

By: Hinojosa

S.B. No. 104

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 19 [~~18~~] years of age who is alleged or found to have engaged in
13 delinquent conduct or conduct indicating a need for supervision as
14 a result of acts committed before becoming 18 [~~17~~] years of age.

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

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

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

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

10 ARTICLE 2. OFFENSES WITH AGE AS AN ELEMENT

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

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

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

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

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

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

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

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](#)(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:

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

5 (1) Chapter 502, other than Section [~~502.282 or~~]
6 [502.412](#);

7 (2) Chapter 521, other than an offense under Section
8 [521.457](#);

9 (3) Subtitle C, other than an offense punishable by
10 imprisonment or by confinement in jail under Section [550.021](#),
11 [550.022](#), [550.024](#), or [550.025](#);

12 (4) Chapter 601;

13 (5) Chapter 621;

14 (6) Chapter 661; and

15 (7) Chapter 681.

16 SECTION 2.08. Section [729.002](#), Transportation Code, is
17 amended to read as follows:

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

22 (1) public road or highway;

23 (2) street or alley in a municipality; or

24 (3) public beach as defined by Section [729.001](#).

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

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

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

11 ARTICLE 3. CRIMINAL PROCEDURES

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

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

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

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

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

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

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

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

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

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

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

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

22 (A) the sophistication and maturity of the
23 individual;

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

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

1 services currently available to the court; and

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

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

7 (a) This article applies only to a defendant younger than 18
8 [~~17~~] years of age who is assessed a fine or costs for a Class C
9 misdemeanor occurring in a building or on the grounds of the primary
10 or secondary school at which the defendant was enrolled at the time
11 of the offense.

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

15 (a) This article applies only to a defendant younger than 18
16 [~~17~~] years of age who is assessed a fine or costs for a Class C
17 misdemeanor.

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

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

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

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

26 (3) the failure to obey occurred under circumstances
27 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. Article 45.059(a), Code of Criminal
4 Procedure, is amended to read as follows:

5 (a) A peace officer taking into custody a person younger
6 than 18 [~~17~~] years of age for violation of a juvenile curfew
7 ordinance of a municipality or order of the commissioners court of a
8 county shall, without unnecessary delay:

9 (1) release the person to the person's parent,
10 guardian, or custodian;

11 (2) take the person before a justice or municipal
12 court to answer the charge; or

13 (3) take the person to a place designated as a juvenile
14 curfew processing office by the head of the law enforcement agency
15 having custody of the person.

16 SECTION 3.10. Articles 45.060(a), (b), and (e), Code of
17 Criminal Procedure, are amended to read as follows:

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

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

1 notice must order the individual to appear at a designated time,
2 place, and date to answer the allegations detailed in the notice.

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

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

13 SECTION 3.11. Article 62.001(6), Code of Criminal
14 Procedure, is amended to read as follows:

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

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

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

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

27 (D) an offense under Section 30.02 (Burglary),

1 Penal Code, if the offense is punishable under Subsection (d) of
2 that section and the defendant committed the offense with intent to
3 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
4 or

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

10 SECTION 3.12. Section 37.085, Education Code, is amended to
11 read as follows:

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

17 SECTION 3.13. Section 521.453(i), Transportation Code, is
18 amended to read as follows:

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

24 SECTION 3.14. (a) Except as provided by Subsection (b) of
25 this section, the changes in law made by this article apply only to
26 an offense committed on or after the effective date of this Act. An
27 offense committed before the effective date of this Act is governed

1 by the law in effect on the date the offense was committed, and the
2 former law is continued in effect for that purpose.

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

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

14 ARTICLE 4. JUVENILE COURT PROCEDURES

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

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

25 (b) If the respondent is at least 19 [~~18~~] years of age when
26 the order of remand from the appellate court is received by the
27 juvenile court, the juvenile court shall proceed as provided by

1 Sections 54.02(o)-(r) for the detention of a person at least 18
2 years of age in discretionary transfer proceedings. Pending
3 retrial of the adjudication or transfer proceeding, the juvenile
4 court may:

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

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

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

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

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

26 (3) the court enters a finding in the proceeding that
27 the prosecuting attorney exercised due diligence in an attempt to

1 complete the proceeding before the respondent became 19 or 20 [~~18 or~~
2 ~~19~~] years of age, as applicable.

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

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

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

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

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

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

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

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

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

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

10 (2) the person was:

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

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

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

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

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

26 (A) for a reason beyond the control of the state
27 it was not practicable to proceed in juvenile court before the 19th

1 ~~18th~~ birthday of the person; or

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

5 (i) the state did not have probable cause to
6 proceed in juvenile court and new evidence has been found since the
7 19th ~~18th~~ birthday of the person;

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

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

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

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

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

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

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

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

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

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

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

1 birthday unless the court transfers the child to an appropriate
2 district court under Section 54.051.

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

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

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

15 (b) If a child is found to have engaged in delinquent
16 conduct or conduct indicating a need for supervision arising from
17 the commission of an offense in which property damage or loss or
18 personal injury occurred, the juvenile court, on notice to all
19 persons affected and on hearing, may order the child or a parent to
20 make full or partial restitution to the victim of the offense. The
21 program of restitution must promote the rehabilitation of the
22 child, be appropriate to the age and physical, emotional, and
23 mental abilities of the child, and not conflict with the child's
24 schooling. When practicable and subject to court supervision, the
25 court may approve a restitution program based on a settlement
26 between the child and the victim of the offense. An order under
27 this subsection may provide for periodic payments by the child or a

1 parent of the child for the period specified in the order but except
2 as provided by Subsection (h), that period may not extend past the
3 date of the 19th [~~18th~~] birthday of the child or past the date the
4 child is no longer enrolled in an accredited secondary school in a
5 program leading toward a high school diploma, whichever date is
6 later.

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

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

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

21 (1) the child reaches:

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

23 (B) the child's 20th [~~19th~~] birthday, if the
24 child was placed on determinate sentence probation under Section
25 54.04(q); or

26 (2) the child is earlier discharged by the court or
27 operation of law.

1 (b) Except for a commitment to the Texas Juvenile Justice
2 Department or to a post-adjudication secure correctional facility
3 under Section 54.04011, a disposition under Section 54.0402, or a
4 placement on determinate sentence probation under Section
5 54.04(q), all dispositions automatically terminate when the child
6 reaches the child's 19th [~~18th~~] birthday.

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

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

16 (b) The hearing must be conducted before the person's 20th
17 [~~19th~~] birthday[, ~~or before the person's 18th birthday if the~~
18 ~~offense for which the person was placed on probation occurred~~
19 ~~before September 1, 2011,~~] and must be conducted in the same manner
20 as a hearing to modify disposition under Section 54.05.

21 (c) If, after a hearing, the court determines to discharge
22 the child, the court shall specify a date on or before the child's
23 20th [~~19th~~] birthday to discharge the child from the sentence of
24 probation.

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

1 (e-2) If a person who is placed on community supervision
2 under this section violates a condition of that supervision or if
3 the person violated a condition of probation ordered under Section
4 54.04(q) and that probation violation was not discovered by the
5 state before the person's 20th [~~19th~~] birthday, the district court
6 shall dispose of the violation of community supervision or
7 probation, as appropriate, in the same manner as if the court had
8 originally exercised jurisdiction over the case. If the judge
9 revokes community supervision, the judge may reduce the prison
10 sentence to any length without regard to the minimum term imposed by
11 Section 23(a), Article 42.12, Code of Criminal Procedure.

12 (i) If the juvenile court exercises jurisdiction over a
13 person who is 19 or 20 [~~18 or 19~~] years of age or older, as
14 applicable, under Section 51.041 or 51.0412, the court or jury may,
15 if the person is otherwise eligible, place the person on probation
16 under Section 54.04(q). The juvenile court shall set the
17 conditions of probation and immediately transfer supervision of the
18 person to the appropriate court exercising criminal jurisdiction
19 under Subsection (e).

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

22 (1) Pending the conclusion of a transfer hearing, the
23 juvenile court shall order that the person who is referred for
24 transfer be detained in a certified juvenile detention facility as
25 provided by Subsection (m). If the person is at least 18 [~~17~~] years
26 of age, the juvenile court may order that the person be detained
27 without bond in an appropriate county facility for the detention of

1 adults accused of criminal offenses.

2 SECTION 4.12. Section 55.15, Family Code, is amended to
3 read as follows:

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

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

13 (2) the administrator of a mental health facility
14 shall notify, in writing, by certified mail, return receipt
15 requested, the juvenile court that ordered mental health services
16 or the juvenile court that referred the case to a court that ordered
17 the mental health services of the intent to discharge the child at
18 least 10 days prior to discharge.

19 SECTION 4.13. Section 55.18, Family Code, is amended to
20 read as follows:

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

25 (1) dismiss the juvenile court proceedings with
26 prejudice; or

27 (2) continue with proceedings under this title as

1 though no order of mental health services had been made.

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

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

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

8 (a) The juvenile court shall transfer all pending
9 proceedings from the juvenile court to a criminal court on the 19th
10 [~~18th~~] birthday of a child for whom the juvenile court or a court to
11 which the child's case is referred under Section 55.12(2) has
12 ordered inpatient mental health services if:

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

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

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

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

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

27 (2) the child:

- 1 (A) is not:
- 2 (i) ordered by a court to receive inpatient
- 3 mental health services;
- 4 (ii) committed by a court to a residential
- 5 care facility; or
- 6 (iii) ordered by a court to receive
- 7 treatment on an outpatient basis; or
- 8 (B) is discharged or currently on furlough from a
- 9 mental health facility or outpatient center before the child
- 10 reaches 19 [~~18~~] years of age.

11 SECTION 4.17. The heading to Section 55.44, Family Code, is

12 amended to read as follows:

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

14 BIRTHDAY OF CHILD.

15 SECTION 4.18. Section 55.44(a), Family Code, is amended to

16 read as follows:

17 (a) The juvenile court shall transfer all pending

18 proceedings from the juvenile court to a criminal court on the 19th

19 [~~18th~~] birthday of a child for whom the juvenile court or a court to

20 which the child's case is referred has ordered inpatient mental

21 health services or residential care for persons with intellectual

22 disabilities [~~mental retardation~~] if:

23 (1) the child is not discharged or currently on

24 furlough from the facility before reaching 19 [~~18~~] years of age; and

25 (2) the child is alleged to have engaged in delinquent

26 conduct that included a violation of a penal law listed in Section

27 53.045 and no adjudication concerning the alleged conduct has been

1 made.

2 SECTION 4.19. Sections 58.003(c), (c-2), (c-4), (c-6), and
3 (c-8), Family Code, are amended to read as follows:

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

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

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

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

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

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

25 (c-4) A prosecuting attorney or juvenile probation
26 department may maintain until a child's 18th [~~17th~~] birthday a
27 separate record of the child's name and date of birth and the date

1 on which the child's records are sealed, if the child's records are
2 sealed under Subsection (c-3). The prosecuting attorney or
3 juvenile probation department, as applicable, shall send the record
4 to the court as soon as practicable after the child's 18th [~~17th~~]
5 birthday to be added to the child's other sealed records.

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

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

24 SECTION 4.20. Section [58.0052](#)(a)(2), Family Code, is
25 amended to read as follows:

- 26 (2) "Multi-system youth" means a person who:
27 (A) is younger than 20 [~~19~~] years of age; and

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

3 SECTION 4.21. Section 58.0071(d), Family Code, is amended
4 to read as follows:

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

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

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

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

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

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

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

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

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

27 SECTION 4.22. Section 58.203(a), Family Code, is amended to

1 read as follows:

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

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

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

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

13 SECTION 4.23. Section 58.208, Family Code, is amended to
14 read as follows:

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

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

21 (2) a copy of this subchapter; and

22 (3) a statement that if the child wishes to receive
23 notification of an action restricting access to the child's records
24 under Section 58.207(a), the child must before the child's 18th
25 [~~17th~~] birthday provide the juvenile probation department with a
26 current address where the child can receive notification.

27 SECTION 4.24. Section 58.209(a), Family Code, is amended to

1 read as follows:

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

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

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

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

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

27 (5) if the child's juvenile record is placed on

1 restricted access when the child becomes 18 [~~17~~] years of age, that
2 access will be denied to employers, educational institutions, and
3 others except for criminal justice agencies;

4 (6) that restricted access does not require any action
5 by the child or the child's family, including the filing of a
6 petition or hiring of a lawyer, but occurs automatically at age 18
7 [~~17~~]; and

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

13 SECTION 4.25. Section [58.211\(a\)](#), Family Code, is amended to
14 read as follows:

15 (a) If the department has notified a juvenile probation
16 department that a record has been placed on restricted access and
17 the department later receives information in the department's
18 criminal history system that the subject of the records has been
19 convicted of or placed on deferred adjudication for a felony or a
20 misdemeanor punishable by confinement in jail for an offense
21 committed after the person reached the age of 18 [~~17~~], the person's
22 juvenile records are no longer subject to restricted access. The
23 department shall notify the appropriate local juvenile probation
24 departments in the manner described by Section [58.203](#) that the
25 person's records are no longer subject to restricted access.

26 SECTION 4.26. Section [59.005\(b\)](#), Family Code, is amended to
27 read as follows:

1 (b) The juvenile court or the probation department shall
2 discharge the child from the custody of the probation department on
3 the date the provisions of this section are met or on the child's
4 19th [~~18th~~] birthday, whichever is earlier.

5 SECTION 4.27. Section 59.006(b), Family Code, is amended to
6 read as follows:

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

11 SECTION 4.28. Section 59.007(b), Family Code, is amended to
12 read as follows:

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

17 SECTION 4.29. Section 59.008(b), Family Code, is amended to
18 read as follows:

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

23 SECTION 4.30. Section 59.009(c), Family Code, is amended to
24 read as follows:

25 (c) The Texas Juvenile Justice Department, juvenile board,
26 or local juvenile probation department may discharge the child from
27 the custody of the department, board, or probation department, as

1 applicable, on the date the provisions of this section are met or on
2 the child's 20th [~~19th~~] birthday, whichever is earlier.

3 SECTION 4.31. Section 61.051(c), Family Code, is amended to
4 read as follows:

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

8 SECTION 4.32. Section 614.019(b), Health and Safety Code,
9 is amended to read as follows:

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

18 SECTION 4.33. Section 63.001(1), Human Resources Code, is
19 amended to read as follows:

20 (1) "Juvenile" means a person from the age of 10 to 19
21 [~~18~~] years who has been found to have engaged in delinquent conduct
22 by a court of competent jurisdiction.

23 SECTION 4.34. Section 152.0015, Human Resources Code, is
24 amended to read as follows:

25 Sec. 152.0015. PRETRIAL DETENTION POLICY FOR CERTAIN
26 JUVENILES. A juvenile board shall establish a policy that
27 specifies whether a person who has been transferred for criminal

1 prosecution under Section 54.02, Family Code, and is younger than
2 18 [~~17~~] years of age may be detained in a juvenile facility pending
3 trial as provided by Section 51.12, Family Code.

4 SECTION 4.35. Sections 152.0016(e) and (j), Human Resources
5 Code, as added by Chapter 1323 (S.B. 511), Acts of the 83rd
6 Legislature, Regular Session, 2013, are amended to read as follows:

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

13 (j) After a child committed to a post-adjudication secure
14 correctional facility with a determinate sentence under Section
15 54.04011(c)(2), Family Code, becomes 17 [~~16~~] years of age but
16 before the child becomes 20 [~~19~~] years of age, the juvenile board or
17 local juvenile probation department operating or contracting for
18 the operation of the facility may refer the child to the juvenile
19 court that entered the order of commitment for approval of the
20 child's transfer to the Texas Department of Criminal Justice for
21 confinement if the child has not completed the sentence and:

22 (1) the child's conduct, regardless of whether the
23 child was released under supervision through a program established
24 by the board or department, indicates that the welfare of the
25 community requires the transfer; or

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

27 (A) a juvenile court adjudicated the child as

1 having engaged in delinquent conduct constituting a felony offense;

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

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

6 SECTION 4.36. Section 201.001(a)(2), Human Resources Code,
7 is amended to read as follows:

8 (2) "Child" means an individual:

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

12 (B) 10 years of age or older and younger than 20
13 [~~19~~] years of age who is committed to the department under Title 3,
14 Family Code.

15 SECTION 4.37. Section 243.001(a), Human Resources Code, is
16 amended to read as follows:

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

24 SECTION 4.38. Section 243.051(b), Human Resources Code, is
25 amended to read as follows:

26 (b) A child who is arrested or taken into custody under
27 Subsection (a) may be detained in any suitable place, including an

1 adult jail facility if the person is 18 [~~17~~] years of age or older,
2 until the child is returned to the custody of the department or
3 transported to a department facility.

4 SECTION 4.39. Section 244.015, Human Resources Code, is
5 amended to read as follows:

6 Sec. 244.015. EVALUATION OF CERTAIN CHILDREN SERVING
7 DETERMINATE SENTENCES. (a) When a child who is sentenced to
8 commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),
9 Family Code, becomes 19 [~~18~~] years of age, the department shall
10 evaluate whether the child is in need of additional services that
11 can be completed in the six-month period after the child's 19th
12 [~~18th~~] birthday to prepare the child for release from the custody of
13 the department or transfer to the Texas Department of Criminal
14 Justice.

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

19 SECTION 4.40. Section 245.053(i), Human Resources Code, is
20 amended to read as follows:

21 (i) If the department requires as a condition of release
22 that a child attend psychological counseling under Subsection (a),
23 the department may, before the date the period of release ends,
24 petition the appropriate court to request the court to extend the
25 period of release for an additional period necessary to complete
26 the required counseling as determined by the treatment provider,
27 except that the release period may not be extended to a date after

1 the date of the child's 19th [~~18th~~] birthday.

2 SECTION 4.41. (a) Except as provided by Subsection (b) or
3 (c) of this section, the changes in law made by this article apply
4 only to procedures relating to conduct violating a penal law of this
5 state that occurs on or after the effective date of this Act.
6 Procedures relating to conduct that occurred before the effective
7 date of this Act are governed by the law in effect on the date the
8 conduct occurred, and the former law is continued in effect for that
9 purpose.

10 (b) If the conduct violating a penal law of this state for
11 which a person was placed on probation occurred before September 1,
12 2011, the hearing required by Section 54.051, Family Code, must be
13 conducted before the person's 18th birthday and is governed by the
14 law in effect on the date the conduct occurred, and the former law
15 is continued in effect for that purpose.

16 (c) The change in law made by this Act to Section 58.0052,
17 Family Code, applies to the sharing of information on or after the
18 effective date of this Act, without regard to whether the
19 information was compiled before, on, or after that date.

20 (d) For purposes of this section, conduct violating a penal
21 law of this state occurred before a certain date if any element of
22 the conduct occurred before that date.

23 ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL
24 RESPONSIBILITY

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

27 (10) "Juvenile offense" means conduct committed by a

1 person while younger than 18 [~~17~~] years of age that constitutes:

2 (A) a misdemeanor punishable by confinement; or

3 (B) a felony.

4 SECTION 5.02. Section [511.009\(a\)](#), Government Code, is
5 amended to read as follows:

6 (a) The commission shall:

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

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

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

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

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

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

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

25 (8) require that the sheriff and commissioners of each
26 county submit to the commission, on a form prescribed by the
27 commission, an annual report on the conditions in each county jail

1 within their jurisdiction, including all information necessary to
2 determine compliance with state law, commission orders, and the
3 rules adopted under this chapter;

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

8 (10) adopt a classification system to assist sheriffs
9 and judges in determining which defendants are low-risk and
10 consequently suitable participants in a county jail work release
11 program under Article [42.034](#), Code of Criminal Procedure;

12 (11) adopt rules relating to requirements for
13 segregation of classes of inmates and to capacities for county
14 jails;

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

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

24 (14) require that the sheriff and commissioners court
25 of each county submit to the commission, on a form prescribed by the
26 commission, an annual report of persons under 18 [~~17~~] years of age
27 securely detained in the county jail, including all information

1 necessary to determine compliance with state law concerning secure
2 confinement of children in county jails;

3 (15) schedule announced and unannounced inspections
4 of jails under the commission's jurisdiction using the risk
5 assessment plan established under Section 511.0085 to guide the
6 inspections process;

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

9 (A) common issues concerning jail
10 administration;

11 (B) examples of successful strategies for
12 maintaining compliance with state law and the rules, standards, and
13 procedures of the commission; and

14 (C) solutions to operational challenges for
15 jails;

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

19 (18) adopt reasonable rules and procedures
20 establishing minimum requirements for jails to:

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

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

27 (19) provide guidelines to sheriffs regarding

1 contracts between a sheriff and another entity for the provision of
2 food services to or the operation of a commissary in a jail under
3 the commission's jurisdiction, including specific provisions
4 regarding conflicts of interest and avoiding the appearance of
5 impropriety.

6 SECTION 5.03. Section 351.903(a), Local Government Code, is
7 amended to read as follows:

8 (a) To provide for the public safety, the commissioners
9 court of a county by order may adopt a curfew to regulate the
10 movements or actions of persons under 18 [~~17~~] years of age during
11 the period beginning one-half hour after sunset and extending until
12 one-half hour before sunrise or during school hours, or both. The
13 order applies only to the unincorporated area of the county.

14 SECTION 5.04. Section 521.201, Transportation Code, is
15 amended to read as follows:

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

- 18 (1) is under 15 years of age;
- 19 (2) is under 18 years of age unless the person complies
20 with the requirements imposed by Section 521.204;
- 21 (3) is shown to be addicted to the use of alcohol, a
22 controlled substance, or another drug that renders a person
23 incapable of driving;
- 24 (4) holds a driver's license issued by this state or
25 another state or country that is revoked, canceled, or under
26 suspension;
- 27 (5) has been determined by a judgment of a court to be

1 totally incapacitated or incapacitated to act as the operator of a
2 motor vehicle unless the person has, by the date of the license
3 application, been:

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

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

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

16 (7) has been reported by a court under Section
17 521.3452 for failure to appear unless the court has filed an
18 additional report on final disposition of the case; or

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

26 SECTION 5.05. Section 521.294, Transportation Code, is
27 amended to read as follows:

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

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

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

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

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

14 (5) has been reported by a court under Section
15 [521.3452](#) for failure to appear unless the court files an additional
16 report on final disposition of the case;

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

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

1 SECTION 5.06. Section 521.294(6), Transportation Code, as
2 amended by this article, applies only to an offense committed on or
3 after the effective date of this Act. An offense committed before
4 the effective date of this Act is governed by the law in effect on
5 the date the offense was committed, and the former law is continued
6 in effect for that purpose. For purposes of this section, an
7 offense was committed before the effective date of this Act if any
8 element of the offense occurred before that date.

9 ARTICLE 6. EFFECTIVE DATE

10 SECTION 6.01. This Act takes effect September 1, 2016.