

By: Turner of Harris

H.B. No. 725

A BILL TO BE ENTITLED

AN ACT

relating to the appeal of waiver of jurisdiction and transfer to criminal court in juvenile cases.

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

SECTION 1. Article 4.18(g), Code of Criminal Procedure, is amended to read as follows:

(g) This article does not apply to a claim of a defect or error in a discretionary transfer proceeding in juvenile court. A defendant may appeal a defect or error only as provided by Chapter 56, Family Code [~~Article 44.47~~].

SECTION 2. Section 51.041(a), Family Code, is amended to read as follows:

(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 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.

SECTION 3. Section 56.01, Family Code, is amended by amending Subsections (b) and (c) and adding Subsection (b-2) to read as follows:

(b) Except as provided by Subsection (b-2), the [~~The~~] requirements governing an appeal are as in civil cases

1 generally. When an appeal is sought by filing a notice of appeal,  
2 security for costs of appeal, or an affidavit of inability to pay  
3 the costs of appeal, and the filing is made in a timely fashion  
4 after the date the disposition order is signed, the appeal must  
5 include the juvenile court adjudication and all rulings  
6 contributing to that adjudication. An appeal of the adjudication  
7 may be sought notwithstanding that the adjudication order was  
8 signed more than 30 days before the date the notice of appeal,  
9 security for costs of appeal, or affidavit of inability to pay the  
10 costs of appeal was filed.

11 (b-2) An appeal of an order entered under Section 54.02  
12 regarding waiver of jurisdiction and transfer of a child to  
13 criminal court for prosecution is governed by the procedures for  
14 accelerated appeals in civil cases under the Texas Rules of  
15 Appellate Procedure.

16 (c) An appeal may be taken:

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

19 (A) Section 54.02 respecting transfer of the  
20 child for prosecution as an adult;

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

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

24 (D) [~~(C)~~] Section 54.05 respecting modification  
25 of a previous juvenile court disposition; or

26 (E) [~~(D)~~] Chapter 55 by a juvenile court  
27 committing a child to a facility for the mentally ill or

1 intellectually disabled [~~mentally retarded~~]; or

2 (2) by a person from an order entered under Section  
3 54.11(i)(2) transferring the person to the custody of the Texas  
4 Department of Criminal Justice.

5 SECTION 4. Article 44.47, Code of Criminal Procedure, is  
6 repealed.

7 SECTION 5. The change in law made by this Act applies only  
8 to an order of a juvenile court waiving jurisdiction and  
9 transferring a child to criminal court that is issued on or after  
10 the effective date of this Act. An order of a juvenile court waiving  
11 jurisdiction and transferring a child to criminal court that is  
12 issued before the effective date of this Act is governed by the law  
13 in effect on the date the order was issued, and the former law is  
14 continued in effect for that purpose.

15 SECTION 6. This Act takes effect September 1, 2015.