

By: Dutton

H.B. No. 658

A BILL TO BE ENTITLED

AN ACT

relating to the age of a child at which a juvenile court may exercise jurisdiction over the child, to the age of criminal responsibility, and to certain substantive and procedural matters related to those ages.

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

ARTICLE 1. AGE OF CRIMINAL RESPONSIBILITY

SECTION 1.01. Section 37.141(1), Education Code, is amended to read as follows:

(1) "Child" means a person who is:

(A) a student; and

(B) at least 12 [~~10~~] years of age and younger than 18 years of age.

SECTION 1.02. Section 51.02(2), Family Code, is amended to read as follows:

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

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

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

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

(ii) under the jurisdiction of a juvenile

1 court.

2 SECTION 1.03. Sections 8.07(b), (d), and (e), Penal Code,
3 are amended to read as follows:

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

11 (d) Notwithstanding Subsection (a), a person may not be
12 prosecuted for or convicted of an offense described by Subsection
13 (a)(4) or (5) that the person committed when younger than 12 [~~10~~]
14 years of age.

15 (e) A person who is at least 12 [~~10~~] years of age but younger
16 than 15 years of age is presumed incapable of committing an offense
17 described by Subsection (a)(4) or (5), other than an offense under a
18 juvenile curfew ordinance or order. This presumption may be
19 refuted if the prosecution proves to the court by a preponderance of
20 the evidence that the actor had sufficient capacity to understand
21 that the conduct engaged in was wrong at the time the conduct was
22 engaged in. The prosecution is not required to prove that the actor
23 at the time of engaging in the conduct knew that the act was a
24 criminal offense or knew the legal consequences of the offense.

25 SECTION 1.04. The changes in law made by this article apply
26 only to an offense committed or conduct that occurs on or after
27 September 1, 2020. An offense committed or conduct that occurred

1 before September 1, 2020, is governed by the law in effect on the
2 date the offense was committed or the conduct occurred, and the
3 former law is continued in effect for that purpose. For purposes of
4 this section, an offense was committed or conduct occurred before
5 September 1, 2020, if any element of the offense or conduct occurred
6 before that date.

7 ARTICLE 2. OFFENSES WITH AGE AS AN ELEMENT

8 SECTION 2.01. Section 15.031(e), Penal Code, is amended to
9 read as follows:

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

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

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

18 (A) further the criminal activities of the
19 criminal street gang; or

20 (B) avoid detection as a member of a criminal
21 street gang.

22 SECTION 2.02. Section 21.02(b), Penal Code, is amended to
23 read as follows:

24 (b) A person commits an offense if:

25 (1) during a period that is 30 or more days in
26 duration, the person commits two or more acts of sexual abuse,
27 regardless of whether the acts of sexual abuse are committed

1 against one or more victims; and

2 (2) at the time of the commission of each of the acts
3 of sexual abuse, the actor is 18 [~~17~~] years of age or older and the
4 victim is a child younger than 14 years of age, regardless of
5 whether the actor knows the age of the victim at the time of the
6 offense.

7 SECTION 2.03. Section 33.021(b), Penal Code, is amended to
8 read as follows:

9 (b) A person who is 18 [~~17~~] years of age or older commits an
10 offense if, with the intent to commit an offense listed in Article
11 62.001(5)(A), (B), or (K), Code of Criminal Procedure, the person,
12 over the Internet, by electronic mail or text message or other
13 electronic message service or system, or through a commercial
14 online service, intentionally:

15 (1) communicates in a sexually explicit manner with a
16 minor; or

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

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

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

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

27 (A) real property that is owned, rented, or

1 leased by a school or school board;

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

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

6 (D) playground;

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

8 (A) shopping mall;

9 (B) movie theater;

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

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

12 (3) on a school bus.

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

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

22 (b-1) A person under 18 [~~17~~] years of age who holds a
23 restricted motorcycle license or moped license, during the 12-month
24 period following the issuance of an original motorcycle license or
25 moped license to the person, may not operate a motorcycle or moped
26 after midnight and before 5 a.m. unless:

27 (1) the person is in sight of the person's parent or

1 guardian; or

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

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

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

11 (1) Chapter 502, other than Section [~~502.282 or~~]
12 502.412;

13 (2) Chapter 521, other than an offense under Section
14 521.457;

15 (3) Subtitle C, other than an offense punishable by
16 imprisonment or by confinement in jail under Section 550.021,
17 550.022, 550.024, or 550.025;

18 (4) Chapter 601;

19 (5) Chapter 621;

20 (6) Chapter 661; and

21 (7) Chapter 681.

22 SECTION 2.07. Section 729.002, Transportation Code, is
23 amended to read as follows:

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

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

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

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

16 ARTICLE 3. CRIMINAL PROCEDURES

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

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

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

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

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

10 [~~(1) charged with an offense other than an offense~~
11 ~~under Section 43.261, Penal Code, if the defendant is younger than~~
12 ~~17 years of age; or~~

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

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

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

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

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

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

27 (1) the complaint was dismissed under Article 45.051

1 or 45.052 or other law; or

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

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

5 (b) A capias pro fine may not be issued for an individual
6 convicted for an offense committed before the individual's 18th
7 [~~17th~~] birthday unless:

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

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

11 (A) the sophistication and maturity of the
12 individual;

13 (B) the criminal record and history of the
14 individual; and

15 (C) the reasonable likelihood of bringing about
16 the discharge of the judgment through the use of procedures and
17 services currently available to the court; and

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

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

23 (a) This article applies only to a defendant younger than 18
24 [~~17~~] years of age who is assessed a fine or costs for a Class C
25 misdemeanor occurring in a building or on the grounds of the primary
26 or secondary school at which the defendant was enrolled at the time
27 of the offense.

1 SECTION 3.06. Article 45.0492(a), Code of Criminal
2 Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd
3 Legislature, Regular Session, 2011, is amended to read as follows:

4 (a) This article applies only to a defendant younger than 18
5 [~~17~~] years of age who is assessed a fine or costs for a Class C
6 misdemeanor.

7 SECTION 3.07. Articles 45.050(d), (e), and (g), Code of
8 Criminal Procedure, are amended to read as follows:

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

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

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

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

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

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

26 SECTION 3.08. Article 45.057(h), Code of Criminal
27 Procedure, is amended to read as follows:

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

11 SECTION 3.09. Article 45.058(h), Code of Criminal
12 Procedure, is amended to read as follows:

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

14 (1) at least 12 [~~10~~] years of age and younger than 18
15 [~~17~~] years of age; and

16 (2) charged with or convicted of an offense that a
17 justice or municipal court has jurisdiction of under Article 4.11
18 or 4.14.

19 SECTION 3.10. Article 45.059(a), Code of Criminal
20 Procedure, is amended to read as follows:

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

25 (1) release the person to the person's parent,
26 guardian, or custodian;

27 (2) take the person before a justice or municipal

1 court to answer the charge; or

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

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

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

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

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

22 "WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 18TH [~~17TH~~]
23 BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO
24 MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. AS AN ADULT, YOU
25 ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS
26 CASE. FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN
27 ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED

1 FOR YOUR ARREST."

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

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

7 (A) an offense under Section 21.02 (Continuous
8 sexual abuse of young child or children), 21.11(a)(1) (Indecency
9 with a child), 22.011 (Sexual assault), or 22.021 (Aggravated
10 sexual assault), Penal Code;

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

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

16 (D) an offense under Section 30.02 (Burglary),
17 Penal Code, if the offense is punishable under Subsection (d) of
18 that section and the defendant committed the offense with intent to
19 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
20 or

21 (E) an offense under the laws of another state,
22 federal law, the laws of a foreign country, or the Uniform Code of
23 Military Justice if the offense contains elements that are
24 substantially similar to the elements of an offense listed under
25 Paragraph (A), (B), (C), or (D).

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

1 (a) During or after disposition of a case under Section
2 54.04, Family Code, for adjudication of an offense for which
3 registration is required under this chapter, the juvenile court on
4 motion of the respondent shall conduct a hearing to determine
5 whether the interests of the public require registration under this
6 chapter. The motion may be filed and the hearing held regardless of
7 whether the respondent is under 19 [~~18~~] years of age. Notice of the
8 motion and hearing shall be provided to the prosecuting attorney.

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

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

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

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

7 SECTION 3.16. Section [37.085](#), Education Code, is amended to
8 read as follows:

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

14 SECTION 3.17. Section [153.0071\(e-1\)](#), Family Code, is
15 amended to read as follows:

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

19 (1) that:

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

23 (B) the agreement would permit a person who is
24 subject to registration under Chapter [62](#), Code of Criminal
25 Procedure, on the basis of an offense committed by the person when
26 the person was 18 [~~17~~] years of age or older or who otherwise has a
27 history or pattern of past or present physical or sexual abuse

1 directed against any person to:

2 (i) reside in the same household as the
3 child; or

4 (ii) otherwise have unsupervised access to
5 the child; and

6 (2) that the agreement is not in the child's best
7 interest.

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

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

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

21 (b) Articles 45.0216(b) and (h), Code of Criminal
22 Procedure, as amended by this article, apply only to the expunction
23 of certain records related to an offense committed on or after
24 September 1, 2020. The expunction of certain records related to an
25 offense committed before September 1, 2020, is governed by the law
26 in effect on the date the offense was committed, and the former law
27 is continued in effect for that purpose.

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

4 ARTICLE 4. JUVENILE COURT PROCEDURES

5 SECTION 4.01. Section 51.041, Family Code, is amended to
6 read as follows:

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

13 (b) If the respondent is at least 18 years of age when the
14 order of remand from the appellate court is received by the juvenile
15 court, the juvenile court shall proceed as provided by Sections
16 54.02(o)-(r) for the detention of a person at least 19 [~~18~~] years of
17 age in discretionary transfer proceedings. Pending retrial of the
18 adjudication or transfer proceeding, the juvenile court may:

- 19 (1) order the respondent released from custody;
20 (2) order the respondent detained in a juvenile
21 detention facility; or
22 (3) set bond and order the respondent detained in a
23 county adult facility if bond is not made.

24 SECTION 4.02. Section 51.0412, Family Code, is amended to
25 read as follows:

26 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.
27 The court retains jurisdiction over a person, without regard to the

1 age of the person, who is a respondent in an adjudication
2 proceeding, a disposition proceeding, a proceeding to modify
3 disposition, a proceeding for waiver of jurisdiction and transfer
4 to criminal court under Section 54.02(a), or a motion for transfer
5 of determinate sentence probation to an appropriate district court
6 if:

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

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

13 (3) the court enters a finding in the proceeding that
14 the prosecuting attorney exercised due diligence in an attempt to
15 complete the proceeding before the respondent became 19 or 20 [~~18 or~~
16 ~~19~~] years of age, as applicable.

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

19 (f) A child detained in a building that contains a jail,
20 lockup, or other place of secure confinement, including an alcohol
21 or other drug treatment facility, shall be separated by sight and
22 sound from adults detained in the same building. Children and
23 adults are separated by sight and sound only if they are unable to
24 see each other and conversation between them is not possible. The
25 separation must extend to all areas of the facility, including
26 sally ports and passageways, and those areas used for admission,
27 counseling, sleeping, toileting, showering, dining, recreational,

1 educational, or vocational activities, and health care. The
2 separation may be accomplished through architectural design. A
3 person who has been transferred for prosecution in criminal court
4 under Section 54.02 and is under 18 [~~17~~] years of age is considered
5 a child for the purposes of this subsection.

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

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

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

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

14 (B) violated a condition of release under
15 supervision of the department.

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

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

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

22 (2) the person was:

23 (A) 12 [~~10~~] years of age or older and under 18
24 [~~17~~] years of age at the time the person is alleged to have
25 committed a capital felony or an offense under Section 19.02, Penal
26 Code;

27 (B) 14 years of age or older and under 18 [~~17~~]

1 years of age at the time the person is alleged to have committed an
2 aggravated controlled substance felony or a felony of the first
3 degree other than an offense under Section 19.02, Penal Code; or

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

7 (3) no adjudication concerning the alleged offense has
8 been made or no adjudication hearing concerning the offense has
9 been conducted;

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

12 (A) for a reason beyond the control of the state
13 it was not practicable to proceed in juvenile court before the 19th
14 [~~18th~~] birthday of the person; or

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

18 (i) the state did not have probable cause to
19 proceed in juvenile court and new evidence has been found since the
20 19th [~~18th~~] birthday of the person;

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

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

24 (5) the juvenile court determines that there is
25 probable cause to believe that the child before the court committed
26 the offense alleged.

27 SECTION 4.05. Section 54.0326(b), Family Code, is amended

1 to read as follows:

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

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

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

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

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

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

25 (q) If a court or jury sentences a child to commitment in the
26 Texas Juvenile Justice Department or a post-adjudication secure
27 correctional facility under Subsection (d)(3) for a term of not

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

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

18 (i) A court that requires as a condition of probation that a
19 child attend psychological counseling under Subsection (a) may,
20 before the date the probation period ends, extend the probation for
21 any additional period necessary to complete the required counseling
22 as determined by the treatment provider, except that the probation
23 may not be extended to a date after the date of the child's 19th
24 [~~18th~~] birthday, or 20th [~~19th~~] birthday if the child is placed on
25 determinate sentence probation under Section 54.04(q).

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

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

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

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

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

7 (1) the child reaches:

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

9 (B) the child's 20th [~~19th~~] birthday, if the
10 child was placed on determinate sentence probation under Section
11 54.04(q); or

12 (2) the child is earlier discharged by the court or
13 operation of law.

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

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

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

1 of probation.

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

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

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

14 (e-2) If a person who is placed on community supervision
15 under this section violates a condition of that supervision or if
16 the person violated a condition of probation ordered under Section
17 54.04(q) and that probation violation was not discovered by the
18 state before the person's 20th [~~19th~~] birthday, the district court
19 shall dispose of the violation of community supervision or
20 probation, as appropriate, in the same manner as if the court had
21 originally exercised jurisdiction over the case. If the judge
22 revokes community supervision, the judge may reduce the prison
23 sentence to any length without regard to the minimum term imposed by
24 Article 42A.755(a), Code of Criminal Procedure.

25 (i) If the juvenile court exercises jurisdiction over a
26 person on or after the person's [~~who is 18 or 19 years of age or~~
27 ~~elder, as~~] applicable birthday, under Section 51.041 or 51.0412,

1 the court or jury may, if the person is otherwise eligible, place
2 the person on probation under Section 54.04(q). The juvenile court
3 shall set the conditions of probation and immediately transfer
4 supervision of the person to the appropriate court exercising
5 criminal jurisdiction under Subsection (e).

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

8 (1) 18th birthday, if the conduct for which the person
9 was placed on probation occurred before September 1, 2011;

10 (2) 19th birthday, if the conduct for which the person
11 was placed on probation occurred on or after September 1, 2011, but
12 before September 1, 2020; or

13 (3) 20th birthday, if the conduct for which the person
14 was placed on probation occurred on or after September 1, 2020.

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

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

24 SECTION 4.12. Section 55.15, Family Code, is amended to
25 read as follows:

26 Sec. 55.15. STANDARDS OF CARE; EXPIRATION OF COURT ORDER
27 FOR MENTAL HEALTH SERVICES. If the juvenile court or a court to

1 which the child's case is referred under Section 55.12(2) orders
2 mental health services for the child, the child shall be cared for,
3 treated, and released in conformity to Subtitle C, Title 7, Health
4 and Safety Code, except:

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

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

14 SECTION 4.13. Section 55.18, Family Code, is amended to
15 read as follows:

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

20 (1) dismiss the juvenile court proceedings with
21 prejudice; or

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

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

26 Sec. 55.19. TRANSFER TO CRIMINAL COURT ON 19TH [~~18TH~~]
27 BIRTHDAY.

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

3 (a) The juvenile court shall transfer all pending
4 proceedings from the juvenile court to a criminal court on the 19th
5 [~~18th~~] birthday of a child for whom the juvenile court or a court to
6 which the child's case is referred under Section 55.12(2) has
7 ordered inpatient mental health services if:

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

11 (2) the child is alleged to have engaged in delinquent
12 conduct that included a violation of a penal law listed in Section
13 53.045 and no adjudication concerning the alleged conduct has been
14 made.

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

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

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

21 (2) the child:

22 (A) is not:

23 (i) ordered by a court to receive inpatient
24 mental health services;

25 (ii) committed by a court to a residential
26 care facility; or

27 (iii) ordered by a court to receive

1 treatment on an outpatient basis; or

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

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

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

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

11 (a) The juvenile court shall transfer all pending
12 proceedings from the juvenile court to a criminal court on the 19th
13 [~~18th~~] birthday of a child for whom the juvenile court or a court to
14 which the child's case is referred has ordered inpatient mental
15 health services or residential care for persons with an
16 intellectual disability if:

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

19 (2) the child is alleged to have engaged in delinquent
20 conduct that included a violation of a penal law listed in Section
21 53.045 and no adjudication concerning the alleged conduct has been
22 made.

23 SECTION 4.19. The heading to Section 56.03, Family Code, is
24 amended to read as follows:

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

27 SECTION 4.20. Section 56.03(b), Family Code, is amended to

1 read as follows:

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

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

5 (A) [~~(1)~~] dismisses a petition or any portion of
6 a petition;

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

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

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

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

12 (i) [~~(A)~~] jeopardy has not attached in the
13 case;

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

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

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

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

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

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

25 (B) has received services from two or more
26 juvenile service providers.

27 SECTION 4.22. Section 58.253(b), Family Code, is amended to

1 read as follows:

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

8 (1) is at least 20 [~~19~~] years of age;

9 (2) has not been adjudicated as having engaged in
10 delinquent conduct or, if adjudicated for delinquent conduct, was
11 not adjudicated for delinquent conduct violating a penal law of the
12 grade of felony;

13 (3) does not have any pending delinquent conduct
14 matters;

15 (4) has not been transferred by a juvenile court to a
16 criminal court for prosecution under Section 54.02;

17 (5) has not as an adult been convicted of a felony or a
18 misdemeanor punishable by confinement in jail; and

19 (6) does not have any pending charges as an adult for a
20 felony or a misdemeanor punishable by confinement in jail.

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

23 (a) A person who was referred to a juvenile probation
24 department for conduct indicating a need for supervision is
25 entitled to have all records related to all conduct indicating a
26 need for supervision matters sealed without applying to the
27 juvenile court if the person:

- 1 (1) is at least 19 [~~18~~] years of age;
- 2 (2) has not been referred to the juvenile probation
3 department for delinquent conduct;
- 4 (3) has not as an adult been convicted of a felony; and
- 5 (4) does not have any pending charges as an adult for a
6 felony or a misdemeanor punishable by confinement in jail.

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

9 (c) Except as provided by Subsection (d), the juvenile court
10 may order the sealing of records related to all matters for which
11 the person was referred to the juvenile probation department if the
12 person:

- 13 (1) is at least 19 [~~18~~] years of age, or is younger
14 than 19 [~~18~~] years of age and at least two years have elapsed after
15 the date of final discharge in each matter for which the person was
16 referred to the juvenile probation department;
- 17 (2) does not have any delinquent conduct matters
18 pending with any juvenile probation department or juvenile court;
- 19 (3) was not transferred by a juvenile court to a
20 criminal court for prosecution under Section [54.02](#);
- 21 (4) has not as an adult been convicted of a felony; and
- 22 (5) does not have any pending charges as an adult for a
23 felony or a misdemeanor punishable by confinement in jail.

24 SECTION 4.25. Section [58.264\(b\)](#), Family Code, is amended to
25 read as follows:

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

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

2 (A) the most serious conduct for which the person
3 was referred was conduct indicating a need for supervision, whether
4 or not the person was adjudicated; or

5 (B) the referral or information did not relate to
6 conduct indicating a need for supervision or delinquent conduct and
7 the juvenile probation department, prosecutor, or juvenile court
8 did not take action on the referral or information for that reason;

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

10 (A) the most serious conduct for which the person
11 was adjudicated was delinquent conduct that violated a penal law of
12 the grade of misdemeanor; or

13 (B) the most serious conduct for which the person
14 was referred was delinquent conduct and the person was not
15 adjudicated as having engaged in the conduct; or

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

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

21 (b) The juvenile court or the probation department shall
22 discharge the child from the custody of the probation department on
23 the date the provisions of this section are met or on the child's
24 19th [~~18th~~] birthday, whichever is earlier.

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

27 (b) The juvenile court shall discharge the child from the

1 custody of the probation department on the date the provisions of
2 this section are met or on the child's 19th [~~18th~~] birthday,
3 whichever is earlier.

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

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

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

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

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

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

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

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

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

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

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

13 (1) "Juvenile" means a person from the age of 10 to 20
14 [~~18~~] years who:

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

17 (B) is under the jurisdiction of the juvenile
18 court [~~of competent jurisdiction~~].

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

21 Sec. 152.0015. PRETRIAL DETENTION POLICY FOR CERTAIN
22 JUVENILES. A juvenile board shall establish a policy that
23 specifies whether a person who has been transferred for criminal
24 prosecution under Section 54.02, Family Code, and is younger than
25 18 [~~17~~] years of age may be detained in a juvenile facility pending
26 trial as provided by Section 51.12, Family Code.

27 SECTION 4.35. Section 201.001(a)(2), Human Resources Code,

1 is amended to read as follows:

2 (2) "Child" means an individual[+
3 [~~(A)~~] 10 years of age or older and younger than 20
4 [~~18~~] years of age who is under the jurisdiction of a juvenile
5 court[~~, or~~
6 [~~(B) 10 years of age or older and younger than 19~~
7 ~~years of age who is committed to the department under Title 3,~~
8 ~~Family Code~~].

9 SECTION 4.36. Section [243.001](#)(a), Human Resources Code, is
10 amended to read as follows:

11 (a) The department may not assign a child younger than 16
12 [~~15~~] years of age to the same correctional facility dormitory as a
13 person who is at least 18 [~~17~~] years of age unless the department
14 determines that the placement is necessary to ensure the safety of
15 children in the custody of the department. This subsection does not
16 apply to a dormitory that is used exclusively for short-term
17 assessment and orientation purposes.

18 SECTION 4.37. Section [243.051](#)(b), Human Resources Code, is
19 amended to read as follows:

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

25 SECTION 4.38. Section [244.014](#)(a), Human Resources Code, is
26 amended to read as follows:

27 (a) After a child sentenced to commitment under Section

1 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 17 [~~16~~]
2 years of age but before the child becomes 20 [~~19~~] years of age, the
3 department may refer the child to the juvenile court that entered
4 the order of commitment for approval of the child's transfer to the
5 Texas Department of Criminal Justice for confinement if:

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

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

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

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

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

27 (i) If the department requires as a condition of release

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

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

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

13 (e) The department shall transfer a person who has been
14 sentenced under a determinate sentence to commitment under Section
15 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, or who has been
16 returned to the department under Section 54.11(i)(1), Family Code,
17 to the custody of the Texas Department of Criminal Justice on the
18 person's 20th [~~19th~~] birthday, if the person has not already been
19 discharged or transferred, to serve the remainder of the person's
20 sentence on parole as provided by Section 508.156, Government Code.

21 SECTION 4.42. (a) Except as provided by Subsection (b) of
22 this section, the changes in law made by this article apply only to
23 procedures relating to conduct that occurs on or after September 1,
24 2020. Procedures relating to conduct that occurred before
25 September 1, 2020, are governed by the law in effect on the date the
26 conduct occurred, and the former law is continued in effect for that
27 purpose.

1 (b) The change in law made by this article to Section
2 58.0052, Family Code, applies to the sharing of information on or
3 after September 1, 2020, without regard to whether the information
4 was compiled before, on, or after that date.

5 (c) For purposes of this section, conduct occurred before
6 September 1, 2020, if any element of the conduct occurred before
7 that date.

8 ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL
9 RESPONSIBILITY

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

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

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

21 (B) information relating to a traffic offense.

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

24 (b) If a child fails to obey an order issued by a truancy
25 court under Section 65.103(a) or a child is in direct contempt of
26 court and the child has failed to obey an order or has been found in
27 direct contempt of court on two or more previous occasions, the

1 truancy court, after providing notice and an opportunity for a
2 hearing, may refer the child to the juvenile probation department
3 as a request for truancy intervention, unless the child failed to
4 obey the truancy court order or was in direct contempt of court
5 while 18 [~~17~~] years of age or older.

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

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

10 (A) a misdemeanor punishable by confinement; or

11 (B) a felony.

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

14 (a) The commission shall:

15 (1) adopt reasonable rules and procedures
16 establishing minimum standards for the construction, equipment,
17 maintenance, and operation of county jails;

18 (2) adopt reasonable rules and procedures
19 establishing minimum standards for the custody, care, and treatment
20 of prisoners;

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

24 (4) adopt reasonable rules and procedures
25 establishing minimum requirements for programs of rehabilitation,
26 education, and recreation in county jails;

27 (5) revise, amend, or change rules and procedures if

1 necessary;

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

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

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

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

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

20 (11) adopt rules relating to requirements for
21 segregation of classes of inmates and to capacities for county
22 jails;

23 (12) require that the chief jailer of each municipal
24 lockup submit to the commission, on a form prescribed by the
25 commission, an annual report of persons under 18 [~~17~~] years of age
26 securely detained in the lockup, including all information
27 necessary to determine compliance with state law concerning secure

1 confinement of children in municipal lockups;

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

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

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

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

17 (A) common issues concerning jail
18 administration;

19 (B) examples of successful strategies for
20 maintaining compliance with state law and the rules, standards, and
21 procedures of the commission; and

22 (C) solutions to operational challenges for
23 jails;

24 (17) report to the Texas Correctional Office on
25 Offenders with Medical or Mental Impairments on a jail's compliance
26 with Article [16.22](#), Code of Criminal Procedure;

27 (18) adopt reasonable rules and procedures

1 establishing minimum requirements for jails to:

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

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

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

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

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

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

24 (B) use the data described by Paragraph (A) to
25 assist prisoners who are veterans in applying for federal benefits
26 or compensation for which the prisoners may be eligible under a
27 program administered by the United States Department of Veterans

1 Affairs;

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

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

11 (B) require the guardian to provide the sheriff
12 with letters of guardianship issued as provided by Section
13 1106.001, Estates Code, before being allowed to visit the prisoner;
14 and

15 (23) adopt reasonable rules and procedures to ensure
16 the safety of prisoners, including rules and procedures that
17 require a county jail to:

18 (A) give prisoners the ability to access a mental
19 health professional at the jail through a telemental health service
20 24 hours a day;

21 (B) give prisoners the ability to access a health
22 professional at the jail or through a telehealth service 24 hours a
23 day or, if a health professional is unavailable at the jail or
24 through a telehealth service, provide for a prisoner to be
25 transported to access a health professional; and

26 (C) if funding is available under Section
27 511.019, install automated electronic sensors or cameras to ensure

1 accurate and timely in-person checks of cells or groups of cells
2 confining at-risk individuals.

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

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

11 SECTION 5.06. Section 521.201, Transportation Code, is
12 amended to read as follows:

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

15 (1) is under 15 years of age;

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

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

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

24 (5) has been determined by a judgment of a court to be
25 totally incapacitated or incapacitated to act as the operator of a
26 motor vehicle unless the person has, by the date of the license
27 application, been:

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

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

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

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

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

23 SECTION 5.07. Section [65.251\(b\)](#), Family Code, and Section
24 [521.201](#), Transportation Code, as amended by this article, apply
25 only to an offense committed or conduct that occurred on or after
26 September 1, 2020. An offense committed or conduct that occurred
27 before September 1, 2020, is governed by the law in effect on the

1 date the offense was committed or the conduct occurred, and the
2 former law is continued in effect for that purpose. For purposes of
3 this section, an offense was committed or conduct occurred before
4 September 1, 2020, if any element of the offense or conduct occurred
5 before that date.

6 ARTICLE 6. ADVISORY COMMITTEE

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

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

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

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

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

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

19 (4) one representative of county commissioners courts
20 appointed by the board;

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

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

24 (7) juvenile prosecutors;

25 (8) juvenile defense attorneys;

26 (9) juvenile justice advocates; and

27 (10) individuals who were adjudicated for juvenile

1 offenses in this state or who were prosecuted as adults for offenses
2 committed when they were 17 years old, or their family members.

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

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

12 (2) one chief juvenile probation officer of a juvenile
13 probation department serving a county with a population that
14 includes at least 7,500 but fewer than 80,000 persons younger than
15 18 years of age; and

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

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

21 (e) The advisory committee shall assist the Texas Juvenile
22 Justice Department in evaluating and monitoring the implementation
23 of this Act, which includes determining the needs and problems of
24 county juvenile boards and probation departments, and offer
25 recommendations to meet identified needs and problems.

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

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

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

5 ARTICLE 7. EFFECTIVE DATES

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

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