individual whom the actor believes to be  
16 younger than 18 [~~17~~] years of age.

17 SECTION 2.04. Section 33.021(b), Penal Code, is amended to  
18 read as follows:

19 (b) A person who is 18 [~~17~~] years of age or older commits an  
20 offense if, with the intent to arouse or gratify the sexual desire  
21 of any person, the person, over the Internet, by electronic mail or  
22 text message or other electronic message service or system, or  
23 through a commercial online service, intentionally:

24 (1) communicates in a sexually explicit manner with a  
25 minor; or

26 (2) distributes sexually explicit material to a minor.

27 SECTION 2.05. Section 71.022(d)(1), Penal Code, is amended

1 to read as follows:

2 (1) "Child" means an individual younger than 18 [~~17~~]  
3 years of age.

4 SECTION 2.06. Section 71.028(c), Penal Code, is amended to  
5 read as follows:

6 (c) Except as provided by Subsection (d), the punishment  
7 prescribed for an offense described by Subsection (b) is increased  
8 to the punishment prescribed for the next highest category of  
9 offense if the actor is 18 [~~17~~] years of age or older and it is shown  
10 beyond a reasonable doubt on the trial of the offense that the actor  
11 committed the offense at a location that was:

12 (1) in, on, or within 1,000 feet of any:

13 (A) real property that is owned, rented, or  
14 leased by a school or school board;

15 (B) premises owned, rented, or leased by an  
16 institution of higher education;

17 (C) premises of a public or private youth center;

18 or

19 (D) playground;

20 (2) in, on, or within 300 feet of any:

21 (A) shopping mall;

22 (B) movie theater;

23 (C) premises of a public swimming pool; or

24 (D) premises of a video arcade facility; or

25 (3) on a school bus.

26 SECTION 2.07. Section 729.001(a), Transportation Code, is  
27 amended to read as follows:

(a) A person who is younger than 18 [~~17~~] years of age commits an offense if the person operates a motor vehicle on a public road or highway, a street or alley in a municipality, or a public beach in violation of any traffic law of this state, including:

(1) Chapter 502, other than Section [~~502.282 or~~] 502.412;

(2) Chapter 521, other than an offense under Section 521.457;

(3) Subtitle C, other than an offense punishable by imprisonment or by confinement in jail under Section 550.021, 550.022, 550.024, or 550.025;

(4) Chapter 601;

(5) Chapter 621;

(6) Chapter 661; and

(7) Chapter 681.

SECTION 2.08. Section 729.002, Transportation Code, is amended to read as follows:

Sec. 729.002. OPERATION OF MOTOR VEHICLE BY MINOR WITHOUT LICENSE. (a) A person who is younger than 18 [~~17~~] years of age commits an offense if the person operates a motor vehicle without a driver's license authorizing the operation of a motor vehicle on a:

(1) public road or highway;

(2) street or alley in a municipality; or

(3) public beach as defined by Section 729.001.

(b) An offense under this section is punishable in the same manner as if the person was 18 [~~17~~] years of age or older and operated a motor vehicle without a license as described by

Subsection (a), except that an offense under this section is not punishable by confinement or imprisonment.

SECTION 2.09. The changes in law made by this article apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

#### ARTICLE 3. CRIMINAL PROCEDURES

SECTION 3.01. Article 4.19, Code of Criminal Procedure, is amended to read as follows:

Art. 4.19. TRANSFER OF PERSON CERTIFIED TO STAND TRIAL AS AN ADULT. (a) Notwithstanding the order of a juvenile court to detain a person under the age of 18 [~~17~~] who has been certified to stand trial as an adult in a certified juvenile detention facility under Section 54.02(h), Family Code, the judge of the criminal court having jurisdiction over the person may order the person to be transferred to an adult facility. A child who is transferred to an adult facility must be detained under conditions meeting the requirements of Section 51.12, Family Code.

(b) On the 18th [~~17th~~] birthday of a person described by Subsection (a) who is detained in a certified juvenile detention facility under Section 54.02(h), Family Code, the judge of the criminal court having jurisdiction over the person shall order the person to be transferred to an adult facility.

SECTION 3.02. Articles 45.0216(b) and (h), Code of Criminal Procedure, are amended to read as follows:

(b) A person may apply to the court in which the person was convicted to have the conviction expunged as provided by this article on or after the person's 18th [~~17th~~] birthday if:

(1) the person was convicted of not more than one offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; or

(2) the person was convicted only once of an offense under Section 43.261, Penal Code.

(h) Records of a person under 18 [~~17~~] years of age relating to a complaint dismissed as provided by Article 45.051 or 45.052 may be expunged under this article.

SECTION 3.03. Article 45.045(b), Code of Criminal Procedure, is amended to read as follows:

(b) A capias pro fine may not be issued for an individual convicted for an offense committed before the individual's 18th [~~17th~~] birthday unless:

(1) the individual is 18 [~~17~~] years of age or older;

(2) the court finds that the issuance of the capias pro fine is justified after considering:

(A) the sophistication and maturity of the individual;

(B) the criminal record and history of the individual; and

(C) the reasonable likelihood of bringing about the discharge of the judgment through the use of procedures and

services currently available to the court; and

(3) the court has proceeded under Article 45.050 to compel the individual to discharge the judgment.

SECTION 3.04. Article 45.0492(a), Code of Criminal Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

(a) This article applies only to a defendant younger than 18 [~~17~~] years of age who is assessed a fine or costs for a Class C misdemeanor occurring in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense.

SECTION 3.05. Article 45.0492(a), Code of Criminal Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

(a) This article applies only to a defendant younger than 18 [~~17~~] years of age who is assessed a fine or costs for a Class C misdemeanor.

SECTION 3.06. Articles 45.050(d), (e), and (g), Code of Criminal Procedure, are amended to read as follows:

(d) A justice or municipal court may hold a person in contempt and impose a remedy authorized by Subsection (c)(2) if:

(1) the person was convicted for an offense committed before the person's 18th [~~17th~~] birthday;

(2) the person failed to obey the order while the person was 18 [~~17~~] years of age or older; and

(3) the failure to obey occurred under circumstances that constitute contempt of court.



1           (e) A justice or municipal court may hold a person in  
2 contempt and impose a remedy authorized by Subsection (c)(2) if the  
3 person, while younger than 18 [~~17~~] years of age, engaged in conduct  
4 in contempt of an order issued by the justice or municipal court,  
5 but contempt proceedings could not be held before the person's 18th  
6 [~~17th~~] birthday.

7           (g) A justice or municipal court may not refer a child who  
8 violates a court order while 18 [~~17~~] years of age or older to a  
9 juvenile court for delinquency proceedings for contempt of court.

10          SECTION 3.07. Article 45.057(h), Code of Criminal  
11 Procedure, is amended to read as follows:

12          (h) A child and parent required to appear before the court  
13 have an obligation to provide the court in writing with the current  
14 address and residence of the child. The obligation does not end  
15 when the child reaches age 18 [~~17~~]. On or before the seventh day  
16 after the date the child or parent changes residence, the child or  
17 parent shall notify the court of the current address in the manner  
18 directed by the court. A violation of this subsection may result in  
19 arrest and is a Class C misdemeanor. The obligation to provide  
20 notice terminates on discharge and satisfaction of the judgment or  
21 final disposition not requiring a finding of guilt.

22          SECTION 3.08. Article 45.058(h), Code of Criminal  
23 Procedure, is amended to read as follows:

24          (h) In this article, "child" means a person who is:

25               (1) at least 10 years of age and younger than 18 [~~17~~]  
26 years of age; and

27               (2) charged with or convicted of an offense that a

1 justice or municipal court has jurisdiction of under Article 4.11  
2 or 4.14.

3 SECTION 3.09. Articles 45.060(a), (b), and (e), Code of  
4 Criminal Procedure, are amended to read as follows:

5 (a) Except as provided by Articles 45.058 and 45.059, an  
6 individual may not be taken into secured custody for offenses  
7 alleged to have occurred before the individual's 18th [~~17th~~]  
8 birthday.

9 (b) On or after an individual's 18th [~~17th~~] birthday, if the  
10 court has used all available procedures under this chapter to  
11 secure the individual's appearance to answer allegations made  
12 before the individual's 18th [~~17th~~] birthday, the court may issue a  
13 notice of continuing obligation to appear by personal service or by  
14 mail to the last known address and residence of the individual. The  
15 notice must order the individual to appear at a designated time,  
16 place, and date to answer the allegations detailed in the notice.

17 (e) A notice of continuing obligation to appear issued under  
18 this article must contain the following statement provided in  
19 boldfaced type or capital letters:

20 "WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 18TH [~~17TH~~]  
21 BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO  
22 MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. AS AN ADULT, YOU  
23 ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS  
24 CASE. FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN  
25 ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED  
26 FOR YOUR ARREST."

27 SECTION 3.10. Article 62.001(6), Code of Criminal

1 Procedure, is amended to read as follows:

2 (6) "Sexually violent offense" means any of the  
3 following offenses committed by a person 18 [~~17~~] years of age or  
4 older:

5 (A) an offense under Section 21.02 (Continuous  
6 sexual abuse of young child or children), 21.11(a)(1) (Indecency  
7 with a child), 22.011 (Sexual assault), or 22.021 (Aggravated  
8 sexual assault), Penal Code;

9 (B) an offense under Section 43.25 (Sexual  
10 performance by a child), Penal Code;

11 (C) an offense under Section 20.04(a)(4)  
12 (Aggravated kidnapping), Penal Code, if the defendant committed the  
13 offense with intent to violate or abuse the victim sexually;

14 (D) an offense under Section 30.02 (Burglary),  
15 Penal Code, if the offense is punishable under Subsection (d) of  
16 that section and the defendant committed the offense with intent to  
17 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);  
18 or

19 (E) an offense under the laws of another state,  
20 federal law, the laws of a foreign country, or the Uniform Code of  
21 Military Justice if the offense contains elements that are  
22 substantially similar to the elements of an offense listed under  
23 Paragraph (A), (B), (C), or (D).

24 SECTION 3.11. Section 37.085, Education Code, is amended to  
25 read as follows:

26 Sec. 37.085. ARRESTS PROHIBITED FOR CERTAIN CLASS C  
27 MISDEMEANORS. Notwithstanding any other provision of law, a

warrant may not be issued for the arrest of a person for a Class C misdemeanor under this code committed when the person was younger than 18 [~~17~~] years of age.

SECTION 3.12. Section 521.453(i), Transportation Code, is amended to read as follows:

(i) If the person ordered to perform community service under Subsection (h) is younger than 18 [~~17~~] years of age, the community service shall be performed as if ordered by a juvenile court under Section 54.044(a), Family Code, as a condition of probation under Section 54.04(d), Family Code.

SECTION 3.13. (a) Except as provided by Subsection (b) of this section, the changes in law made by this article apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

(b) Articles 45.0216(b) and (h), Code of Criminal Procedure, as amended by this article, apply only to the expunction of certain records related to an offense committed on or after the effective date of this Act. The expunction of certain records related to an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

(c) For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

ARTICLE 4. JUVENILE COURT PROCEDURES

SECTION 4.01. Section 51.041, Family Code, is amended to read as follows:

Sec. 51.041. JURISDICTION AFTER APPEAL. (a) The court retains jurisdiction over a person, without regard to the age of the person, for conduct engaged in by the person before becoming 18 [~~17~~] years of age if, as a result of an appeal by the person or the state under Chapter 56 or by the person under Article 44.47, Code of Criminal Procedure, of an order of the court, the order is reversed or modified and the case remanded to the court by the appellate court.

(b) If the respondent is at least 19 [~~18~~] years of age when the order of remand from the appellate court is received by the juvenile court, the juvenile court shall proceed as provided by Sections 54.02(o)-(r) for the detention of a person at least 18 years of age in discretionary transfer proceedings. Pending retrial of the adjudication or transfer proceeding, the juvenile court may:

- (1) order the respondent released from custody;
- (2) order the respondent detained in a juvenile detention facility; or
- (3) set bond and order the respondent detained in a county adult facility if bond is not made.

SECTION 4.02. Section 51.0412, Family Code, is amended to read as follows:

Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS. The court retains jurisdiction over a person, without regard to the

1 age of the person, who is a respondent in an adjudication  
2 proceeding, a disposition proceeding, a proceeding to modify  
3 disposition, a proceeding for waiver of jurisdiction and transfer  
4 to criminal court under Section 54.02(a), or a motion for transfer  
5 of determinate sentence probation to an appropriate district court  
6 if:

7 (1) the petition or motion was filed while the  
8 respondent was younger than 19 or 20 [~~18 or 19~~] years of age, as  
9 applicable;

10 (2) the proceeding is not complete before the  
11 respondent becomes 19 or 20 [~~18 or 19~~] years of age, as applicable;  
12 and

13 (3) the court enters a finding in the proceeding that  
14 the prosecuting attorney exercised due diligence in an attempt to  
15 complete the proceeding before the respondent became 19 or 20 [~~18 or~~  
16 ~~19~~] years of age, as applicable.

17 SECTION 4.03. Sections 51.12(f) and (h), Family Code, are  
18 amended to read as follows:

19 (f) A child detained in a building that contains a jail,  
20 lockup, or other place of secure confinement, including an alcohol  
21 or other drug treatment facility, shall be separated by sight and  
22 sound from adults detained in the same building. Children and  
23 adults are separated by sight and sound only if they are unable to  
24 see each other and conversation between them is not possible. The  
25 separation must extend to all areas of the facility, including  
26 sally ports and passageways, and those areas used for admission,  
27 counseling, sleeping, toileting, showering, dining, recreational,

educational, or vocational activities, and health care. The separation may be accomplished through architectural design. A person who has been transferred for prosecution in criminal court under Section 54.02 and is under 18 [17] years of age is considered a child for the purposes of this subsection.

(h) This section does not apply to a person:

(1) who has been transferred to criminal court for prosecution under Section 54.02 and is at least 18 [17] years of age; or

(2) who is at least 18 [17] years of age and who has been taken into custody after having:

(A) escaped from a juvenile facility operated by or under contract with the Texas Juvenile Justice Department [~~Youth Commission~~]; or

(B) violated a condition of release under supervision of the Texas Juvenile Justice Department [~~Youth Commission~~].

SECTION 4.04. Section 54.02(j), Family Code, is amended to read as follows:

(j) The juvenile court may waive its exclusive original jurisdiction and transfer a person to the appropriate district court or criminal district court for criminal proceedings if:

(1) the person is 19 [18] years of age or older;

(2) the person was:

(A) 10 years of age or older and under 18 [17] years of age at the time the person is alleged to have committed a capital felony or an offense under Section 19.02, Penal Code;

(B) 14 years of age or older and under 18 [~~17~~] years of age at the time the person is alleged to have committed an aggravated controlled substance felony or a felony of the first degree other than an offense under Section 19.02, Penal Code; or

(C) 15 years of age or older and under 18 [~~17~~] years of age at the time the person is alleged to have committed a felony of the second or third degree or a state jail felony;

(3) no adjudication concerning the alleged offense has been made or no adjudication hearing concerning the offense has been conducted;

(4) the juvenile court finds from a preponderance of the evidence that:

(A) for a reason beyond the control of the state it was not practicable to proceed in juvenile court before the 19th [~~18th~~] birthday of the person; or

(B) after due diligence of the state it was not practicable to proceed in juvenile court before the 19th [~~18th~~] birthday of the person because:

(i) the state did not have probable cause to proceed in juvenile court and new evidence has been found since the 19th [~~18th~~] birthday of the person;

(ii) the person could not be found; or

(iii) a previous transfer order was reversed by an appellate court or set aside by a district court; and

(5) the juvenile court determines that there is probable cause to believe that the child before the court committed the offense alleged.



SECTION 4.05. Section 54.0326(b), Family Code, is amended to read as follows:

(b) A juvenile court may defer adjudication proceedings under Section 54.03 until the child's 19th [~~18th~~] birthday and require a child to participate in a program established under Section 152.0016, Human Resources Code, if the child:

(1) is alleged to have engaged in delinquent conduct or conduct indicating a need for supervision and may be a victim of conduct that constitutes an offense under Section 20A.02, Penal Code; and

(2) presents to the court an oral or written request to participate in the program.

SECTION 4.06. Sections 54.04(e), (l), and (q), Family Code, are amended to read as follows:

(e) The Texas Juvenile Justice Department [~~Youth Commission~~] shall accept a person properly committed to it by a juvenile court even though the person may be 18 [~~17~~] years of age or older at the time of commitment.

(l) Except as provided by Subsection (q), a court or jury may place a child on probation under Subsection (d)(1) for any period, except that probation may not continue on or after the child's 19th [~~18th~~] birthday. Except as provided by Subsection (q), the court may, before the period of probation ends, extend the probation for any period, except that the probation may not extend to or after the child's 19th [~~18th~~] birthday.

(q) If a court or jury sentences a child to commitment in the Texas Juvenile Justice Department or a post-adjudication secure

1 correctional facility under Subsection (d)(3) for a term of not  
2 more than 10 years, the court or jury may place the child on  
3 probation under Subsection (d)(1) as an alternative to making the  
4 disposition under Subsection (d)(3). The court shall prescribe  
5 the period of probation ordered under this subsection for a term of  
6 not more than 10 years. The court may, before the sentence of  
7 probation expires, extend the probationary period under Section  
8 54.05, except that the sentence of probation and any extension may  
9 not exceed 10 years. The court may, before the child's 20th [~~19th~~]  
10 birthday, discharge the child from the sentence of probation. If a  
11 sentence of probation ordered under this subsection and any  
12 extension of probation ordered under Section 54.05 will continue  
13 after the child's 20th [~~19th~~] birthday, the court shall discharge  
14 the child from the sentence of probation on the child's 20th [~~19th~~]  
15 birthday unless the court transfers the child to an appropriate  
16 district court under Section 54.051.

17 SECTION 4.07. Section 54.0405(i), Family Code, is amended  
18 to read as follows:

19 (i) A court that requires as a condition of probation that a  
20 child attend psychological counseling under Subsection (a) may,  
21 before the date the probation period ends, extend the probation for  
22 any additional period necessary to complete the required counseling  
23 as determined by the treatment provider, except that the probation  
24 may not be extended to a date after the date of the child's 19th  
25 [~~18th~~] birthday, or 20th [~~19th~~] birthday if the child is placed on  
26 determinate sentence probation under Section 54.04(q).

27 SECTION 4.08. Sections 54.041(b) and (h), Family Code, are

1 amended to read as follows:

2           (b) If a child is found to have engaged in delinquent  
3 conduct or conduct indicating a need for supervision arising from  
4 the commission of an offense in which property damage or loss or  
5 personal injury occurred, the juvenile court, on notice to all  
6 persons affected and on hearing, may order the child or a parent to  
7 make full or partial restitution to the victim of the offense. The  
8 program of restitution must promote the rehabilitation of the  
9 child, be appropriate to the age and physical, emotional, and  
10 mental abilities of the child, and not conflict with the child's  
11 schooling. When practicable and subject to court supervision, the  
12 court may approve a restitution program based on a settlement  
13 between the child and the victim of the offense. An order under  
14 this subsection may provide for periodic payments by the child or a  
15 parent of the child for the period specified in the order but except  
16 as provided by Subsection (h), that period may not extend past the  
17 date of the 19th [~~18th~~] birthday of the child or past the date the  
18 child is no longer enrolled in an accredited secondary school in a  
19 program leading toward a high school diploma, whichever date is  
20 later.

21           (h) If the juvenile court places the child on probation in a  
22 determinate sentence proceeding initiated under Section [53.045](#) and  
23 transfers supervision on the child's 20th [~~19th~~] birthday to a  
24 district court for placement on community supervision, the district  
25 court shall require the payment of any unpaid restitution as a  
26 condition of the community supervision. The liability of the  
27 child's parent for restitution may not be extended by transfer to a

1 district court for supervision.

2 SECTION 4.09. Sections 54.05(a) and (b), Family Code, are  
3 amended to read as follows:

4 (a) Except as provided by Subsection (a-1), any  
5 disposition, except a commitment to the Texas Juvenile Justice  
6 Department [~~Youth Commission~~], may be modified by the juvenile  
7 court as provided in this section until:

8 (1) the child reaches:

9 (A) the child's 19th [~~18th~~] birthday; or

10 (B) the child's 20th [~~19th~~] birthday, if the  
11 child was placed on determinate sentence probation under Section  
12 54.04(q); or

13 (2) the child is earlier discharged by the court or  
14 operation of law.

15 (b) Except for a commitment to the Texas Juvenile Justice  
16 Department or to a post-adjudication secure correctional facility  
17 under Section 54.04011, a disposition under Section 54.0402, or a  
18 placement on determinate sentence probation under Section  
19 54.04(q), all dispositions automatically terminate when the child  
20 reaches the child's 19th [~~18th~~] birthday.

21 SECTION 4.10. Sections 54.051(a), (b), (c), (d), (e-2), and  
22 (i), Family Code, are amended to read as follows:

23 (a) On motion of the state concerning a child who is placed  
24 on probation under Section 54.04(q) for a period, including any  
25 extension ordered under Section 54.05, that will continue after the  
26 child's 20th [~~19th~~] birthday, the juvenile court shall hold a  
27 hearing to determine whether to transfer the child to an

1 appropriate district court or discharge the child from the sentence  
2 of probation.

3 (b) The hearing must be conducted before the person's 20th  
4 [~~19th~~] birthday[, ~~or before the person's 18th birthday if the~~  
5 ~~offense for which the person was placed on probation occurred~~  
6 ~~before September 1, 2011,~~] and must be conducted in the same manner  
7 as a hearing to modify disposition under Section 54.05.

8 (c) If, after a hearing, the court determines to discharge  
9 the child, the court shall specify a date on or before the child's  
10 20th [~~19th~~] birthday to discharge the child from the sentence of  
11 probation.

12 (d) If, after a hearing, the court determines to transfer  
13 the child, the court shall transfer the child to an appropriate  
14 district court on the child's 20th [~~19th~~] birthday.

15 (e-2) If a person who is placed on community supervision  
16 under this section violates a condition of that supervision or if  
17 the person violated a condition of probation ordered under Section  
18 54.04(q) and that probation violation was not discovered by the  
19 state before the person's 20th [~~19th~~] birthday, the district court  
20 shall dispose of the violation of community supervision or  
21 probation, as appropriate, in the same manner as if the court had  
22 originally exercised jurisdiction over the case. If the judge  
23 revokes community supervision, the judge may reduce the prison  
24 sentence to any length without regard to the minimum term imposed by  
25 Section 23(a), Article 42.12, Code of Criminal Procedure.

26 (i) If the juvenile court exercises jurisdiction over a  
27 person who is 19 or 20 [~~18 or 19~~] years of age or older, as

1 applicable, under Section 51.041 or 51.0412, the court or jury may,  
2 if the person is otherwise eligible, place the person on probation  
3 under Section 54.04(q). The juvenile court shall set the  
4 conditions of probation and immediately transfer supervision of the  
5 person to the appropriate court exercising criminal jurisdiction  
6 under Subsection (e).

7 SECTION 4.11. Section 54.11(1), Family Code, is amended to  
8 read as follows:

9 (1) Pending the conclusion of a transfer hearing, the  
10 juvenile court shall order that the person who is referred for  
11 transfer be detained in a certified juvenile detention facility as  
12 provided by Subsection (m). If the person is at least 18 [~~17~~] years  
13 of age, the juvenile court may order that the person be detained  
14 without bond in an appropriate county facility for the detention of  
15 adults accused of criminal offenses.

16 SECTION 4.12. Section 55.15, Family Code, is amended to  
17 read as follows:

18 Sec. 55.15. STANDARDS OF CARE; EXPIRATION OF COURT ORDER  
19 FOR MENTAL HEALTH SERVICES. If the juvenile court or a court to  
20 which the child's case is referred under Section 55.12(2) orders  
21 mental health services for the child, the child shall be cared for,  
22 treated, and released in conformity to Subtitle C, Title 7, Health  
23 and Safety Code, except:

24 (1) a court order for mental health services for a  
25 child automatically expires on the 120th day after the date the  
26 child becomes 19 [~~18~~] years of age; and

27 (2) the administrator of a mental health facility

1 shall notify, in writing, by certified mail, return receipt  
2 requested, the juvenile court that ordered mental health services  
3 or the juvenile court that referred the case to a court that ordered  
4 the mental health services of the intent to discharge the child at  
5 least 10 days prior to discharge.

6 SECTION 4.13. Section 55.18, Family Code, is amended to  
7 read as follows:

8 Sec. 55.18. DISCHARGE FROM MENTAL HEALTH FACILITY BEFORE  
9 REACHING 19 [~~18~~] YEARS OF AGE. If the child is discharged from the  
10 mental health facility before reaching 19 [~~18~~] years of age, the  
11 juvenile court may:

12 (1) dismiss the juvenile court proceedings with  
13 prejudice; or

14 (2) continue with proceedings under this title as  
15 though no order of mental health services had been made.

16 SECTION 4.14. The heading to Section 55.19, Family Code, is  
17 amended to read as follows:

18 Sec. 55.19. TRANSFER TO CRIMINAL COURT ON 19TH [~~18TH~~]  
19 BIRTHDAY.

20 SECTION 4.15. Section 55.19(a), Family Code, is amended to  
21 read as follows:

22 (a) The juvenile court shall transfer all pending  
23 proceedings from the juvenile court to a criminal court on the 19th  
24 [~~18th~~] birthday of a child for whom the juvenile court or a court to  
25 which the child's case is referred under Section 55.12(2) has  
26 ordered inpatient mental health services if:

27 (1) the child is not discharged or furloughed from the

inpatient mental health facility before reaching 19 [~~18~~] years of age; and

(2) the child is alleged to have engaged in delinquent conduct that included a violation of a penal law listed in Section 53.045 and no adjudication concerning the alleged conduct has been made.

SECTION 4.16. Section 55.43(a), Family Code, is amended to read as follows:

(a) The prosecuting attorney may file with the juvenile court a motion for a restoration hearing concerning a child if:

(1) the child is found unfit to proceed as a result of mental illness or intellectual disability [~~mental retardation~~]; and

(2) the child:

(A) is not:

(i) ordered by a court to receive inpatient mental health services;

(ii) committed by a court to a residential care facility; or

(iii) ordered by a court to receive treatment on an outpatient basis; or

(B) is discharged or currently on furlough from a mental health facility or outpatient center before the child reaches 19 [~~18~~] years of age.

SECTION 4.17. The heading to Section 55.44, Family Code, is amended to read as follows:

Sec. 55.44. TRANSFER TO CRIMINAL COURT ON 19TH [~~18TH~~]



1 BIRTHDAY OF CHILD.

2 SECTION 4.18. Section 55.44(a), Family Code, is amended to  
3 read as follows:

4 (a) The juvenile court shall transfer all pending  
5 proceedings from the juvenile court to a criminal court on the 19th  
6 ~~18th~~ birthday of a child for whom the juvenile court or a court to  
7 which the child's case is referred has ordered inpatient mental  
8 health services or residential care for persons with intellectual  
9 disabilities ~~[mental retardation]~~ if:

10 (1) the child is not discharged or currently on  
11 furlough from the facility before reaching 19 ~~18~~ years of age; and

12 (2) the child is alleged to have engaged in delinquent  
13 conduct that included a violation of a penal law listed in Section  
14 53.045 and no adjudication concerning the alleged conduct has been  
15 made.

16 SECTION 4.19. Section 56.01(c), Family Code, is amended to  
17 read as follows:

18 (c) An appeal may be taken:

19 (1) except as provided by Subsection (n), by or on  
20 behalf of a child from an order entered under:

21 (A) Section 54.02 respecting transfer of the  
22 child to a district court or criminal court for prosecution as an  
23 adult;

24 (B) Section 54.03 with regard to delinquent  
25 conduct or conduct indicating a need for supervision;

26 (C) ~~[(B)]~~ Section 54.04 disposing of the case;

27 (D) ~~[(C)]~~ Section 54.05 respecting modification

of a previous juvenile court disposition; or

(E) [~~(D)~~] Chapter 55 by a juvenile court committing a child to a facility for the mentally ill or intellectually disabled [~~mentally retarded~~]; or

(2) by a person from an order entered under Section 54.11(i)(2) transferring the person to the custody of the Texas Department of Criminal Justice.

SECTION 4.20. The heading to Section 56.03, Family Code, is amended to read as follows:

Sec. 56.03. APPEAL BY STATE [~~IN CASES OF OFFENSES ELIGIBLE FOR DETERMINATE SENTENCE~~].

SECTION 4.21. Section 56.03(b), Family Code, is amended to read as follows:

(b) The state is entitled to appeal an order of a court:

(1) in a juvenile case in which the grand jury has approved of the petition under Section 53.045 if the order:

(A) [~~(1)~~] dismisses a petition or any portion of a petition;

(B) [~~(2)~~] arrests or modifies a judgment;

(C) [~~(3)~~] grants a new trial;

(D) [~~(4)~~] sustains a claim of former jeopardy; or

(E) [~~(5)~~] grants a motion to suppress evidence, a confession, or an admission and if:

(i) [~~(A)~~] jeopardy has not attached in the case;

(ii) [~~(B)~~] the prosecuting attorney certifies to the trial court that the appeal is not taken for the

1 purpose of delay; and

2 (iii) [~~(c)~~] the evidence, confession, or  
3 admission is of substantial importance in the case; or

4 (2) if the order denies the transfer of the child under  
5 Section 54.02 to criminal court for prosecution as an adult.

6 SECTION 4.22. Sections 58.003(c), (c-2), (c-4), (c-6), and  
7 (c-8), Family Code, are amended to read as follows:

8 (c) Subject to Subsection (b), a court may order the sealing  
9 of records concerning a person adjudicated as having engaged in  
10 delinquent conduct that violated a penal law of the grade of felony  
11 only if:

12 (1) the person is 20 [~~19~~] years of age or older;

13 (2) the person was not transferred by a juvenile court  
14 under Section 54.02 to a criminal court for prosecution;

15 (3) the records have not been used as evidence in the  
16 punishment phase of a criminal proceeding under Section 3(a),  
17 Article 37.07, Code of Criminal Procedure; and

18 (4) the person has not been convicted of a penal law of  
19 the grade of felony after becoming age 18 [~~17~~].

20 (c-2) If the court orders the sealing of a child's records  
21 under Subsection (c-1), a prosecuting attorney or juvenile  
22 probation department may maintain until the child's 18th [~~17th~~]  
23 birthday a separate record of the child's name and date of birth and  
24 the date the child successfully completed the drug court  
25 program. The prosecuting attorney or juvenile probation  
26 department, as applicable, shall send the record to the court as  
27 soon as practicable after the child's 18th [~~17th~~] birthday to be

1 added to the child's other sealed records.

2 (c-4) A prosecuting attorney or juvenile probation  
3 department may maintain until a child's 18th [~~17th~~] birthday a  
4 separate record of the child's name and date of birth and the date  
5 on which the child's records are sealed, if the child's records are  
6 sealed under Subsection (c-3). The prosecuting attorney or  
7 juvenile probation department, as applicable, shall send the record  
8 to the court as soon as practicable after the child's 18th [~~17th~~]  
9 birthday to be added to the child's other sealed records.

10 (c-6) A prosecuting attorney or juvenile probation  
11 department may maintain until a child's 18th [~~17th~~] birthday a  
12 separate record of the child's name and date of birth and the date  
13 on which the child successfully completed the educational program,  
14 if the child's records are sealed under Subsection (c-5). The  
15 prosecuting attorney or juvenile probation department, as  
16 applicable, shall send the record to the court as soon as  
17 practicable after the child's 18th [~~17th~~] birthday to be added to  
18 the child's other sealed records.

19 (c-8) If the court orders the sealing of a child's records  
20 under Subsection (c-7), a prosecuting attorney or juvenile  
21 probation department may maintain until the child's 19th [~~18th~~]  
22 birthday a separate record of the child's name and date of birth and  
23 the date the child successfully completed the trafficked persons  
24 program. The prosecuting attorney or juvenile probation  
25 department, as applicable, shall send the record to the court as  
26 soon as practicable after the child's 19th [~~18th~~] birthday to be  
27 added to the child's other sealed records.

SECTION 4.23. Section 58.0052(a)(2), Family Code, is amended to read as follows:

(2) "Multi-system youth" means a person who:

(A) is younger than 20 [~~19~~] years of age; and

(B) has received services from two or more juvenile service providers.

SECTION 4.24. Section 58.0071(d), Family Code, is amended to read as follows:

(d) The physical records and files of a juvenile case may only be destroyed if the child who is the respondent in the case:

(1) is at least 19 [~~18~~] years of age and:

(A) the most serious allegation adjudicated was conduct indicating a need for supervision;

(B) the most serious allegation was conduct indicating a need for supervision and there was not an adjudication; or

(C) the referral or information did not relate to conduct indicating a need for supervision or delinquent conduct and the juvenile court or the court's staff did not take action on the referral or information for that reason;

(2) is at least 21 years of age and:

(A) the most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of misdemeanor; or

(B) the most serious allegation was delinquent conduct that violated a penal law of the grade of misdemeanor or felony and there was not an adjudication; or

(3) is at least 31 years of age and the most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of felony.

SECTION 4.25. Section 58.203(a), Family Code, is amended to read as follows:

(a) The department shall certify to the juvenile probation department to which a referral was made that resulted in information being submitted to the juvenile justice information system that the records relating to a person's juvenile case are subject to automatic restriction of access if:

(1) the person is at least 18 [~~17~~] years of age;

(2) the juvenile case did not include conduct resulting in determinate sentence proceedings in the juvenile court under Section 53.045; and

(3) the juvenile case was not certified for trial in criminal court under Section 54.02.

SECTION 4.26. Section 58.208, Family Code, is amended to read as follows:

Sec. 58.208. INFORMATION TO CHILD ON DISCHARGE. On the final discharge of a child from the juvenile system or on the last official action in the case, if there is no adjudication, the appropriate juvenile justice official shall provide to the child:

(1) a written explanation of how automatic restricted access under this subchapter works;

(2) a copy of this subchapter; and

(3) a statement that if the child wishes to receive notification of an action restricting access to the child's records

1 under Section 58.207(a), the child must before the child's 18th  
2 [~~17th~~] birthday provide the juvenile probation department with a  
3 current address where the child can receive notification.

4 SECTION 4.27. Section 58.209(a), Family Code, is amended to  
5 read as follows:

6 (a) When a child is placed on probation for an offense that  
7 may be eligible for automatic restricted access at age 18 [~~17~~] or  
8 when a child is received by the Texas Juvenile Justice Department on  
9 an indeterminate commitment, a probation officer or an official at  
10 the Texas Juvenile Justice Department reception center, as soon as  
11 practicable, shall explain the substance of the following  
12 information to the child:

13 (1) if the child was adjudicated as having committed  
14 delinquent conduct for a felony or jailable misdemeanor, that the  
15 child probably has a juvenile record with the department and the  
16 Federal Bureau of Investigation;

17 (2) that the child's juvenile record is a permanent  
18 record that is not destroyed or erased unless the record is eligible  
19 for sealing and the child or the child's family hires a lawyer and  
20 files a petition in court to have the record sealed;

21 (3) that the child's juvenile record, other than  
22 treatment records made confidential by law, can be accessed by  
23 police, sheriff's officers, prosecutors, probation officers,  
24 correctional officers, and other criminal and juvenile justice  
25 officials in this state and elsewhere;

26 (4) that the child's juvenile record, other than  
27 treatment records made confidential by law, can be accessed by

1 employers, educational institutions, licensing agencies, and other  
2 organizations when the child applies for employment or educational  
3 programs;

4 (5) if the child's juvenile record is placed on  
5 restricted access when the child becomes 18 [~~17~~] years of age, that  
6 access will be denied to employers, educational institutions, and  
7 others except for criminal justice agencies;

8 (6) that restricted access does not require any action  
9 by the child or the child's family, including the filing of a  
10 petition or hiring of a lawyer, but occurs automatically at age 18  
11 [~~17~~]; and

12 (7) that if the child is under the jurisdiction of the  
13 juvenile court or the Texas Juvenile Justice Department on or after  
14 the child's 18th [~~17th~~] birthday, the law regarding restricted  
15 access will not apply until the person is discharged from the  
16 jurisdiction of the court or department, as appropriate.

17 SECTION 4.28. Section [58.211](#)(a), Family Code, is amended to  
18 read as follows:

19 (a) If the department has notified a juvenile probation  
20 department that a record has been placed on restricted access and  
21 the department later receives information in the department's  
22 criminal history system that the subject of the records has been  
23 convicted of or placed on deferred adjudication for a felony or a  
24 misdemeanor punishable by confinement in jail for an offense  
25 committed after the person reached the age of 18 [~~17~~], the person's  
26 juvenile records are no longer subject to restricted access. The  
27 department shall notify the appropriate local juvenile probation



1 departments in the manner described by Section 58.203 that the  
2 person's records are no longer subject to restricted access.

3 SECTION 4.29. Section 59.005(b), Family Code, is amended to  
4 read as follows:

5 (b) The juvenile court or the probation department shall  
6 discharge the child from the custody of the probation department on  
7 the date the provisions of this section are met or on the child's  
8 19th [~~18th~~] birthday, whichever is earlier.

9 SECTION 4.30. Section 59.006(b), Family Code, is amended to  
10 read as follows:

11 (b) The juvenile court shall discharge the child from the  
12 custody of the probation department on the date the provisions of  
13 this section are met or on the child's 19th [~~18th~~] birthday,  
14 whichever is earlier.

15 SECTION 4.31. Section 59.007(b), Family Code, is amended to  
16 read as follows:

17 (b) The juvenile court shall discharge the child from the  
18 custody of the probation department on the date the provisions of  
19 this section are met or on the child's 19th [~~18th~~] birthday,  
20 whichever is earlier.

21 SECTION 4.32. Section 59.008(b), Family Code, is amended to  
22 read as follows:

23 (b) The juvenile court shall discharge the child from the  
24 custody of the probation department on the date the provisions of  
25 this section are met or on the child's 19th [~~18th~~] birthday,  
26 whichever is earlier.

27 SECTION 4.33. Section 59.009(c), Family Code, is amended to

1 read as follows:

2 (c) The Texas Juvenile Justice Department, juvenile board,  
3 or local juvenile probation department may discharge the child from  
4 the custody of the department, board, or probation department, as  
5 applicable, on the date the provisions of this section are met or on  
6 the child's 20th [~~19th~~] birthday, whichever is earlier.

7 SECTION 4.34. Section 61.051(c), Family Code, is amended to  
8 read as follows:

9 (c) The juvenile court retains jurisdiction to enter a  
10 contempt order if the motion for enforcement is filed not later than  
11 six months after the child's 19th [~~18th~~] birthday.

12 SECTION 4.35. Section 614.019(b), Health and Safety Code,  
13 is amended to read as follows:

14 (b) A child with mental illness who is receiving continuity  
15 of care services during parole from the Texas Juvenile Justice  
16 Department [~~Youth Commission~~] and who is no longer eligible to  
17 receive services from a local mental health authority when the  
18 child becomes 18 [~~17~~] years of age because the child does not meet  
19 the requirements of a local service area plan under Section  
20 533.0352(a) may continue to receive continuity of care services  
21 from the office until the child completes the child's parole.

22 SECTION 4.36. Section 63.001(1), Human Resources Code, is  
23 amended to read as follows:

24 (1) "Juvenile" means a person from the age of 10 to 19  
25 [~~18~~] years who has been found to have engaged in delinquent conduct  
26 by a court of competent jurisdiction.

27 SECTION 4.37. Section 152.0015, Human Resources Code, is

1 amended to read as follows:

2       Sec. 152.0015. PRETRIAL DETENTION POLICY FOR CERTAIN  
3 JUVENILES. A juvenile board shall establish a policy that  
4 specifies whether a person who has been transferred for criminal  
5 prosecution under Section 54.02, Family Code, and is younger than  
6 18 [~~17~~] years of age may be detained in a juvenile facility pending  
7 trial as provided by Section 51.12, Family Code.

8       SECTION 4.38. Sections 152.0016(e) and (j), Human Resources  
9 Code, as added by Chapter 1323 (S.B. 511), Acts of the 83rd  
10 Legislature, Regular Session, 2013, are amended to read as follows:

11       (e) A juvenile board or a local juvenile probation  
12 department shall accept a person properly committed to it by a  
13 juvenile court under Section 54.04011, Family Code, in the same  
14 manner in which the Texas Juvenile Justice Department accepts a  
15 person under Section 54.04(e), Family Code, even though the person  
16 may be 18 [~~17~~] years of age or older at the time of the commitment.

17       (j) After a child committed to a post-adjudication secure  
18 correctional facility with a determinate sentence under Section  
19 54.04011(c)(2), Family Code, becomes 17 [~~16~~] years of age but  
20 before the child becomes 20 [~~19~~] years of age, the juvenile board or  
21 local juvenile probation department operating or contracting for  
22 the operation of the facility may refer the child to the juvenile  
23 court that entered the order of commitment for approval of the  
24 child's transfer to the Texas Department of Criminal Justice for  
25 confinement if the child has not completed the sentence and:

26               (1) the child's conduct, regardless of whether the  
27 child was released under supervision through a program established

by the board or department, indicates that the welfare of the community requires the transfer; or

(2) while the child was released under supervision:

(A) a juvenile court adjudicated the child as having engaged in delinquent conduct constituting a felony offense;

(B) a criminal court convicted the child of a felony offense; or

(C) the child's release under supervision was revoked.

SECTION 4.39. Section 201.001(a)(2), Human Resources Code, is amended to read as follows:

(2) "Child" means an individual:

(A) 10 years of age or older and younger than 19 [~~18~~] years of age who is under the jurisdiction of a juvenile court; or

(B) 10 years of age or older and younger than 20 [~~19~~] years of age who is committed to the department under Title 3, Family Code.

SECTION 4.40. Section 243.001(a), Human Resources Code, is amended to read as follows:

(a) The department may not assign a child younger than 15 years of age to the same correctional facility dormitory as a person who is at least 18 [~~17~~] years of age unless the department determines that the placement is necessary to ensure the safety of children in the custody of the department. This subsection does not apply to a dormitory that is used exclusively for short-term assessment and orientation purposes.

SECTION 4.41. Section 243.051(b), Human Resources Code, is amended to read as follows:

(b) A child who is arrested or taken into custody under Subsection (a) may be detained in any suitable place, including an adult jail facility if the person is 18 [~~17~~] years of age or older, until the child is returned to the custody of the department or transported to a department facility.

SECTION 4.42. Section 244.015, Human Resources Code, is amended to read as follows:

Sec. 244.015. EVALUATION OF CERTAIN CHILDREN SERVING DETERMINATE SENTENCES. (a) When a child who is sentenced to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 19 [~~18~~] years of age, the department shall evaluate whether the child is in need of additional services that can be completed in the six-month period after the child's 19th [~~18th~~] birthday to prepare the child for release from the custody of the department or transfer to the Texas Department of Criminal Justice.

(b) This section does not apply to a child who is released from the custody of the department or who is transferred to the Texas Department of Criminal Justice before the child's 19th [~~18th~~] birthday.

SECTION 4.43. Section 245.053(i), Human Resources Code, is amended to read as follows:

(i) If the department requires as a condition of release that a child attend psychological counseling under Subsection (a), the department may, before the date the period of release ends,

1 petition the appropriate court to request the court to extend the  
2 period of release for an additional period necessary to complete  
3 the required counseling as determined by the treatment provider,  
4 except that the release period may not be extended to a date after  
5 the date of the child's 19th [~~18th~~] birthday.

6       SECTION 4.44. (a) Except as provided by Subsection (b) or  
7 (c) of this section, the changes in law made by this article apply  
8 only to procedures relating to conduct violating a penal law that  
9 occurs on or after the effective date of this Act. Procedures  
10 relating to conduct that occurred before the effective date of this  
11 Act are governed by the law in effect on the date the conduct  
12 occurred, and the former law is continued in effect for that  
13 purpose.

14       (b) If the conduct violating a penal law for which a person  
15 was placed on probation occurred before September 1, 2011, the  
16 hearing required by Section [54.051](#), Family Code, must be conducted  
17 before the person's 18th birthday and is governed by the law in  
18 effect on the date the conduct occurred, and the former law is  
19 continued in effect for that purpose.

20       (c) The change in law made by this article to Section  
21 [58.0052](#), Family Code, applies to the sharing of information on or  
22 after the effective date of this Act, without regard to whether the  
23 information was compiled before, on, or after that date.

24       (d) For purposes of this section, conduct violating a penal  
25 law occurred before a certain date if any element of the conduct  
26 occurred before that date.

ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL  
RESPONSIBILITY

SECTION 5.01. Section 79.001(10), Government Code, is amended to read as follows:

(10) "Juvenile offense" means conduct committed by a person while younger than 18 [~~17~~] years of age that constitutes:

(A) a misdemeanor punishable by confinement; or

(B) a felony.

SECTION 5.02. Section 511.009(a), Government Code, is amended to read as follows:

(a) The commission shall:

(1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;

(2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;

(3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;

(4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;

(5) revise, amend, or change rules and procedures if necessary;

(6) provide to local government officials consultation on and technical assistance for county jails;

1           (7) review and comment on plans for the construction  
2 and major modification or renovation of county jails;

3           (8) require that the sheriff and commissioners of each  
4 county submit to the commission, on a form prescribed by the  
5 commission, an annual report on the conditions in each county jail  
6 within their jurisdiction, including all information necessary to  
7 determine compliance with state law, commission orders, and the  
8 rules adopted under this chapter;

9           (9) review the reports submitted under Subdivision (8)  
10 and require commission employees to inspect county jails regularly  
11 to ensure compliance with state law, commission orders, and rules  
12 and procedures adopted under this chapter;

13           (10) adopt a classification system to assist sheriffs  
14 and judges in determining which defendants are low-risk and  
15 consequently suitable participants in a county jail work release  
16 program under Article 42.034, Code of Criminal Procedure;

17           (11) adopt rules relating to requirements for  
18 segregation of classes of inmates and to capacities for county  
19 jails;

20           (12) require that the chief jailer of each municipal  
21 lockup submit to the commission, on a form prescribed by the  
22 commission, an annual report of persons under 18 [~~17~~] years of age  
23 securely detained in the lockup, including all information  
24 necessary to determine compliance with state law concerning secure  
25 confinement of children in municipal lockups;

26           (13) at least annually determine whether each county  
27 jail is in compliance with the rules and procedures adopted under



1 this chapter;

2 (14) require that the sheriff and commissioners court  
3 of each county submit to the commission, on a form prescribed by the  
4 commission, an annual report of persons under 18 [~~17~~] years of age  
5 securely detained in the county jail, including all information  
6 necessary to determine compliance with state law concerning secure  
7 confinement of children in county jails;

8 (15) schedule announced and unannounced inspections  
9 of jails under the commission's jurisdiction using the risk  
10 assessment plan established under Section [511.0085](#) to guide the  
11 inspections process;

12 (16) adopt a policy for gathering and distributing to  
13 jails under the commission's jurisdiction information regarding:

14 (A) common issues concerning jail  
15 administration;

16 (B) examples of successful strategies for  
17 maintaining compliance with state law and the rules, standards, and  
18 procedures of the commission; and

19 (C) solutions to operational challenges for  
20 jails;

21 (17) report to the Texas Correctional Office on  
22 Offenders with Medical or Mental Impairments on a jail's compliance  
23 with Article [16.22](#), Code of Criminal Procedure;

24 (18) adopt reasonable rules and procedures  
25 establishing minimum requirements for jails to:

26 (A) determine if a prisoner is pregnant; and

27 (B) ensure that the jail's health services plan

1 addresses medical and mental health care, including nutritional  
2 requirements, and any special housing or work assignment needs for  
3 persons who are confined in the jail and are known or determined to  
4 be pregnant; and

5 (19) provide guidelines to sheriffs regarding  
6 contracts between a sheriff and another entity for the provision of  
7 food services to or the operation of a commissary in a jail under  
8 the commission's jurisdiction, including specific provisions  
9 regarding conflicts of interest and avoiding the appearance of  
10 impropriety.

11 SECTION 5.03. Section [521.201](#), Transportation Code, is  
12 amended to read as follows:

13 Sec. 521.201. LICENSE INELIGIBILITY IN GENERAL. The  
14 department may not issue any license to a person who:

15 (1) is under 15 years of age;  
16 (2) is under 18 years of age unless the person complies  
17 with the requirements imposed by Section [521.204](#);

18 (3) is shown to be addicted to the use of alcohol, a  
19 controlled substance, or another drug that renders a person  
20 incapable of driving;

21 (4) holds a driver's license issued by this state or  
22 another state or country that is revoked, canceled, or under  
23 suspension;

24 (5) has been determined by a judgment of a court to be  
25 totally incapacitated or incapacitated to act as the operator of a  
26 motor vehicle unless the person has, by the date of the license  
27 application, been:

(A) restored to capacity by judicial decree; or

(B) released from a hospital for the mentally incapacitated on a certificate by the superintendent or administrator of the hospital that the person has regained capacity;

(6) the department determines to be afflicted with a mental or physical disability or disease that prevents the person from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle on a highway, except that a person may not be refused a license because of a physical defect if common experience shows that the defect does not incapacitate a person from safely operating a motor vehicle;

(7) has been reported by a court under Section 521.3452 for failure to appear unless the court has filed an additional report on final disposition of the case; or

(8) has been reported by a court for failure to appear or default in payment of a fine for a misdemeanor that is not covered under Subdivision (7) and that is punishable by a fine only, including a misdemeanor under a municipal ordinance, committed by a person who was under 18 [~~17~~] years of age at the time of the alleged offense, unless the court has filed an additional report on final disposition of the case.

SECTION 5.04. Section 521.294, Transportation Code, is amended to read as follows:

Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE REVOCATION. The department shall revoke the person's license if the department determines that the person:

(1) is incapable of safely operating a motor vehicle;

(2) has not complied with the terms of a citation issued by a jurisdiction that is a party to the Nonresident Violator Compact of 1977 for a traffic violation to which that compact applies;

(3) has failed to provide medical records or has failed to undergo medical or other examinations as required by a panel of the medical advisory board;

(4) has failed to pass an examination required by the director under this chapter;

(5) has been reported by a court under Section 521.3452 for failure to appear unless the court files an additional report on final disposition of the case;

(6) has been reported within the preceding two years by a justice or municipal court for failure to appear or for a default in payment of a fine for a misdemeanor punishable only by fine, other than a failure reported under Section 521.3452, committed by a person who is at least 14 years of age but younger than 18 [~~17~~] years of age when the offense was committed, unless the court files an additional report on final disposition of the case; or

(7) has committed an offense in another state or Canadian province that, if committed in this state, would be grounds for revocation.

SECTION 5.05. Section 521.294(6), Transportation Code, as amended by this article, applies only to an offense committed on or after the effective date of this Act. An offense committed before

1 the effective date of this Act is governed by the law in effect on  
2 the date the offense was committed, and the former law is continued  
3 in effect for that purpose. For purposes of this section, an  
4 offense was committed before the effective date of this Act if any  
5 element of the offense occurred before that date.

6 ARTICLE 6. EFFECTIVE DATE

7 SECTION 6.01. This Act takes effect September 1, 2015.