

By: Dutton, McClendon, Wu, Rose

H.B. No. 1205

Substitute the following for H.B. No. 1205:

By: Dutton

C.S.H.B. No. 1205

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 ARTICLE 1. AGE OF CRIMINAL RESPONSIBILITY

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

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

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

11 (B) 18 [~~seventeen~~] years of age or older and  
12 under 20 [~~18~~] years of age who is:

13 (i) alleged or found to have engaged in  
14 delinquent conduct or conduct indicating a need for supervision as  
15 a result of acts committed before becoming 18 [~~17~~] years of age; and

16 (ii) under the jurisdiction of a juvenile  
17 court.

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

20 (b) Unless the juvenile court waives jurisdiction under  
21 Section 54.02, Family Code, and certifies the individual for  
22 criminal prosecution or the juvenile court has previously waived  
23 jurisdiction under that section and certified the individual for  
24 criminal prosecution, a person may not be prosecuted for or

1 convicted of any offense committed before reaching 18 [~~17~~] years of  
2 age except an offense described by Subsections (a)(1)-(5).

3 SECTION 1.03. The changes in law made by this article apply  
4 only to an offense committed or conduct that occurs on or after  
5 January 1, 2017. An offense committed or conduct that occurs before  
6 January 1, 2017, is governed by the law in effect on the date the  
7 offense was committed or the conduct occurred, and the former law is  
8 continued in effect for that purpose. For purposes of this section,  
9 an offense was committed or conduct occurred before January 1,  
10 2017, if any element of the offense or conduct occurred before that  
11 date.

12 ARTICLE 2. OFFENSES WITH AGE AS AN ELEMENT

13 SECTION 2.01. Section [15.031](#)(e), Penal Code, is amended to  
14 read as follows:

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

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

22 (2) committed the offense with the intent to:

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

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

27 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(b), Penal Code, is amended to  
11 read as follows:

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

17 (1) communicates in a sexually explicit manner with a  
18 minor; or

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

20 SECTION 2.04. Section 71.028(c), Penal Code, is amended to  
21 read as follows:

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

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

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

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

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

8 (D) playground;

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

10 (A) shopping mall;

11 (B) movie theater;

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

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

14 (3) on a school bus.

15 SECTION 2.05. Section 729.001(a), Transportation Code, is  
16 amended to read as follows:

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

21 (1) Chapter 502, other than Section [~~502.282 or~~]  
22 502.412;

23 (2) Chapter 521, other than an offense under Section  
24 521.457;

25 (3) Subtitle C, other than an offense punishable by  
26 imprisonment or by confinement in jail under Section 550.021,  
27 550.022, 550.024, or 550.025;

- 1           (4) Chapter 601;
- 2           (5) Chapter 621;
- 3           (6) Chapter 661; and
- 4           (7) Chapter 681.

5           SECTION 2.06. Section [729.002](#), Transportation Code, is  
6 amended to read as follows:

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

- 11           (1) public road or highway;
- 12           (2) street or alley in a municipality; or
- 13           (3) public beach as defined by Section [729.001](#).

14           (b) An offense under this section is punishable in the same  
15 manner as if the person was 18 [~~17~~] years of age or older and  
16 operated a motor vehicle without a license as described by  
17 Subsection (a), except that an offense under this section is not  
18 punishable by confinement or imprisonment.

19           SECTION 2.07. The changes in law made by this article apply  
20 only to an offense committed on or after January 1, 2017. An  
21 offense committed before January 1, 2017, is governed by the law in  
22 effect on the date the offense was committed, and the former law is  
23 continued in effect for that purpose. For purposes of this section,  
24 an offense was committed before January 1, 2017, if any element of  
25 the offense occurred before that date.

26                           ARTICLE 3. CRIMINAL PROCEDURES

27           SECTION 3.01. Article [4.19](#), Code of Criminal Procedure, is

1 amended to read as follows:

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

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

16           SECTION 3.02. Articles 24.011(d) and (d-1), Code of  
17 Criminal Procedure, are amended to read as follows:

18           (d) The court may order that the person who is the witness be  
19 detained in a certified juvenile detention facility if the person  
20 is younger than 18 [~~17~~] years of age. If the person is at least 18  
21 [~~17~~] years of age, the court may order that the person be detained  
22 without bond in an appropriate county facility for the detention of  
23 adults accused of criminal offenses.

24           (d-1) A witness younger than 18 [~~17~~] years of age held in  
25 custody under this article may be placed in a certified juvenile  
26 detention facility for a period not to exceed 30 days. The length  
27 of placement may be extended in increments of 30 days by the court

1 that issued the original bench warrant. If the placement is not  
2 extended, the period under this article expires and the witness may  
3 be returned as provided by Subsection (c).

4 SECTION 3.03. Article 45.0215(a), Code of Criminal  
5 Procedure, is amended to read as follows:

6 (a) This article applies to a defendant who has not had the  
7 disabilities of minority removed and has been[+]

8 [~~(1)~~] charged with an offense other than an offense  
9 under Section 43.261, Penal Code, if the defendant is younger than  
10 18 [~~17~~] years of age[+or

11 [~~(2)~~ charged with an offense under Section 43.261,  
12 Penal Code, if the defendant is younger than 18 years of age].

13 SECTION 3.04. Articles 45.0216(b) and (h), Code of Criminal  
14 Procedure, are amended to read as follows:

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

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

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

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

26 SECTION 3.05. Article 45.045(b), Code of Criminal  
27 Procedure, is amended to read as follows:

1 (b) A capias pro fine may not be issued for an individual  
2 convicted for an offense committed before the individual's 18th  
3 [~~17th~~] birthday unless:

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

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

7 (A) the sophistication and maturity of the  
8 individual;

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

11 (C) the reasonable likelihood of bringing about  
12 the discharge of the judgment through the use of procedures and  
13 services currently available to the court; and

14 (3) the court has proceeded under Article [45.050](#) to  
15 compel the individual to discharge the judgment.

16 SECTION 3.06. Article [45.0492\(a\)](#), Code of Criminal  
17 Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd  
18 Legislature, Regular Session, 2011, is amended to read as follows:

19 (a) This article applies only to a defendant younger than 18  
20 [~~17~~] years of age who is assessed a fine or costs for a Class C  
21 misdemeanor occurring in a building or on the grounds of the primary  
22 or secondary school at which the defendant was enrolled at the time  
23 of the offense.

24 SECTION 3.07. Article [45.0492\(a\)](#), Code of Criminal  
25 Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd  
26 Legislature, Regular Session, 2011, is amended to read as follows:

27 (a) This article applies only to a defendant younger than 18



1 [17] years of age who is assessed a fine or costs for a Class C  
2 misdemeanor.

3 SECTION 3.08. Articles 45.050(d), (e), and (g), Code of  
4 Criminal Procedure, are amended to read as follows:

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

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

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

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

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

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

22 SECTION 3.09. Article 45.057(h), Code of Criminal  
23 Procedure, is amended to read as follows:

24 (h) A child and parent required to appear before the court  
25 have an obligation to provide the court in writing with the current  
26 address and residence of the child. The obligation does not end  
27 when the child reaches age 18 [~~17~~]. On or before the seventh day

1 after the date the child or parent changes residence, the child or  
2 parent shall notify the court of the current address in the manner  
3 directed by the court. A violation of this subsection may result in  
4 arrest and is a Class C misdemeanor. The obligation to provide  
5 notice terminates on discharge and satisfaction of the judgment or  
6 final disposition not requiring a finding of guilt.

7 SECTION 3.10. Article 45.058(h), Code of Criminal  
8 Procedure, is amended to read as follows:

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

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

12 (2) charged with or convicted of an offense that a  
13 justice or municipal court has jurisdiction of under Article 4.11  
14 or 4.14.

15 SECTION 3.11. Articles 45.060(a), (b), and (e), Code of  
16 Criminal Procedure, are amended to read as follows:

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

21 (b) On or after an individual's 18th [~~17th~~] birthday, if the  
22 court has used all available procedures under this chapter to  
23 secure the individual's appearance to answer allegations made  
24 before the individual's 18th [~~17th~~] birthday, the court may issue a  
25 notice of continuing obligation to appear by personal service or by  
26 mail to the last known address and residence of the individual. The  
27 notice must order the individual to appear at a designated time,

1 place, and date to answer the allegations detailed in the notice.

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

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

12 SECTION 3.12. Article 62.001(6), Code of Criminal  
13 Procedure, is amended to read as follows:

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

17 (A) an offense under Section 21.02 (Continuous  
18 sexual abuse of young child or children), 21.11(a)(1) (Indecency  
19 with a child), 22.011 (Sexual assault), or 22.021 (Aggravated  
20 sexual assault), Penal Code;

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

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

26 (D) an offense under Section 30.02 (Burglary),  
27 Penal Code, if the offense is punishable under Subsection (d) of

1 that section and the defendant committed the offense with intent to  
2 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);  
3 or

4 (E) an offense under the laws of another state,  
5 federal law, the laws of a foreign country, or the Uniform Code of  
6 Military Justice if the offense contains elements that are  
7 substantially similar to the elements of an offense listed under  
8 Paragraph (A), (B), (C), or (D).

9 SECTION 3.13. Article 62.351(a), Code of Criminal  
10 Procedure, is amended to read as follows:

11 (a) During or after disposition of a case under Section  
12 54.04, Family Code, for adjudication of an offense for which  
13 registration is required under this chapter, the juvenile court on  
14 motion of the respondent shall conduct a hearing to determine  
15 whether the interests of the public require registration under this  
16 chapter. The motion may be filed and the hearing held regardless of  
17 whether the respondent is under 19 [~~18~~] years of age. Notice of the  
18 motion and hearing shall be provided to the prosecuting attorney.

19 SECTION 3.14. Article 62.352(c), Code of Criminal  
20 Procedure, is amended to read as follows:

21 (c) If the court enters an order described by Subsection  
22 (b)(1), the court retains discretion and jurisdiction to require,  
23 or exempt the respondent from, registration under this chapter at  
24 any time during the treatment or on the successful or unsuccessful  
25 completion of treatment, except that during the period of deferral,  
26 registration may not be required. Following successful completion  
27 of treatment, the respondent is exempted from registration under

1 this chapter unless a hearing under this subchapter is held on  
2 motion of the prosecuting attorney, regardless of whether the  
3 respondent is 19 [~~18~~] years of age or older, and the court  
4 determines the interests of the public require registration. Not  
5 later than the 10th day after the date of the respondent's  
6 successful completion of treatment, the treatment provider shall  
7 notify the juvenile court and prosecuting attorney of the  
8 completion.

9 SECTION 3.15. Article 62.353(b), Code of Criminal  
10 Procedure, is amended to read as follows:

11 (b) The person may file a motion under Subsection (a) in the  
12 original juvenile case regardless of whether the person, at the  
13 time of filing the motion, is 19 [~~18~~] years of age or older. Notice  
14 of the motion shall be provided to the prosecuting attorney. A  
15 hearing on the motion shall be provided as in other cases under this  
16 subchapter.

17 SECTION 3.16. Section 37.085, Education Code, is amended to  
18 read as follows:

19 Sec. 37.085. ARRESTS PROHIBITED FOR CERTAIN CLASS C  
20 MISDEMEANORS. Notwithstanding any other provision of law, a  
21 warrant may not be issued for the arrest of a person for a Class C  
22 misdemeanor under this code committed when the person was younger  
23 than 18 [~~17~~] years of age.

24 SECTION 3.17. Section 521.453(i), Transportation Code, is  
25 amended to read as follows:

26 (i) If the person ordered to perform community service under  
27 Subsection (h) is younger than 18 [~~17~~] years of age, the community

1 service shall be performed as if ordered by a juvenile court under  
2 Section 54.044(a), Family Code, as a condition of probation under  
3 Section 54.04(d), Family Code.

4 SECTION 3.18. (a) Except as provided by Subsection (b) of  
5 this section, the changes in law made by this article apply only to  
6 an offense committed on or after January 1, 2017. An offense  
7 committed before January 1, 2017, is governed by the law in effect  
8 on the date the offense was committed, and the former law is  
9 continued in effect for that purpose.

10 (b) Articles 45.0216(b) and (h), Code of Criminal  
11 Procedure, as amended by this article, apply only to the expunction  
12 of certain records related to an offense committed on or after  
13 September 1, 2015. The expunction of certain records related to an  
14 offense committed before September 1, 2015, is governed by the law  
15 in effect on the date the offense was committed, and the former law  
16 is continued in effect for that purpose.

17 (c) For purposes of this section, an offense was committed  
18 before a specified date if any element of the offense occurred  
19 before that date.

20 ARTICLE 4. JUVENILE COURT PROCEDURES

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

23 Sec. 51.041. JURISDICTION AFTER APPEAL. (a) The court  
24 retains jurisdiction over a person, without regard to the age of the  
25 person, for conduct engaged in by the person before becoming 18 [~~17~~]  
26 years of age if, as a result of an appeal by the person or the state  
27 under Chapter 56 or by the person under Article 44.47, Code of

1 Criminal Procedure, of an order of the court, the order is reversed  
2 or modified and the case remanded to the court by the appellate  
3 court.

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

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

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

18 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.  
19 The court retains jurisdiction over a person, without regard to the  
20 age of the person, who is a respondent in an adjudication  
21 proceeding, a disposition proceeding, a proceeding to modify  
22 disposition, a proceeding for waiver of jurisdiction and transfer  
23 to criminal court under Section 54.02(a), or a motion for transfer  
24 of determinate sentence probation to an appropriate district court  
25 if:

- 26 (1) the petition or motion was filed while the  
27 respondent was younger than 19 or 20 [~~18 or 19~~] years of age, as

1 applicable;

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

5 (3) the court enters a finding in the proceeding that  
6 the prosecuting attorney exercised due diligence in an attempt to  
7 complete the proceeding before the respondent became 19 or 20 [~~18 or~~  
8 ~~19~~] years of age, as applicable.

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

11 (f) A child detained in a building that contains a jail,  
12 lockup, or other place of secure confinement, including an alcohol  
13 or other drug treatment facility, shall be separated by sight and  
14 sound from adults detained in the same building. Children and  
15 adults are separated by sight and sound only if they are unable to  
16 see each other and conversation between them is not possible. The  
17 separation must extend to all areas of the facility, including  
18 sally ports and passageways, and those areas used for admission,  
19 counseling, sleeping, toileting, showering, dining, recreational,  
20 educational, or vocational activities, and health care. The  
21 separation may be accomplished through architectural design. A  
22 person who has been transferred for prosecution in criminal court  
23 under Section 54.02 and is under 18 [~~17~~] years of age is considered  
24 a child for the purposes of this subsection.

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

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



1 age; or

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

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

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

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

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

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

16 (2) the person was:

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

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

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

27 (3) no adjudication concerning the alleged offense has

1 been made or no adjudication hearing concerning the offense has  
2 been conducted;

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

5 (A) for a reason beyond the control of the state  
6 it was not practicable to proceed in juvenile court before the 19th  
7 [~~18th~~] birthday of the person; or

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

11 (i) the state did not have probable cause to  
12 proceed in juvenile court and new evidence has been found since the  
13 19th [~~18th~~] birthday of the person;

14 (ii) the person could not be found; or

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

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

20 SECTION 4.05. Section [54.0326](#)(b), Family Code, is amended  
21 to read as follows:

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

26 (1) is alleged to have engaged in delinquent conduct  
27 or conduct indicating a need for supervision and may be a victim of

1 conduct that constitutes an offense under Section 20A.02, Penal  
2 Code; and

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

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

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

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

18 (q) If a court or jury sentences a child to commitment in the  
19 Texas Juvenile Justice Department or a post-adjudication secure  
20 correctional facility under Subsection (d)(3) for a term of not  
21 more than 10 years, the court or jury may place the child on  
22 probation under Subsection (d)(1) as an alternative to making the  
23 disposition under Subsection (d)(3). The court shall prescribe  
24 the period of probation ordered under this subsection for a term of  
25 not more than 10 years. The court may, before the sentence of  
26 probation expires, extend the probationary period under Section  
27 54.05, except that the sentence of probation and any extension may

1 not exceed 10 years. The court may, before the child's 20th [~~19th~~]  
2 birthday, discharge the child from the sentence of probation. If a  
3 sentence of probation ordered under this subsection and any  
4 extension of probation ordered under Section 54.05 will continue  
5 after the child's 20th [~~19th~~] birthday, the court shall discharge  
6 the child from the sentence of probation on the child's 20th [~~19th~~]  
7 birthday unless the court transfers the child to an appropriate  
8 district court under Section 54.051.

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

11 (i) A court that requires as a condition of probation that a  
12 child attend psychological counseling under Subsection (a) may,  
13 before the date the probation period ends, extend the probation for  
14 any additional period necessary to complete the required counseling  
15 as determined by the treatment provider, except that the probation  
16 may not be extended to a date after the date of the child's 19th  
17 [~~18th~~] birthday, or 20th [~~19th~~] birthday if the child is placed on  
18 determinate sentence probation under Section 54.04(q).

19 SECTION 4.08. Sections 54.041(b) and (h), Family Code, are  
20 amended to read as follows:

21 (b) If a child is found to have engaged in delinquent  
22 conduct or conduct indicating a need for supervision arising from  
23 the commission of an offense in which property damage or loss or  
24 personal injury occurred, the juvenile court, on notice to all  
25 persons affected and on hearing, may order the child or a parent to  
26 make full or partial restitution to the victim of the offense. The  
27 program of restitution must promote the rehabilitation of the

1 child, be appropriate to the age and physical, emotional, and  
2 mental abilities of the child, and not conflict with the child's  
3 schooling. When practicable and subject to court supervision, the  
4 court may approve a restitution program based on a settlement  
5 between the child and the victim of the offense. An order under  
6 this subsection may provide for periodic payments by the child or a  
7 parent of the child for the period specified in the order but except  
8 as provided by Subsection (h), that period may not extend past the  
9 date of the 19th [~~18th~~] birthday of the child or past the date the  
10 child is no longer enrolled in an accredited secondary school in a  
11 program leading toward a high school diploma, whichever date is  
12 later.

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

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

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

27 (1) the child reaches:

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

2 (B) the child's 20th [~~19th~~] birthday, if the  
3 child was placed on determinate sentence probation under Section  
4 54.04(q); or

5 (2) the child is earlier discharged by the court or  
6 operation of law.

7 (b) Except for a commitment to the Texas Juvenile Justice  
8 Department or to a post-adjudication secure correctional facility  
9 under Section 54.04011, a disposition under Section 54.0402, or a  
10 placement on determinate sentence probation under Section  
11 54.04(q), all dispositions automatically terminate when the child  
12 reaches the child's 19th [~~18th~~] birthday.

13 SECTION 4.10. Section 54.051, Family Code, is amended by  
14 amending Subsections (a), (b), (c), (d), (e-2), and (i) and adding  
15 Subsection (j) to read as follows:

16 (a) On motion of the state concerning a child who is placed  
17 on probation under Section 54.04(q) for a period, including any  
18 extension ordered under Section 54.05, that will continue after the  
19 child's applicable [~~19th~~] birthday, the juvenile court shall hold a  
20 hearing to determine whether to transfer the child to an  
21 appropriate district court or discharge the child from the sentence  
22 of probation.

23 (b) The hearing must be conducted before the person's  
24 applicable [~~19th~~] birthday[~~, or before the person's 18th birthday~~  
25 ~~if the offense for which the person was placed on probation occurred~~  
26 ~~before September 1, 2011,~~] and must be conducted in the same manner  
27 as a hearing to modify disposition under Section 54.05.

1 (c) If, after a hearing, the court determines to discharge  
2 the child, the court shall specify a date on or before the child's  
3 applicable [~~19th~~] birthday to discharge the child from the  
4 sentence of probation.

5 (d) If, after a hearing, the court determines to transfer  
6 the child, the court shall transfer the child to an appropriate  
7 district court on the child's applicable [~~19th~~] birthday.

8 (e-2) If a person who is placed on community supervision  
9 under this section violates a condition of that supervision or if  
10 the person violated a condition of probation ordered under Section  
11 54.04(q) and that probation violation was not discovered by the  
12 state before the person's applicable [~~19th~~] birthday, the district  
13 court shall dispose of the violation of community supervision or  
14 probation, as appropriate, in the same manner as if the court had  
15 originally exercised jurisdiction over the case. If the judge  
16 revokes community supervision, the judge may reduce the prison  
17 sentence to any length without regard to the minimum term imposed by  
18 Section 23(a), Article 42.12, Code of Criminal Procedure.

19 (i) If the juvenile court exercises jurisdiction over a  
20 person on or after the person's [~~who is 18 or 19 years of age or~~  
21 ~~older, as~~] applicable birthday, under Section 51.041 or 51.0412,  
22 the court or jury may, if the person is otherwise eligible, place  
23 the person on probation under Section 54.04(q). The juvenile court  
24 shall set the conditions of probation and immediately transfer  
25 supervision of the person to the appropriate court exercising  
26 criminal jurisdiction under Subsection (e).

27 (j) In this section, "applicable birthday" means the

1 person's:

2 (1) 18th birthday, if the conduct for which the person  
3 was placed on probation occurred before September 1, 2011;

4 (2) 19th birthday, if the conduct for which the person  
5 was placed on probation occurred on or after September 1, 2011, but  
6 before September 1, 2016; or

7 (3) 20th birthday, if the conduct for which the person  
8 was placed on probation occurred on or after September 1, 2016.

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

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

18 SECTION 4.12. Section 55.15, Family Code, is amended to  
19 read as follows:

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

26 (1) a court order for mental health services for a  
27 child automatically expires on the 120th day after the date the



1 child becomes 19 [~~18~~] years of age; and

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

8 SECTION 4.13. Section 55.18, Family Code, is amended to  
9 read as follows:

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

14 (1) dismiss the juvenile court proceedings with  
15 prejudice; or

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

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

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

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

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

1 ordered inpatient mental health services if:

2 (1) the child is not discharged or furloughed from the  
3 inpatient mental health facility before reaching 19 [~~18~~] years of  
4 age; and

5 (2) the child is alleged to have engaged in delinquent  
6 conduct that included a violation of a penal law listed in Section  
7 [53.045](#) and no adjudication concerning the alleged conduct has been  
8 made.

9 SECTION 4.16. Section [55.43\(a\)](#), Family Code, as amended by  
10 S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015,  
11 is amended to read as follows:

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

14 (1) the child is found unfit to proceed as a result of  
15 mental illness or an intellectual disability; and

16 (2) the child:

17 (A) is not:

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

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

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

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

27 SECTION 4.17. The heading to Section [55.44](#), Family Code, is

1 amended to read as follows:

2           Sec. 55.44. TRANSFER TO CRIMINAL COURT ON 19TH [~~18TH~~]  
3 BIRTHDAY OF CHILD.

4           SECTION 4.18. Section 55.44(a), Family Code, as amended by  
5 S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015,  
6 is amended to read as follows:

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

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

15                   (2) the child is alleged to have engaged in delinquent  
16 conduct that included a violation of a penal law listed in Section  
17 53.045 and no adjudication concerning the alleged conduct has been  
18 made.

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

21           (c) An appeal may be taken:

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

24                           (A) Section 54.02 respecting transfer of the  
25 child to a district court or criminal court for prosecution as an  
26 adult;

27                           (B) Section 54.03 with regard to delinquent

1 conduct or conduct indicating a need for supervision;

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

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

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

8 (2) by a person from an order entered under Section  
9 54.11(i)(2) transferring the person to the custody of the Texas  
10 Department of Criminal Justice.

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

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

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

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

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

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

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

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

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

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

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

1 case;

2 (ii) [~~(B)~~] the prosecuting attorney  
3 certifies to the trial court that the appeal is not taken for the  
4 purpose of delay; and

5 (iii) [~~(C)~~] the evidence, confession, or  
6 admission is of substantial importance in the case; or

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

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

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

15 (1) the person is 19 years of age or older;

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

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

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

23 (c-2) If the court orders the sealing of a child's records  
24 under Subsection (c-1), a prosecuting attorney or juvenile  
25 probation department may maintain until the child's 19th [~~17th~~]  
26 birthday a separate record of the child's name and date of birth and  
27 the date the child successfully completed the drug court

1 program. The prosecuting attorney or juvenile probation  
2 department, as applicable, shall send the record to the court as  
3 soon as practicable after the child's 19th [~~17th~~] birthday to be  
4 added to the child's other sealed records.

5 (c-4) A prosecuting attorney or juvenile probation  
6 department may maintain until a child's 19th [~~17th~~] birthday a  
7 separate record of the child's name and date of birth and the date  
8 on which the child's records are sealed, if the child's records are  
9 sealed under Subsection (c-3). The prosecuting attorney or  
10 juvenile probation department, as applicable, shall send the record  
11 to the court as soon as practicable after the child's 19th [~~17th~~]  
12 birthday to be added to the child's other sealed records.

13 (c-6) A prosecuting attorney or juvenile probation  
14 department may maintain until a child's 19th [~~17th~~] birthday a  
15 separate record of the child's name and date of birth and the date  
16 on which the child successfully completed the educational program,  
17 if the child's records are sealed under Subsection (c-5). The  
18 prosecuting attorney or juvenile probation department, as  
19 applicable, shall send the record to the court as soon as  
20 practicable after the child's 19th [~~17th~~] birthday to be added to  
21 the child's other sealed records.

22 (c-8) If the court orders the sealing of a child's records  
23 under Subsection (c-7), a prosecuting attorney or juvenile  
24 probation department may maintain until the child's 19th [~~18th~~]  
25 birthday a separate record of the child's name and date of birth and  
26 the date the child successfully completed the trafficked persons  
27 program. The prosecuting attorney or juvenile probation

1 department, as applicable, shall send the record to the court as  
2 soon as practicable after the child's 19th [~~18th~~] birthday to be  
3 added to the child's other sealed records.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (1) the person is at least 19 [~~17~~] years of age;

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

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

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

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

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



- 1           (2) a copy of this subchapter; and
- 2           (3) a statement that if the child wishes to receive
- 3 notification of an action restricting access to the child's records
- 4 under Section 58.207(a), the child must before the child's 19th
- 5 [~~17th~~] birthday provide the juvenile probation department with a
- 6 current address where the child can receive notification.

7           SECTION 4.27. Section 58.209(a), Family Code, is amended to

8 read as follows:

9           (a) When a child is placed on probation for an offense that

10 may be eligible for automatic restricted access at age 19 [~~17~~] or

11 when a child is received by the Texas Juvenile Justice Department on

12 an indeterminate commitment, a probation officer or an official at

13 the Texas Juvenile Justice Department reception center, as soon as

14 practicable, shall explain the substance of the following

15 information to the child:

16           (1) if the child was adjudicated as having committed

17 delinquent conduct for a felony or jailable misdemeanor, that the

18 child probably has a juvenile record with the department and the

19 Federal Bureau of Investigation;

20           (2) that the child's juvenile record is a permanent

21 record that is not destroyed or erased unless the record is eligible

22 for sealing and the child or the child's family hires a lawyer and

23 files a petition in court to have the record sealed;

24           (3) that the child's juvenile record, other than

25 treatment records made confidential by law, can be accessed by

26 police, sheriff's officers, prosecutors, probation officers,

27 correctional officers, and other criminal and juvenile justice

1 officials in this state and elsewhere;

2 (4) that the child's juvenile record, other than  
3 treatment records made confidential by law, can be accessed by  
4 employers, educational institutions, licensing agencies, and other  
5 organizations when the child applies for employment or educational  
6 programs;

7 (5) if the child's juvenile record is placed on  
8 restricted access when the child becomes 19 [~~17~~] years of age, that  
9 access will be denied to employers, educational institutions, and  
10 others except for criminal justice agencies;

11 (6) that restricted access does not require any action  
12 by the child or the child's family, including the filing of a  
13 petition or hiring of a lawyer, but occurs automatically at age 19  
14 [~~17~~]; and

15 (7) that if the child is under the jurisdiction of the  
16 juvenile court or the Texas Juvenile Justice Department on or after  
17 the child's 19th [~~17th~~] birthday, the law regarding restricted  
18 access will not apply until the person is discharged from the  
19 jurisdiction of the court or department, as appropriate.

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

22 (a) If the department has notified a juvenile probation  
23 department that a record has been placed on restricted access and  
24 the department later receives information in the department's  
25 criminal history system that the subject of the records has been  
26 convicted of or placed on deferred adjudication for a felony or a  
27 misdemeanor punishable by confinement in jail for an offense

1 committed after the person reached the age of 18 [~~17~~], the person's  
2 juvenile records are no longer subject to restricted access. The  
3 department shall notify the appropriate local juvenile probation  
4 departments in the manner described by Section 58.203 that the  
5 person's records are no longer subject to restricted access.

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

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

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

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

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

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

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

26 (b) The juvenile court shall discharge the child from the  
27 custody of the probation department on the date the provisions of

1 this section are met or on the child's 19th [~~18th~~] birthday,  
2 whichever is earlier.

3 SECTION 4.33. Section 59.009(c), Family Code, is amended to  
4 read as follows:

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

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

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

15 SECTION 4.35. Section 614.019(b), Health and Safety Code,  
16 as amended by S.B. No. 219, Acts of the 84th Legislature, Regular  
17 Session, 2015, is amended to read as follows:

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

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

1           (1) "Juvenile" means a person from the age of 10 to 20  
2 ~~[18]~~ years who:

3                    (A) has been found to have engaged in delinquent  
4 conduct by a juvenile court; and

5                    (B) is under the jurisdiction of the juvenile  
6 court ~~[of competent jurisdiction]~~.

7           SECTION 4.37. Section 152.0015, Human Resources Code, is  
8 amended to read as follows:

9           Sec. 152.0015. PRETRIAL DETENTION POLICY FOR CERTAIN  
10 JUVENILES. A juvenile board shall establish a policy that  
11 specifies whether a person who has been transferred for criminal  
12 prosecution under Section 54.02, Family Code, and is younger than  
13 18 ~~[17]~~ years of age may be detained in a juvenile facility pending  
14 trial as provided by Section 51.12, Family Code.

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

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

24                   (j) After a child committed to a post-adjudication secure  
25 correctional facility with a determinate sentence under Section  
26 54.04011(c)(2), Family Code, becomes 16 years of age but before the  
27 child becomes 20 ~~[19]~~ years of age, the juvenile board or local

1 juvenile probation department operating or contracting for the  
2 operation of the facility may refer the child to the juvenile court  
3 that entered the order of commitment for approval of the child's  
4 transfer to the Texas Department of Criminal Justice for  
5 confinement if the child has not completed the sentence and:

6 (1) the child's conduct, regardless of whether the  
7 child was released under supervision through a program established  
8 by the board or department, indicates that the welfare of the  
9 community requires the transfer; or

10 (2) while the child was released under supervision:

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

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

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

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

19 (2) "Child" means an individual[+]

20 [~~(A)~~] 10 years of age or older and younger than 20  
21 [~~18~~] years of age who is under the jurisdiction of a juvenile  
22 court[~~, or~~

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

26 SECTION 4.40. Section 243.051(b), Human Resources Code, is  
27 amended to read as follows:

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

6 SECTION 4.41. Section 244.014(a), Human Resources Code, is  
7 amended to read as follows:

8 (a) After a child sentenced to commitment under Section  
9 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 16 years  
10 of age but before the child becomes 20 [~~19~~] years of age, the  
11 department may refer the child to the juvenile court that entered  
12 the order of commitment for approval of the child's transfer to the  
13 Texas Department of Criminal Justice for confinement if:

- 14 (1) the child has not completed the sentence; and  
15 (2) the child's conduct, regardless of whether the  
16 child was released under supervision under Section 245.051,  
17 indicates that the welfare of the community requires the transfer.

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

20 Sec. 244.015. EVALUATION OF CERTAIN CHILDREN SERVING  
21 DETERMINATE SENTENCES. (a) When a child who is sentenced to  
22 commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),  
23 Family Code, becomes 19 [~~18~~] years of age, the department shall  
24 evaluate whether the child is in need of additional services that  
25 can be completed in the six-month period after the child's 19th  
26 [~~18th~~] birthday to prepare the child for release from the custody of  
27 the department or transfer to the Texas Department of Criminal

1 Justice.

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

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

8 (i) If the department requires as a condition of release  
9 that a child attend psychological counseling under Subsection (a),  
10 the department may, before the date the period of release ends,  
11 petition the appropriate court to request the court to extend the  
12 period of release for an additional period necessary to complete  
13 the required counseling as determined by the treatment provider,  
14 except that the release period may not be extended to a date after  
15 the date of the child's 19th [~~18th~~] birthday.

16 SECTION 4.44. Sections 245.151(d) and (e), Human Resources  
17 Code, are amended to read as follows:

18 (d) Except as provided by Subsection (e), the department  
19 shall discharge from its custody a person not already discharged on  
20 the person's 20th [~~19th~~] birthday.

21 (e) The department shall transfer a person who has been  
22 sentenced under a determinate sentence to commitment under Section  
23 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, or who has been  
24 returned to the department under Section 54.11(i)(1), Family Code,  
25 to the custody of the Texas Department of Criminal Justice on the  
26 person's 20th [~~19th~~] birthday, if the person has not already been  
27 discharged or transferred, to serve the remainder of the person's



1 sentence on parole as provided by Section 508.156, Government Code.

2 SECTION 4.45. (a) Except as provided by Subsection (b) of  
3 this section, the changes in law made by this article apply only to  
4 procedures relating to conduct that occurs on or after January 1,  
5 2017. Procedures relating to conduct that occurred before January  
6 1, 2017, are governed by the law in effect on the date the conduct  
7 occurred, and the former law is continued in effect for that  
8 purpose.

9 (b) The change in law made by this article to Section  
10 58.0052, Family Code, applies to the sharing of information on or  
11 after September 1, 2015, without regard to whether the information  
12 was compiled before, on, or after that date.

13 (c) For purposes of this section, conduct occurred before  
14 January 1, 2017, if any element of the conduct occurred before that  
15 date.

16 ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL  
17 RESPONSIBILITY

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

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

22 (A) a misdemeanor punishable by confinement; or

23 (B) a felony.

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

26 (a) The commission shall:

27 (1) adopt reasonable rules and procedures

1 establishing minimum standards for the construction, equipment,  
2 maintenance, and operation of county jails;

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

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

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

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

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

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

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

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

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

5           (11) adopt rules relating to requirements for  
6 segregation of classes of inmates and to capacities for county  
7 jails;

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

14           (13) at least annually determine whether each county  
15 jail is in compliance with the rules and procedures adopted under  
16 this chapter;

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

23           (15) schedule announced and unannounced inspections  
24 of jails under the commission's jurisdiction using the risk  
25 assessment plan established under Section 511.0085 to guide the  
26 inspections process;

27           (16) adopt a policy for gathering and distributing to

1 jails under the commission's jurisdiction information regarding:

2 (A) common issues concerning jail  
3 administration;

4 (B) examples of successful strategies for  
5 maintaining compliance with state law and the rules, standards, and  
6 procedures of the commission; and

7 (C) solutions to operational challenges for  
8 jails;

9 (17) report to the Texas Correctional Office on  
10 Offenders with Medical or Mental Impairments on a jail's compliance  
11 with Article 16.22, Code of Criminal Procedure;

12 (18) adopt reasonable rules and procedures  
13 establishing minimum requirements for jails to:

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

15 (B) ensure that the jail's health services plan  
16 addresses medical and mental health care, including nutritional  
17 requirements, and any special housing or work assignment needs for  
18 persons who are confined in the jail and are known or determined to  
19 be pregnant; and

20 (19) provide guidelines to sheriffs regarding  
21 contracts between a sheriff and another entity for the provision of  
22 food services to or the operation of a commissary in a jail under  
23 the commission's jurisdiction, including specific provisions  
24 regarding conflicts of interest and avoiding the appearance of  
25 impropriety.

26 SECTION 5.03. Section 521.201, Transportation Code, is  
27 amended to read as follows:

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

3           (1) is under 15 years of age;

4           (2) is under 18 years of age unless the person complies  
5 with the requirements imposed by Section 521.204;

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

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

12           (5) has been determined by a judgment of a court to be  
13 totally incapacitated or incapacitated to act as the operator of a  
14 motor vehicle unless the person has, by the date of the license  
15 application, been:

16                   (A) restored to capacity by judicial decree; or

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

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

1           (7) has been reported by a court under Section  
2 [521.3452](#) for failure to appear unless the court has filed an  
3 additional report on final disposition of the case; or

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

11           SECTION 5.04. Section [521.294](#), Transportation Code, is  
12 amended to read as follows:

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

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

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

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

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

26           (5) has been reported by a court under Section  
27 [521.3452](#) for failure to appear unless the court files an additional

1 report on final disposition of the case;

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

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

13 SECTION 5.05. Section 521.294(6), Transportation Code, as  
14 amended by this article, applies only to an offense committed on or  
15 after January 1, 2017. An offense committed before January 1, 2017,  
16 is governed by the law in effect on the date the offense was  
17 committed, and the former law is continued in effect for that  
18 purpose. For purposes of this section, an offense was committed  
19 before January 1, 2017, if any element of the offense occurred  
20 before that date.

21 ARTICLE 6. ADVISORY COMMITTEE

22 SECTION 6.01. ADVISORY COMMITTEE ON IMPLEMENTATION. (a)  
23 Not later than December 1, 2015, the Texas Juvenile Justice Board  
24 shall appoint an advisory committee to monitor and evaluate  
25 implementation of this Act.

26 (b) In making appointments to the advisory committee, the  
27 board shall include members who are interested parties, including:

1           (1) the executive director of the Texas Juvenile  
2 Justice Department or the executive director's designee;

3           (2) the director of probation services of the Texas  
4 Juvenile Justice Department or the director's designee;

5           (3) the executive commissioner of the Health and Human  
6 Services Commission or the executive commissioner's designee;

7           (4) one representative of county commissioners courts  
8 appointed by the board;

9           (5) two juvenile court judges appointed by the board;

10          (6) seven chief juvenile probation officers appointed  
11 by the board as provided by Subsection (c) of this section;

12          (7) juvenile prosecutors;

13          (8) juvenile defense attorneys;

14          (9) juvenile justice advocates; and

15          (10) individuals who were adjudicated for juvenile  
16 offenses in this state or who were prosecuted as adults for offenses  
17 committed when they were 17 years old, or their family members.

18          (b-1) In addition to the members appointed by the board, the  
19 advisory council shall include:

20                 (1) a member from the house of representatives,  
21 appointed by the speaker of the house; and

22                 (2) a member from the senate, appointed by the  
23 lieutenant governor.

24          (c) The board shall appoint to the advisory council one  
25 chief juvenile probation officer from each regional chiefs  
26 association in this state from a list of nominees submitted to the  
27 board by each regional chiefs association. To the greatest extent



1 practicable, a regional chiefs association shall include in the  
2 association's list of nominees:

3 (1) one chief juvenile probation officer of a juvenile  
4 probation department serving a county with a population that  
5 includes fewer than 7,500 persons younger than 18 years of age;

6 (2) one chief juvenile probation officer of a juvenile  
7 probation department serving a county with a population that  
8 includes at least 7,500 but fewer than 80,000 persons younger than  
9 18 years of age; and

10 (3) one chief juvenile probation officer of a juvenile  
11 probation department serving a county with a population that  
12 includes 80,000 or more persons younger than 18 years of age.

13 (d) The board shall designate one of the members as  
14 presiding officer of the advisory committee.

15 (e) The advisory committee shall assist the Texas Juvenile  
16 Justice Department in evaluating and monitoring the implementation  
17 of this Act, which includes determining the needs and problems of  
18 county juvenile boards and probation departments, and offer  
19 recommendations to meet identified needs and problems.

20 (f) Members of the advisory committee serve without  
21 compensation and are not entitled to reimbursement for expenses.

22 (g) The advisory committee is not subject to Chapter 2110,  
23 Government Code.

24 (h) The advisory committee is abolished and this article  
25 expires June 1, 2017.

26 ARTICLE 7. EFFECTIVE DATES

27 SECTION 7.01. (a) Except as provided by Subsection (b) of

1 this section, this Act takes effect January 1, 2017.

2 (b) The following provisions of this Act take effect  
3 September 1, 2015:

4 (1) Section 3.04;

5 (2) Section 4.22; and

6 (3) Article 6.