

By: Dutton, Reynolds

H.B. No. 344

Substitute the following for H.B. No. 344:

By: Dutton

C.S.H.B. No. 344

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 September 1, 2020. An offense committed or conduct that occurred  
6 before September 1, 2020, is governed by the law in effect on the  
7 date the offense was committed or the conduct occurred, and the  
8 former law is continued in effect for that purpose. For purposes of  
9 this section, an offense was committed or conduct occurred before  
10 September 1, 2020, if any element of the offense or conduct occurred  
11 before that 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, regardless of  
10 whether the actor knows the age of the victim at the time of the  
11 offense.

12 SECTION 2.03. Section [33.021\(b\)](#), Penal Code, is amended to  
13 read as follows:

14 (b) A person who is 18 [~~17~~] years of age or older commits an  
15 offense if, with the intent to commit an offense listed in Article  
16 [62.001\(5\)\(A\)](#), (B), or (K), Code of Criminal Procedure, the person,  
17 over the Internet, by electronic mail or text message or other  
18 electronic message service or system, or through a commercial  
19 online service, intentionally:

20 (1) communicates in a sexually explicit manner with a  
21 minor; or

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

23 SECTION 2.04. Section [71.028\(c\)](#), Penal Code, is amended to  
24 read as follows:

25 (c) Except as provided by Subsection (d), the punishment  
26 prescribed for an offense described by Subsection (b) is increased  
27 to the punishment prescribed for the next highest category of

1 offense if the actor is 18 [~~17~~] years of age or older and it is shown  
2 beyond a reasonable doubt on the trial of the offense that the actor  
3 committed the offense at a location that was:

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

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

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

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

10 or

11 (D) playground;

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

13 (A) shopping mall;

14 (B) movie theater;

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

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

17 (3) on a school bus.

18 SECTION 2.05. Sections 545.424(b) and (b-1),  
19 Transportation Code, are amended to read as follows:

20 (b) A person under 18 [~~17~~] years of age who holds a  
21 restricted motorcycle license or moped license may not operate a  
22 motorcycle or moped while using a wireless communication device,  
23 except in case of emergency. This subsection does not apply to a  
24 person licensed by the Federal Communications Commission while  
25 operating a radio frequency device other than a wireless  
26 communication device.

27 (b-1) A person under 18 [~~17~~] years of age who holds a

1 restricted motorcycle license or moped license, during the 12-month  
2 period following the issuance of an original motorcycle license or  
3 moped license to the person, may not operate a motorcycle or moped  
4 after midnight and before 5 a.m. unless:

5 (1) the person is in sight of the person's parent or  
6 guardian; or

7 (2) the operation of the vehicle is necessary for the  
8 operator to attend or participate in employment or a school-related  
9 activity or because of a medical emergency.

10 SECTION 2.06. Section 729.001(a), Transportation Code, is  
11 amended to read as follows:

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

16 (1) Chapter 502, other than Section [~~502.282 or~~]  
17 502.412;

18 (2) Chapter 521, other than an offense under Section  
19 521.457;

20 (3) Subtitle C, other than an offense punishable by  
21 imprisonment or by confinement in jail under Section 550.021,  
22 550.022, 550.024, or 550.025;

23 (4) Chapter 601;

24 (5) Chapter 621;

25 (6) Chapter 661; and

26 (7) Chapter 681.

27 SECTION 2.07. Section 729.002, Transportation Code, is

1 amended to read as follows:

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

- 6                   (1) public road or highway;
- 7                   (2) street or alley in a municipality; or
- 8                   (3) public beach as defined by Section 729.001.

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

14           SECTION 2.08. The changes in law made by this article apply  
15 only to an offense committed on or after September 1, 2020. An  
16 offense committed before September 1, 2020, is governed by the law  
17 in effect on the date the offense was committed, and the former law  
18 is continued in effect for that purpose. For purposes of this  
19 section, an offense was committed before September 1, 2020, if any  
20 element of the offense occurred before that date.

21                   ARTICLE 3. CRIMINAL PROCEDURES

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

24           Art. 4.19. TRANSFER OF PERSON CERTIFIED TO STAND TRIAL AS AN  
25 ADULT. (a) Notwithstanding the order of a juvenile court to  
26 detain a person under the age of 18 [~~17~~] who has been certified to  
27 stand trial as an adult in a certified juvenile detention facility

1 under Section 54.02(h), Family Code, the judge of the criminal  
2 court having jurisdiction over the person may order the person to be  
3 transferred to an adult facility. A child who is transferred to an  
4 adult facility must be detained under conditions meeting the  
5 requirements of Section 51.12, Family Code.

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

11 SECTION 3.02. Article 45.0215(a), Code of Criminal  
12 Procedure, is amended to read as follows:

13 (a) This article applies to a defendant who has not had the  
14 disabilities of minority removed and [~~has been:~~

15 [~~(1) charged with an offense other than an offense~~  
16 ~~under Section 43.261, Penal Code, if the defendant is younger than~~  
17 ~~17 years of age, or~~

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

20 SECTION 3.03. Articles 45.0216(b) and (h), Code of Criminal  
21 Procedure, are amended to read as follows:

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

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

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

3           (h) Records of a person under 18 [~~17~~] years of age relating  
4 to a complaint may be expunged under this article if:

5           (1) the complaint was dismissed under Article 45.051  
6 or 45.052 or other law; or

7           (2) the person was acquitted of the offense.

8           SECTION 3.04. Article 45.045(b), Code of Criminal  
9 Procedure, is amended to read as follows:

10           (b) A capias pro fine may not be issued for an individual  
11 convicted for an offense committed before the individual's 18th  
12 [~~17th~~] birthday unless:

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

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

16                   (A) the sophistication and maturity of the  
17 individual;

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

20                   (C) the reasonable likelihood of bringing about  
21 the discharge of the judgment through the use of procedures and  
22 services currently available to the court; and

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

25           SECTION 3.05. Article 45.0492(a), Code of Criminal  
26 Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd  
27 Legislature, Regular Session, 2011, is amended to read as follows:



1           (a) This article applies only to a defendant younger than 18  
2 [~~17~~] years of age who is assessed a fine or costs for a Class C  
3 misdemeanor occurring in a building or on the grounds of the primary  
4 or secondary school at which the defendant was enrolled at the time  
5 of the offense.

6           SECTION 3.06. Article [45.0492\(a\)](#), Code of Criminal  
7 Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd  
8 Legislature, Regular Session, 2011, is amended to read as follows:

9           (a) This article applies only to a defendant younger than 18  
10 [~~17~~] years of age who is assessed a fine or costs for a Class C  
11 misdemeanor.

12           SECTION 3.07. Articles [45.050\(d\)](#), (e), and (g), Code of  
13 Criminal Procedure, are amended to read as follows:

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

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

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

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

22           (e) A justice or municipal court may hold a person in  
23 contempt and impose a remedy authorized by Subsection (c)(2) if the  
24 person, while younger than 18 [~~17~~] years of age, engaged in conduct  
25 in contempt of an order issued by the justice or municipal court,  
26 but contempt proceedings could not be held before the person's 18th  
27 [~~17th~~] birthday.

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

4 SECTION 3.08. Article [45.057](#)(h), Code of Criminal  
5 Procedure, is amended to read as follows:

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

16 SECTION 3.09. Article [45.058](#)(h), Code of Criminal  
17 Procedure, is amended to read as follows:

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

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

21 (2) charged with or convicted of an offense that a  
22 justice or municipal court has jurisdiction of under Article [4.11](#)  
23 or [4.14](#).

24 SECTION 3.10. Article [45.059](#)(a), Code of Criminal  
25 Procedure, is amended to read as follows:

26 (a) A peace officer taking into custody a person younger  
27 than 18 [~~17~~] years of age for violation of a juvenile curfew

1 ordinance of a municipality or order of the commissioners court of a  
2 county shall, without unnecessary delay:

3 (1) release the person to the person's parent,  
4 guardian, or custodian;

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

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

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

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

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

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

27 "WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 18TH [~~17TH~~]

1 BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO  
2 MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. AS AN ADULT, YOU  
3 ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS  
4 CASE. FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN  
5 ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED  
6 FOR YOUR ARREST."

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

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

12 (A) an offense under Section 21.02 (Continuous  
13 sexual abuse of young child or children), 21.11(a)(1) (Indecency  
14 with a child), 22.011 (Sexual assault), or 22.021 (Aggravated  
15 sexual assault), Penal Code;

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

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

21 (D) an offense under Section 30.02 (Burglary),  
22 Penal Code, if the offense is punishable under Subsection (d) of  
23 that section and the defendant committed the offense with intent to  
24 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);  
25 or

26 (E) an offense under the laws of another state,  
27 federal law, the laws of a foreign country, or the Uniform Code of

1 Military Justice if the offense contains elements that are  
2 substantially similar to the elements of an offense listed under  
3 Paragraph (A), (B), (C), or (D).

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

6 (a) During or after disposition of a case under Section  
7 54.04, Family Code, for adjudication of an offense for which  
8 registration is required under this chapter, the juvenile court on  
9 motion of the respondent shall conduct a hearing to determine  
10 whether the interests of the public require registration under this  
11 chapter. The motion may be filed and the hearing held regardless of  
12 whether the respondent is under 19 [~~18~~] years of age. Notice of the  
13 motion and hearing shall be provided to the prosecuting attorney.

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

16 (c) If the court enters an order described by Subsection  
17 (b)(1), the court retains discretion and jurisdiction to require,  
18 or exempt the respondent from, registration under this chapter at  
19 any time during the treatment or on the successful or unsuccessful  
20 completion of treatment, except that during the period of deferral,  
21 registration may not be required. Following successful completion  
22 of treatment, the respondent is exempted from registration under  
23 this chapter unless a hearing under this subchapter is held on  
24 motion of the prosecuting attorney, regardless of whether the  
25 respondent is 19 [~~18~~] years of age or older, and the court  
26 determines the interests of the public require registration. Not  
27 later than the 10th day after the date of the respondent's

1 successful completion of treatment, the treatment provider shall  
2 notify the juvenile court and prosecuting attorney of the  
3 completion.

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

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

12 SECTION 3.16. Section 37.085, Education Code, is amended to  
13 read as follows:

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

19 SECTION 3.17. Section 153.0071(e-1), Family Code, is  
20 amended to read as follows:

21 (e-1) Notwithstanding Subsections (d) and (e), a court may  
22 decline to enter a judgment on a mediated settlement agreement if  
23 the court finds:

24 (1) that:

25 (A) a party to the agreement was a victim of  
26 family violence, and that circumstance impaired the party's ability  
27 to make decisions; or

1 (B) the agreement would permit a person who is  
2 subject to registration under Chapter 62, Code of Criminal  
3 Procedure, on the basis of an offense committed by the person when  
4 the person was 18 [~~17~~] years of age or older or who otherwise has a  
5 history or pattern of past or present physical or sexual abuse  
6 directed against any person to:

7 (i) reside in the same household as the  
8 child; or

9 (ii) otherwise have unsupervised access to  
10 the child; and

11 (2) that the agreement is not in the child's best  
12 interest.

13 SECTION 3.18. Section 521.453(i), Transportation Code, is  
14 amended to read as follows:

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

20 SECTION 3.19. (a) Except as provided by Subsection (b) of  
21 this section, the changes in law made by this article apply only to  
22 an offense committed on or after September 1, 2020. An offense  
23 committed before September 1, 2020, is governed by the law in effect  
24 on the date the offense was committed, and the former law is  
25 continued in effect for that purpose.

26 (b) Articles 45.0216(b) and (h), Code of Criminal  
27 Procedure, as amended by this article, apply only to the expunction

1 of certain records related to an offense committed on or after  
2 September 1, 2020. The expunction of certain records related to an  
3 offense committed before September 1, 2020, is governed by the law  
4 in effect on the date the offense was committed, and the former law  
5 is continued in effect for that purpose.

6 (c) For purposes of this section, an offense was committed  
7 before September 1, 2020, if any element of the offense occurred  
8 before that date.

9 ARTICLE 4. JUVENILE COURT PROCEDURES

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

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

18 (b) If the respondent is at least 18 years of age when the  
19 order of remand from the appellate court is received by the juvenile  
20 court, the juvenile court shall proceed as provided by Sections  
21 54.02(o)-(r) for the detention of a person at least 19 [~~18~~] years of  
22 age in discretionary transfer proceedings. Pending retrial of the  
23 adjudication or transfer proceeding, the juvenile court may:

- 24 (1) order the respondent released from custody;  
25 (2) order the respondent detained in a juvenile  
26 detention facility; or  
27 (3) set bond and order the respondent detained in a



1 county adult facility if bond is not made.

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

4 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.

5 The court retains jurisdiction over a person, without regard to the  
6 age of the person, who is a respondent in an adjudication  
7 proceeding, a disposition proceeding, a proceeding to modify  
8 disposition, a proceeding for waiver of jurisdiction and transfer  
9 to criminal court under Section 54.02(a), or a motion for transfer  
10 of determinate sentence probation to an appropriate district court  
11 if:

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

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

18 (3) the court enters a finding in the proceeding that  
19 the prosecuting attorney exercised due diligence in an attempt to  
20 complete the proceeding before the respondent became 19 or 20 [~~18 or~~  
21 ~~19~~] years of age, as applicable.

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

24 (f) A child detained in a building that contains a jail,  
25 lockup, or other place of secure confinement, including an alcohol  
26 or other drug treatment facility, shall be separated by sight and  
27 sound from adults detained in the same building. Children and

1 adults are separated by sight and sound only if they are unable to  
2 see each other and conversation between them is not possible. The  
3 separation must extend to all areas of the facility, including  
4 sally ports and passageways, and those areas used for admission,  
5 counseling, sleeping, toileting, showering, dining, recreational,  
6 educational, or vocational activities, and health care. The  
7 separation may be accomplished through architectural design. A  
8 person who has been transferred for prosecution in criminal court  
9 under Section 54.02 and is under 18 [~~17~~] years of age is considered  
10 a child for the purposes of this subsection.

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

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

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

17 (A) escaped from a juvenile facility operated by  
18 or under contract with the Texas Juvenile Justice Department; or

19 (B) violated a condition of release under  
20 supervision of the department.

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

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

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

27 (2) the person was:

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

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

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

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

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

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

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

22 (i) the state did not have probable cause to  
23 proceed in juvenile court and new evidence has been found since the  
24 19th [~~18th~~] birthday of the person;

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

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

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

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

6           (b) A juvenile court may defer adjudication proceedings  
7 under Section 54.03 until the child's 19th [~~18th~~] birthday and  
8 require a child to participate in a program established under  
9 Section 152.0017, Human Resources Code, if the child:

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

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

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

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

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

1 to or after the child's 19th [~~18th~~] birthday.

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

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

22 (i) A court that requires as a condition of probation that a  
23 child attend psychological counseling under Subsection (a) may,  
24 before the date the probation period ends, extend the probation for  
25 any additional period necessary to complete the required counseling  
26 as determined by the treatment provider, except that the probation  
27 may not be extended to a date after the date of the child's 19th

1 ~~[18th]~~ birthday, or 20th ~~[19th]~~ birthday if the child is placed on  
2 determinate sentence probation under Section 54.04(q).

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

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

24 (h) If the juvenile court places the child on probation in a  
25 determinate sentence proceeding initiated under Section 53.045 and  
26 transfers supervision on the child's 20th ~~[19th]~~ birthday to a  
27 district court for placement on community supervision, the district

1 court shall require the payment of any unpaid restitution as a  
2 condition of the community supervision. The liability of the  
3 child's parent for restitution may not be extended by transfer to a  
4 district court for supervision.

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

7 (a) Any [~~Except as provided by Subsection (a-1), any~~]  
8 disposition, except a commitment to the Texas Juvenile Justice  
9 Department, may be modified by the juvenile court as provided in  
10 this section until:

11 (1) the child reaches:

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

13 (B) the child's 20th [~~19th~~] birthday, if the  
14 child was placed on determinate sentence probation under Section  
15 54.04(q); or

16 (2) the child is earlier discharged by the court or  
17 operation of law.

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

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

26 (a) On motion of the state concerning a child who is placed  
27 on probation under Section 54.04(q) for a period, including any

1 extension ordered under Section 54.05, that will continue after the  
2 child's applicable [~~19th~~] birthday, the juvenile court shall hold a  
3 hearing to determine whether to transfer the child to an  
4 appropriate district court or discharge the child from the sentence  
5 of probation.

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

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

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

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



1 Article 42A.755(a), Code of Criminal Procedure.

2 (i) If the juvenile court exercises jurisdiction over a  
3 person on or after the person's [~~who is 18 or 19 years of age or~~  
4 ~~elder, as~~] applicable birthday, under Section 51.041 or 51.0412,  
5 the court or jury may, if the person is otherwise eligible, place  
6 the person on probation under Section 54.04(q). The juvenile court  
7 shall set the conditions of probation and immediately transfer  
8 supervision of the person to the appropriate court exercising  
9 criminal jurisdiction under Subsection (e).

10 (j) In this section, "applicable birthday" means the  
11 person's:

12 (1) 18th birthday, if the conduct for which the person  
13 was placed on probation occurred before September 1, 2011;

14 (2) 19th birthday, if the conduct for which the person  
15 was placed on probation occurred on or after September 1, 2011, but  
16 before September 1, 2020; or

17 (3) 20th birthday, if the conduct for which the person  
18 was placed on probation occurred on or after September 1, 2020.

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

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

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

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

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

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

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

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

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

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

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

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

5 SECTION 4.15. Section 55.19(a), Family Code, is amended to  
6 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 under Section 55.12(2) has  
11 ordered inpatient mental health services if:

12 (1) the child is not discharged or furloughed from the  
13 inpatient mental health facility before reaching 19 [~~18~~] years of  
14 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 4.16. Section 55.43(a), Family Code, is amended to  
20 read as follows:

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

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

25 (2) the child:

26 (A) is not:

27 (i) ordered by a court to receive inpatient

1 mental health services;

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

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

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

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

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

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

15 (a) The juvenile court shall transfer all pending  
16 proceedings from the juvenile court to a criminal court on the 19th  
17 [~~18th~~] birthday of a child for whom the juvenile court or a court to  
18 which the child's case is referred has ordered inpatient mental  
19 health services or residential care for persons with an  
20 intellectual disability if:

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

23 (2) the child is alleged to have engaged in delinquent  
24 conduct that included a violation of a penal law listed in Section  
25 53.045 and no adjudication concerning the alleged conduct has been  
26 made.

27 SECTION 4.19. The heading to Section 56.03, Family Code, is

1 amended to read as follows:

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

4           SECTION 4.20. Section 56.03(b), Family Code, is amended to  
5 read as follows:

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

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

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

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

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

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

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

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

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

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

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

25           SECTION 4.21. Section 58.0052(a)(3), Family Code, is  
26 amended to read as follows:

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

- 1 (A) is younger than 20 [~~19~~] years of age; and  
2 (B) has received services from two or more  
3 juvenile service providers.

4 SECTION 4.22. Section 58.253(b), Family Code, is amended to  
5 read as follows:

6 (b) A person who was referred to a juvenile probation  
7 department for delinquent conduct is entitled to have all records  
8 related to the person's juvenile matters, including records  
9 relating to any matters involving conduct indicating a need for  
10 supervision, sealed without applying to the juvenile court if the  
11 person:

- 12 (1) is at least 20 [~~19~~] years of age;  
13 (2) has not been adjudicated as having engaged in  
14 delinquent conduct or, if adjudicated for delinquent conduct, was  
15 not adjudicated for delinquent conduct violating a penal law of the  
16 grade of felony;  
17 (3) does not have any pending delinquent conduct  
18 matters;  
19 (4) has not been transferred by a juvenile court to a  
20 criminal court for prosecution under Section 54.02;  
21 (5) has not as an adult been convicted of a felony or a  
22 misdemeanor punishable by confinement in jail; and  
23 (6) does not have any pending charges as an adult for a  
24 felony or a misdemeanor punishable by confinement in jail.

25 SECTION 4.23. Section 58.255(a), Family Code, is amended to  
26 read as follows:

27 (a) A person who was referred to a juvenile probation

1 department for conduct indicating a need for supervision is  
2 entitled to have all records related to all conduct indicating a  
3 need for supervision matters sealed without applying to the  
4 juvenile court if the person:

5 (1) is at least 19 [~~18~~] years of age;

6 (2) has not been referred to the juvenile probation  
7 department for delinquent conduct;

8 (3) has not as an adult been convicted of a felony; and

9 (4) does not have any pending charges as an adult for a  
10 felony or a misdemeanor punishable by confinement in jail.

11 SECTION 4.24. Section [58.256\(c\)](#), Family Code, is amended to  
12 read as follows:

13 (c) Except as provided by Subsection (d), the juvenile court  
14 may order the sealing of records related to all matters for which  
15 the person was referred to the juvenile probation department if the  
16 person:

17 (1) is at least 19 [~~18~~] years of age, or is younger  
18 than 19 [~~18~~] years of age and at least two years have elapsed after  
19 the date of final discharge in each matter for which the person was  
20 referred to the juvenile probation department;

21 (2) does not have any delinquent conduct matters  
22 pending with any juvenile probation department or juvenile court;

23 (3) was not transferred by a juvenile court to a  
24 criminal court for prosecution under Section [54.02](#);

25 (4) has not as an adult been convicted of a felony; and

26 (5) does not have any pending charges as an adult for a  
27 felony or a misdemeanor punishable by confinement in jail.

1 SECTION 4.25. Section 58.264(b), Family Code, is amended to  
2 read as follows:

3 (b) The records related to a person referred to a juvenile  
4 probation department may be destroyed if the person:

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

6 (A) the most serious conduct for which the person  
7 was referred was conduct indicating a need for supervision, whether  
8 or not the person was adjudicated; or

9 (B) the referral or information did not relate to  
10 conduct indicating a need for supervision or delinquent conduct and  
11 the juvenile probation department, prosecutor, or juvenile court  
12 did not take action on the referral or information for that reason;

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

14 (A) the most serious conduct for which the person  
15 was adjudicated was delinquent conduct that violated a penal law of  
16 the grade of misdemeanor; or

17 (B) the most serious conduct for which the person  
18 was referred was delinquent conduct and the person was not  
19 adjudicated as having engaged in the conduct; or

20 (3) is at least 31 years of age and the most serious  
21 conduct for which the person was adjudicated was delinquent conduct  
22 that violated a penal law of the grade of felony.

23 SECTION 4.26. Section 59.005(b), Family Code, is amended to  
24 read as follows:

25 (b) The juvenile court or the probation department shall  
26 discharge the child from the custody of the probation department on  
27 the date the provisions of this section are met or on the child's



1 19th [~~18th~~] birthday, whichever is earlier.

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

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

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

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

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

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

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

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

27 SECTION 4.31. Section 61.051(c), Family Code, is amended to

1 read as follows:

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

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

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

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

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

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

21 (B) is under the jurisdiction of the juvenile  
22 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. Section 201.001(a)(2), Human Resources Code,  
5 is amended to read as follows:

6 (2) "Child" means an individual[+  
7 [~~(A)~~] 10 years of age or older and younger than 20  
8 [~~18~~] years of age who is under the jurisdiction of a juvenile  
9 court[~~;~~ ~~or~~

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

13 SECTION 4.36. Section 243.001(a), Human Resources Code, is  
14 amended to read as follows:

15 (a) The department may not assign a child younger than 16  
16 [~~15~~] years of age to the same correctional facility dormitory as a  
17 person who is at least 18 [~~17~~] years of age unless the department  
18 determines that the placement is necessary to ensure the safety of  
19 children in the custody of the department. This subsection does not  
20 apply to a dormitory that is used exclusively for short-term  
21 assessment and orientation purposes.

22 SECTION 4.37. Section 243.051(b), Human Resources Code, is  
23 amended to read as follows:

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

1 transported to a department facility.

2 SECTION 4.38. Section 244.014(a), Human Resources Code, is  
3 amended to read as follows:

4 (a) After a child sentenced to commitment under Section  
5 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 17 [~~16~~]  
6 years of age but before the child becomes 20 [~~19~~] years of age, the  
7 department may refer the child to the juvenile court that entered  
8 the order of commitment for approval of the child's transfer to the  
9 Texas Department of Criminal Justice for confinement if:

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

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

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

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

1 birthday.

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

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

12 SECTION 4.41. Sections 245.151(d) and (e), Human Resources  
13 Code, are amended to read as follows:

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

17 (e) The department shall transfer a person who has been  
18 sentenced under a determinate sentence to commitment under Section  
19 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, or who has been  
20 returned to the department under Section 54.11(i)(1), Family Code,  
21 to the custody of the Texas Department of Criminal Justice on the  
22 person's 20th [~~19th~~] birthday, if the person has not already been  
23 discharged or transferred, to serve the remainder of the person's  
24 sentence on parole as provided by Section 508.156, Government Code.

25 SECTION 4.42. (a) Except as provided by Subsection (b) of  
26 this section, the changes in law made by this article apply only to  
27 procedures relating to conduct that occurs on or after September 1,

1 2020. Procedures relating to conduct that occurred before  
2 September 1, 2020, are governed by the law in effect on the date the  
3 conduct occurred, and the former law is continued in effect for that  
4 purpose.

5 (b) The change in law made by this article to Section  
6 58.0052, Family Code, applies to the sharing of information on or  
7 after September 1, 2020, without regard to whether the information  
8 was compiled before, on, or after that date.

9 (c) For purposes of this section, conduct occurred before  
10 September 1, 2020, if any element of the conduct occurred before  
11 that date.

12 ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL  
13 RESPONSIBILITY

14 SECTION 5.01. Section 109.001(5), Business & Commerce Code,  
15 is amended to read as follows:

16 (5) "Confidential criminal record information of a  
17 child" means information about a person's involvement in the  
18 criminal justice system resulting from conduct that occurred or was  
19 alleged to occur when the person was younger than 18 [~~17~~] years of  
20 age that is confidential under Chapter 45, Code of Criminal  
21 Procedure, or other law. The term does not include:

22 (A) criminal record information of a person  
23 certified to stand trial as an adult for that conduct, as provided  
24 by Section 54.02, Family Code; or

25 (B) information relating to a traffic offense.

26 SECTION 5.02. Section 65.251(b), Family Code, is amended to  
27 read as follows:

1 (b) If a child fails to obey an order issued by a truancy  
2 court under Section 65.103(a) or a child is in direct contempt of  
3 court and the child has failed to obey an order or has been found in  
4 direct contempt of court on two or more previous occasions, the  
5 truancy court, after providing notice and an opportunity for a  
6 hearing, may refer the child to the juvenile probation department  
7 as a request for truancy intervention, unless the child failed to  
8 obey the truancy court order or was in direct contempt of court  
9 while 18 [~~17~~] years of age or older.

10 SECTION 5.03. Section 79.001(10), Government Code, is  
11 amended to read as follows:

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

14 (A) a misdemeanor punishable by confinement; or

15 (B) a felony.

16 SECTION 5.04. Section 511.009(a), Government Code, is  
17 amended to read as follows:

18 (a) The commission shall:

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

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

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

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

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

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

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

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

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

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

24          (11) adopt rules relating to requirements for  
25 segregation of classes of inmates and to capacities for county  
26 jails;

27          (12) require that the chief jailer of each municipal



1 lockup submit to the commission, on a form prescribed by the  
2 commission, an annual report of persons under 18 [~~17~~] years of age  
3 securely detained in the lockup, including all information  
4 necessary to determine compliance with state law concerning secure  
5 confinement of children in municipal lockups;

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

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

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

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

21 (A) common issues concerning jail  
22 administration;

23 (B) examples of successful strategies for  
24 maintaining compliance with state law and the rules, standards, and  
25 procedures of the commission; and

26 (C) solutions to operational challenges for  
27 jails;

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

4           (18) adopt reasonable rules and procedures  
5 establishing minimum requirements for jails to:

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

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

12           (19) provide guidelines to sheriffs regarding  
13 contracts between a sheriff and another entity for the provision of  
14 food services to or the operation of a commissary in a jail under  
15 the commission's jurisdiction, including specific provisions  
16 regarding conflicts of interest and avoiding the appearance of  
17 impropriety;

18           (20) adopt reasonable rules and procedures  
19 establishing minimum standards for prisoner visitation that  
20 provide each prisoner at a county jail with a minimum of two  
21 in-person, noncontact visitation periods per week of at least 20  
22 minutes duration each;

23           (21) require the sheriff of each county to:

24                   (A) investigate and verify the veteran status of  
25 each prisoner by using data made available from the Veterans  
26 Reentry Search Service (VRSS) operated by the United States  
27 Department of Veterans Affairs or a similar service; and

1 (B) use the data described by Paragraph (A) to  
2 assist prisoners who are veterans in applying for federal benefits  
3 or compensation for which the prisoners may be eligible under a  
4 program administered by the United States Department of Veterans  
5 Affairs;

6 (22) adopt reasonable rules and procedures regarding  
7 visitation of a prisoner at a county jail by a guardian, as defined  
8 by Section 1002.012, Estates Code, that:

9 (A) allow visitation by a guardian to the same  
10 extent as the prisoner's next of kin, including placing the  
11 guardian on the prisoner's approved visitors list on the guardian's  
12 request and providing the guardian access to the prisoner during a  
13 facility's standard visitation hours if the prisoner is otherwise  
14 eligible to receive visitors; and

15 (B) require the guardian to provide the sheriff  
16 with letters of guardianship issued as provided by Section  
17 1106.001, Estates Code, before being allowed to visit the prisoner;  
18 and

19 (23) adopt reasonable rules and procedures to ensure  
20 the safety of prisoners, including rules and procedures that  
21 require a county jail to:

22 (A) give prisoners the ability to access a mental  
23 health professional at the jail through a telemental health service  
24 24 hours a day;

25 (B) give prisoners the ability to access a health  
26 professional at the jail or through a telehealth service 24 hours a  
27 day or, if a health professional is unavailable at the jail or

1 through a telehealth service, provide for a prisoner to be  
2 transported to access a health professional; and

3 (C) if funding is available under Section  
4 511.019, install automated electronic sensors or cameras to ensure  
5 accurate and timely in-person checks of cells or groups of cells  
6 confining at-risk individuals.

7 SECTION 5.05. Section 351.903(a), Local Government Code, is  
8 amended to read as follows:

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

15 SECTION 5.06. Section 521.201, Transportation Code, is  
16 amended to read as follows:

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

19 (1) is under 15 years of age;  
20 (2) is under 18 years of age unless the person complies  
21 with the requirements imposed by Section 521.204;

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

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

1           (5) has been determined by a judgment of a court to be  
2 totally incapacitated or incapacitated to act as the operator of a  
3 motor vehicle unless the person has, by the date of the license  
4 application, been:

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

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

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

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

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

27           SECTION 5.07. Section [65.251\(b\)](#), Family Code, and Section

1 521.201, Transportation Code, as amended by this article, apply  
2 only to an offense committed or conduct that occurred on or after  
3 September 1, 2020. An offense committed or conduct that occurred  
4 before September 1, 2020, is governed by the law in effect on the  
5 date the offense was committed or the conduct occurred, and the  
6 former law is continued in effect for that purpose. For purposes of  
7 this section, an offense was committed or conduct occurred before  
8 September 1, 2020, if any element of the offense or conduct occurred  
9 before that date.

10 ARTICLE 6. ADVISORY COMMITTEE

11 SECTION 6.01. ADVISORY COMMITTEE ON IMPLEMENTATION. (a)

12 Not later than December 1, 2019, the Texas Juvenile Justice Board  
13 shall appoint an advisory committee to monitor and evaluate  
14 implementation of this Act.

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

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

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

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

23 (4) one representative of county commissioners courts  
24 appointed by the board;

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

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

- 1 (7) juvenile prosecutors;
- 2 (8) juvenile defense attorneys;
- 3 (9) juvenile justice advocates; and
- 4 (10) individuals who were adjudicated for juvenile
- 5 offenses in this state or who were prosecuted as adults for offenses
- 6 committed when they were 17 years old, or their family members.

7 (c) The board shall appoint to the advisory committee one  
8 chief juvenile probation officer from each regional chiefs  
9 association in this state from a list of nominees submitted to the  
10 board by each regional chiefs association. To the greatest extent  
11 practicable, a regional chiefs association shall include in the  
12 association's list of nominees:

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

16 (2) one chief juvenile probation officer of a juvenile  
17 probation department serving a county with a population that  
18 includes at least 7,500 but fewer than 80,000 persons younger than  
19 18 years of age; and

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

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

25 (e) The advisory committee shall assist the Texas Juvenile  
26 Justice Department in evaluating and monitoring the implementation  
27 of this Act, which includes determining the needs and problems of

1 county juvenile boards and probation departments, and offer  
2 recommendations to meet identified needs and problems.

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

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

7 (h) The advisory committee is abolished and this article  
8 expires June 1, 2021.

9 ARTICLE 7. EFFECTIVE DATES

10 SECTION 7.01. (a) Except as provided by Subsection (b) of  
11 this section, this Act takes effect September 1, 2020.

12 (b) Article 6 of this Act takes effect September 1, 2019.

13 SECTION 7.02. (a) Except as provided by Subsection (b) of  
14 this section, this Act takes effect September 1, 2021.