

1-1 By: Hinojosa S.B. No. 888
 1-2 (In the Senate - Filed March 2, 2015; March 4, 2015, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 20, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 1; April 20, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Whitmire	X			
1-9 Huffman		X		
1-10 Burton	X			
1-11 Creighton	X			
1-12 Hinojosa	X			
1-13 Menéndez	X			
1-14 Perry			X	

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 888 By: Hinojosa

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the appeal of waiver of jurisdiction and transfer to
 1-20 criminal court in juvenile cases.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 4.18(g), Code of Criminal Procedure, is
 1-23 amended to read as follows:

1-24 (g) This article does not apply to a claim of a defect or
 1-25 error in a discretionary transfer proceeding in juvenile court. A
 1-26 defendant may appeal a defect or error only as provided by Chapter
 1-27 56, Family Code [Article 44.47].

1-28 SECTION 2. Section 51.041(a), Family Code, is amended to
 1-29 read as follows:

1-30 (a) The court retains jurisdiction over a person, without
 1-31 regard to the age of the person, for conduct engaged in by the
 1-32 person before becoming 17 years of age if, as a result of an appeal
 1-33 by the person or the state under Chapter 56 [~~or by the person under~~
 1-34 ~~Article 44.47, Code of Criminal Procedure,~~] of an order of the
 1-35 court, the order is reversed or modified and the case remanded to
 1-36 the court by the appellate court.

1-37 SECTION 3. Section 56.01, Family Code, is amended by
 1-38 amending Subsection (c) and adding Subsection (h-1) to read as
 1-39 follows:

1-40 (c) An appeal may be taken:

1-41 (1) except as provided by Subsection (n), by or on
 1-42 behalf of a child from an order entered under:

1-43 (A) Section 54.02 respecting transfer of the
 1-44 child for prosecution as an adult;

1-45 (B) Section 54.03 with regard to delinquent
 1-46 conduct or conduct indicating a need for supervision;

1-47 (C) [~~(B)~~] Section 54.04 disposing of the case;

1-48 (D) [~~(C)~~] Section 54.05 respecting modification
 1-49 of a previous juvenile court disposition; or

1-50 (E) [~~(D)~~] Chapter 55 by a juvenile court
 1-51 committing a child to a facility for the mentally ill or
 1-52 intellectually disabled [~~mentally retarded~~]; or

1-53 (2) by a person from an order entered under Section
 1-54 54.11(i)(2) transferring the person to the custody of the Texas
 1-55 Department of Criminal Justice.

1-56 (h-1) The supreme court shall adopt rules accelerating the
 1-57 disposition by the appellate court and the supreme court of an
 1-58 appeal of an order waiving jurisdiction under Section 54.02 and
 1-59 transferring a child to criminal court for prosecution.

1-60 SECTION 4. Article 44.47, Code of Criminal Procedure, is

2-1 repealed.

2-2 SECTION 5. The change in law made by this Act applies only
2-3 to an order of a juvenile court waiving jurisdiction and
2-4 transferring a child to criminal court that is issued on or after
2-5 the effective date of this Act. An order of a juvenile court
2-6 waiving jurisdiction and transferring a child to criminal court
2-7 that is issued before the effective date of this Act is governed by
2-8 the law in effect on the date the order was issued, and the former
2-9 law is continued in effect for that purpose.

2-10 SECTION 6. This Act takes effect September 1, 2015.

2-11

* * * * *