

By: Toth

H.B. No. 2314

A BILL TO BE ENTITLED

AN ACT

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

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

ARTICLE 1. AGE OF CRIMINAL RESPONSIBILITY

SECTION 1.01. 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 court.

SECTION 1.02. Section 54.02, Family Code, is amended by adding Subsection (m-1) to read as follows:

(m-1) Notwithstanding any other provision of this section, the juvenile court shall waive its exclusive original jurisdiction and transfer a child to the appropriate district court or criminal court for criminal proceedings if the child was 17 years of age or older at the time the child is alleged to have committed an offense

1 under one or more of the following sections of the Penal Code:

2 (1) Section 19.02 (murder);

3 (2) Section 19.03 (capital murder);

4 (3) Section 20.03 (kidnapping);

5 (4) Section 20.04 (aggravated kidnapping);

6 (5) Section 21.11 (indecent with a child);

7 (6) Section 22.01(a)(1) (assault), if the offense
8 involved family violence as defined by Section 71.004 of this code;

9 (7) Section 22.011 (sexual assault);

10 (8) Section 22.02 (aggravated assault);

11 (9) Section 22.021 (aggravated sexual assault);

12 (10) Section 22.04 (injury to a child, elderly
13 individual, or disabled individual);

14 (11) Section 29.03 (aggravated robbery);

15 (12) Section 21.02 (continuous sexual abuse of young
16 child or children); or

17 (13) Section 20A.03 (continuous trafficking of
18 persons).

19 SECTION 1.03. Section 8.07(b), Penal Code, is amended to
20 read as follows:

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

1 SECTION 1.04. The changes in law made by this article apply
2 only to an offense committed or conduct that occurs 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 2. OFFENSES WITH AGE AS AN ELEMENT

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

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

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

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

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

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

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

27 (b) A person commits an offense if:

1 (1) during a period that is 30 or more days in
2 duration, the person commits two or more acts of sexual abuse,
3 regardless of whether the acts of sexual abuse are committed
4 against one or more victims; and

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

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

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

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

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

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

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

1 committed the offense at a location that was:

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

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

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

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

8 or

9 (D) playground;

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

11 (A) shopping mall;

12 (B) movie theater;

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

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

15 (3) on a school bus.

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

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

25 (b-1) A person under 18 [~~17~~] years of age who holds a
26 restricted motorcycle license or moped license, during the 12-month
27 period following the issuance of an original motorcycle license or

1 moped license to the person, may not operate a motorcycle or moped
2 after midnight and before 5 a.m. unless:

3 (1) the person is in sight of the person's parent or
4 guardian; or

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

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

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

14 (1) Chapter 502, other than Section [~~502.282~~ or]
15 502.412;

16 (2) Chapter 521, other than an offense under Section
17 521.457;

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

21 (4) Chapter 601;

22 (5) Chapter 621;

23 (6) Chapter 661; and

24 (7) Chapter 681.

25 SECTION 2.07. Section 729.002, Transportation Code, is
26 amended to read as follows:

27 Sec. 729.002. OPERATION OF MOTOR VEHICLE BY MINOR WITHOUT

1 LICENSE. (a) A person who is younger than 18 [~~17~~] years of age
2 commits an offense if the person operates a motor vehicle without a
3 driver's license authorizing the operation of a motor vehicle on a:

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

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

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

19 ARTICLE 3. CRIMINAL PROCEDURES

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

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

1 transferred to an adult facility. A child who is transferred to an
2 adult facility must be detained under conditions meeting the
3 requirements of Section 51.12, Family Code.

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

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

11 (a) This article applies to a defendant who has not had the
12 disabilities of minority removed and [~~has been-~~

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

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

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

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

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

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

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

3 (1) the complaint was dismissed under Article 45.051
4 or 45.052 or other law; or

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

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

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

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

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

14 (A) the sophistication and maturity of the
15 individual;

16 (B) the criminal record and history of the
17 individual; and

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

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

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

26 (a) This article applies only to a defendant younger than 18
27 [~~17~~] years of age who is assessed a fine or costs for a Class C

1 misdemeanor occurring in a building or on the grounds of the primary
2 or secondary school at which the defendant was enrolled at the time
3 of the offense.

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

7 (a) This article applies only to a defendant younger than 18
8 [~~17~~] years of age who is assessed a fine or costs for a Class C
9 misdemeanor.

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

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

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

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

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

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

26 (g) A justice or municipal court may not refer a child who
27 violates a court order while 18 [~~17~~] years of age or older to a

1 juvenile court for delinquency proceedings for contempt of court.

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

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

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

16 (h) In this article, "child" means a person who is:
17 (1) at least 10 years of age and younger than 18 [~~17~~]
18 years of age; and
19 (2) charged with or convicted of an offense that a
20 justice or municipal court has jurisdiction of under Article 4.11
21 or 4.14.

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

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

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

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

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

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

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

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

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

25 "WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 18TH [~~17TH~~]
26 BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO
27 MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. AS AN ADULT, YOU

1 ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS
2 CASE. FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN
3 ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED
4 FOR YOUR ARREST."

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

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

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

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

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

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

24 (E) an offense under the laws of another state,
25 federal law, the laws of a foreign country, or the Uniform Code of
26 Military Justice if the offense contains elements that are
27 substantially similar to the elements of an offense listed under

1 Paragraph (A), (B), (C), or (D).

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

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

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

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

1 completion.

2 SECTION 3.15. Article [62.353\(b\)](#), Code of Criminal
3 Procedure, is amended to read as follows:

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

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

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

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

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

22 (1) that:

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

26 (B) the agreement would permit a person who is
27 subject to registration under Chapter [62](#), Code of Criminal

1 Procedure, on the basis of an offense committed by the person when
2 the person was 18 [~~17~~] years of age or older or who otherwise has a
3 history or pattern of past or present physical or sexual abuse
4 directed against any person to:

5 (i) reside in the same household as the
6 child; or

7 (ii) otherwise have unsupervised access to
8 the child; and

9 (2) that the agreement is not in the child's best
10 interest.

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

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

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

24 (b) Articles 45.0216(b) and (h), Code of Criminal
25 Procedure, as amended by this article, apply only to the expunction
26 of certain records related to an offense committed on or after
27 September 1, 2020. The expunction of certain records related to an

1 offense committed before September 1, 2020, is governed by the law
2 in effect on the date the offense was committed, and the former law
3 is continued in effect for that purpose.

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

7 ARTICLE 4. JUVENILE COURT PROCEDURES

8 SECTION 4.01. Section 51.041, Family Code, is amended to
9 read as follows:

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

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

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

27 SECTION 4.02. Section 51.0412, Family Code, is amended to

1 read as follows:

2 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.

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

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

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

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

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

22 (f) A child detained in a building that contains a jail,
23 lockup, or other place of secure confinement, including an alcohol
24 or other drug treatment facility, shall be separated by sight and
25 sound from adults detained in the same building. Children and
26 adults are separated by sight and sound only if they are unable to
27 see each other and conversation between them is not possible. The

1 separation must extend to all areas of the facility, including
2 sally ports and passageways, and those areas used for admission,
3 counseling, sleeping, toileting, showering, dining, recreational,
4 educational, or vocational activities, and health care. The
5 separation may be accomplished through architectural design. A
6 person who has been transferred for prosecution in criminal court
7 under Section 54.02 and is under 18 [~~17~~] years of age is considered
8 a child for the purposes of this subsection.

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

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

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

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

17 (B) violated a condition of release under
18 supervision of the department.

19 SECTION 4.04. Sections 54.02(j) and (n), Family Code, are
20 amended to read as follows:

21 (j) Except as provided by Subsection (m-1), the [~~The~~]
22 juvenile court may waive its exclusive original jurisdiction and
23 transfer a person to the appropriate district court or criminal
24 district court for criminal proceedings if:

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

26 (2) the person was:

27 (A) 10 years of age or older and under 17 years of

1 age at the time the person is alleged to have committed a capital
2 felony or an offense under Section 19.02, Penal Code;

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

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

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

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

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

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

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

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

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

27 (5) the juvenile court determines that there is

1 probable cause to believe that the child before the court committed
2 the offense alleged.

3 (n) A mandatory transfer under Subsection (m) or (m-1) may
4 be made without conducting the study required in discretionary
5 transfer proceedings by Subsection (d). The requirements of
6 Subsection (b) that the summons state that the purpose of the
7 hearing is to consider discretionary transfer to criminal court
8 does not apply to a transfer proceeding under Subsection (m) or
9 (m-1). In a proceeding under Subsection (m) or (m-1), it is
10 sufficient that the summons provide fair notice that the purpose of
11 the hearing is to consider mandatory transfer to criminal court.

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

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

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

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

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

26 (e) The Texas Juvenile Justice Department shall accept a
27 person properly committed to it by a juvenile court even though the

1 person may be 18 [~~17~~] years of age or older at the time of
2 commitment.

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

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

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

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

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

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

1 date of the 19th [~~18th~~] birthday of the child or past the date the
2 child is no longer enrolled in an accredited secondary school in a
3 program leading toward a high school diploma, whichever date is
4 later.

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

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

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

19 (1) the child reaches:

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

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

24 (2) the child is earlier discharged by the court or
25 operation of law.

26 (b) Except for a commitment to the Texas Juvenile Justice
27 Department or to a post-adjudication secure correctional facility

1 under former Section 54.04011 or a placement on determinate
2 sentence probation under Section 54.04(q), all dispositions
3 automatically terminate when the child reaches the child's 19th
4 [~~18th~~] birthday.

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

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

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

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

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

27 (e-2) If a person who is placed on community supervision

1 under this section violates a condition of that supervision or if
2 the person violated a condition of probation ordered under Section
3 54.04(q) and that probation violation was not discovered by the
4 state before the person's 20th [~~19th~~] birthday, the district court
5 shall dispose of the violation of community supervision or
6 probation, as appropriate, in the same manner as if the court had
7 originally exercised jurisdiction over the case. If the judge
8 revokes community supervision, the judge may reduce the prison
9 sentence to any length without regard to the minimum term imposed by
10 Article 42A.755(a), Code of Criminal Procedure.

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

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

21 (1) 18th birthday, if the conduct for which the person
22 was placed on probation occurred before September 1, 2011;

23 (2) 19th birthday, if the conduct for which the person
24 was placed on probation occurred on or after September 1, 2011, but
25 before September 1, 2020; or

26 (3) 20th birthday, if the conduct for which the person
27 was placed on probation occurred on or after September 1, 2020.

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

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

10 SECTION 4.12. Section 55.15, Family Code, is amended to
11 read as follows:

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

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

21 (2) the administrator of a mental health facility
22 shall notify, in writing, by certified mail, return receipt
23 requested, the juvenile court that ordered mental health services
24 or the juvenile court that referred the case to a court that ordered
25 the mental health services of the intent to discharge the child at
26 least 10 days prior to discharge.

27 SECTION 4.13. Section 55.18, Family Code, is amended to

1 read as follows:

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

6 (1) dismiss the juvenile court proceedings with
7 prejudice; or

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

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

12 Sec. 55.19. TRANSFER TO CRIMINAL COURT ON 19TH [~~18TH~~]
13 BIRTHDAY.

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

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

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

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

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

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

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

7 (2) the child:

8 (A) is not:

9 (i) ordered by a court to receive inpatient
10 mental health services;

11 (ii) committed by a court to a residential
12 care facility; or

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

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

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

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

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

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

1 health services or residential care for persons with an
2 intellectual disability if:

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

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

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

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

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

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

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

18 (A) [~~(1)~~] dismisses a petition or any portion of
19 a petition;

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

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

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

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

25 (i) [~~(A)~~] jeopardy has not attached in the
26 case;

27 (ii) [~~(B)~~] the prosecuting attorney

1 certifies to the trial court that the appeal is not taken for the
2 purpose of delay; and

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

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

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

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

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

11 (B) has received services from two or more
12 juvenile service providers.

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

15 (b) A person who was referred to a juvenile probation
16 department for delinquent conduct is entitled to have all records
17 related to the person's juvenile matters, including records
18 relating to any matters involving conduct indicating a need for
19 supervision, sealed without applying to the juvenile court if the
20 person:

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

22 (2) has not been adjudicated as having engaged in
23 delinquent conduct or, if adjudicated for delinquent conduct, was
24 not adjudicated for delinquent conduct violating a penal law of the
25 grade of felony;

26 (3) does not have any pending delinquent conduct
27 matters;

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

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

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

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

9 (a) A person who was referred to a juvenile probation
10 department for conduct indicating a need for supervision is
11 entitled to have all records related to all conduct indicating a
12 need for supervision matters sealed without applying to the
13 juvenile court if the person:

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

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

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

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

20 SECTION 4.24. Section 58.256(c), Family Code, is amended to
21 read as follows:

22 (c) Except as provided by Subsection (d), the juvenile court
23 may order the sealing of records related to all matters for which
24 the person was referred to the juvenile probation department if the
25 person:

26 (1) is at least 19 [~~18~~] years of age, or is younger
27 than 19 [~~18~~] years of age and at least two years have elapsed after

1 the date of final discharge in each matter for which the person was
2 referred to the juvenile probation department;

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

5 (3) was not transferred by a juvenile court to a
6 criminal court for prosecution under Section 54.02;

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

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

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

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

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

15 (A) the most serious conduct for which the person
16 was referred was conduct indicating a need for supervision, whether
17 or not the person was adjudicated; or

18 (B) the referral or information did not relate to
19 conduct indicating a need for supervision or delinquent conduct and
20 the juvenile probation department, prosecutor, or juvenile court
21 did not take action on the referral or information for that reason;

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

23 (A) the most serious conduct for which the person
24 was adjudicated was delinquent conduct that violated a penal law of
25 the grade of misdemeanor; or

26 (B) the most serious conduct for which the person
27 was referred was delinquent conduct and the person was not

1 adjudicated as having engaged in the conduct; or

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

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

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

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

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

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

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

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

25 (b) The juvenile court shall discharge the child from the
26 custody of the probation department on the date the provisions of
27 this section are met or on the child's 19th [~~18th~~] birthday,

1 whichever is earlier.

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

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

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

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

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

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

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

26 (1) "Juvenile" means a person from the age of 10 to 20
27 [~~18~~] years who:

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

3 (B) is under the jurisdiction of the juvenile
4 court [~~of competent jurisdiction~~].

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

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

13 SECTION 4.35. Section 201.001(a)(2), Human Resources Code,
14 is amended to read as follows:

15 (2) "Child" means an individual[~~+~~
16 [~~(A)~~] 10 years of age or older and younger than 20
17 [~~18~~] years of age who is under the jurisdiction of a juvenile
18 court[~~, or~~

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

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

24 (a) The department may not assign a child younger than 16
25 [~~15~~] years of age to the same correctional facility dormitory as a
26 person who is at least 18 [~~17~~] years of age unless the department
27 determines that the placement is necessary to ensure the safety of

1 children in the custody of the department. This subsection does not
2 apply to a dormitory that is used exclusively for short-term
3 assessment and orientation purposes.

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

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

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

13 (a) After a child sentenced to commitment under Section
14 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 17 [~~16~~]
15 years of age but before the child becomes 20 [~~19~~] years of age, the
16 department may refer the child to the juvenile court that entered
17 the order of commitment for approval of the child's transfer to the
18 Texas Department of Criminal Justice for confinement if:

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

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

25 Sec. 244.015. EVALUATION OF CERTAIN CHILDREN SERVING
26 DETERMINATE SENTENCES. (a) When a child who is sentenced to
27 commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),

1 Family Code, becomes 19 [~~18~~] years of age, the department shall
2 evaluate whether the child is in need of additional services that
3 can be completed in the six-month period after the child's 19th
4 [~~18th~~] birthday to prepare the child for release from the custody of
5 the department or transfer to the Texas Department of Criminal
6 Justice.

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

11 SECTION 4.40. Section [245.053](#)(i), Human Resources Code, is
12 amended to read as follows:

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

21 SECTION 4.41. Sections [245.151](#)(d) and (e), Human Resources
22 Code, are amended to read as follows:

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

26 (e) The department shall transfer a person who has been
27 sentenced under a determinate sentence to commitment under Section

1 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, or who has been
2 returned to the department under Section 54.11(i)(1), Family Code,
3 to the custody of the Texas Department of Criminal Justice on the
4 person's 20th [~~19th~~] birthday, if the person has not already been
5 discharged or transferred, to serve the remainder of the person's
6 sentence on parole as provided by Section 508.156, Government Code.

7 SECTION 4.42. (a) Except as provided by Subsection (b) of
8 this section, the changes in law made by this article apply only to
9 procedures relating to conduct that occurs on or after September 1,
10 2020. Procedures relating to conduct that occurred before
11 September 1, 2020, are governed by the law in effect on the date the
12 conduct occurred, and the former law is continued in effect for that
13 purpose.

14 (b) The change in law made by this article to Section
15 58.0052, Family Code, applies to the sharing of information on or
16 after September 1, 2020, without regard to whether the information
17 was compiled before, on, or after that date.

18 (c) For purposes of this section, conduct occurred before
19 September 1, 2020, if any element of the conduct occurred before
20 that date.

21 ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL
22 RESPONSIBILITY

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

25 (5) "Confidential criminal record information of a
26 child" means information about a person's involvement in the
27 criminal justice system resulting from conduct that occurred or was

1 alleged to occur when the person was younger than 18 [~~17~~] years of
2 age that is confidential under Chapter 45, Code of Criminal
3 Procedure, or other law. The term does not include:

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

7 (B) information relating to a traffic offense.

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

10 (b) If a child fails to obey an order issued by a truancy
11 court under Section 65.103(a) or a child is in direct contempt of
12 court and the child has failed to obey an order or has been found in
13 direct contempt of court on two or more previous occasions, the
14 truancy court, after providing notice and an opportunity for a
15 hearing, may refer the child to the juvenile probation department
16 as a request for truancy intervention, unless the child failed to
17 obey the truancy court order or was in direct contempt of court
18 while 18 [~~17~~] years of age or older.

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

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

23 (A) a misdemeanor punishable by confinement; or

24 (B) a felony.

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

27 (a) The commission shall:

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

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

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

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

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

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

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

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

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

1 and procedures adopted under this chapter;

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

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

9 (12) require that the chief jailer of each municipal
10 lockup 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 lockup, including all information
13 necessary to determine compliance with state law concerning secure
14 confinement of children in municipal lockups;

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

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

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

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

3 (A) common issues concerning jail
4 administration;

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

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

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

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

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

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

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

27 (20) adopt reasonable rules and procedures

1 establishing minimum standards for prisoner visitation that
2 provide each prisoner at a county jail with a minimum of two
3 in-person, noncontact visitation periods per week of at least 20
4 minutes duration each;

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

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

10 (B) use the data described by Paragraph (A) to
11 assist prisoners who are veterans in applying for federal benefits
12 or compensation for which the prisoners may be eligible under a
13 program administered by the United States Department of Veterans
14 Affairs;

15 (22) adopt reasonable rules and procedures regarding
16 visitation of a prisoner at a county jail by a guardian, as defined
17 by Section [1002.012](#), Estates Code, that:

18 (A) allow visitation by a guardian to the same
19 extent as the prisoner's next of kin, including placing the
20 guardian on the prisoner's approved visitors list on the guardian's
21 request and providing the guardian access to the prisoner during a
22 facility's standard visitation hours if the prisoner is otherwise
23 eligible to receive visitors; and

24 (B) require the guardian to provide the sheriff
25 with letters of guardianship issued as provided by Section
26 [1106.001](#), Estates Code, before being allowed to visit the prisoner;
27 and

1 (23) adopt reasonable rules and procedures to ensure
2 the safety of prisoners, including rules and procedures that
3 require a county jail to:

4 (A) give prisoners the ability to access a mental
5 health professional at the jail through a telemental health service
6 24 hours a day;

7 (B) give prisoners the ability to access a health
8 professional at the jail or through a telehealth service 24 hours a
9 day or, if a health professional is unavailable at the jail or
10 through a telehealth service, provide for a prisoner to be
11 transported to access a health professional; and

12 (C) if funding is available under Section
13 [511.019](#), install automated electronic sensors or cameras to ensure
14 accurate and timely in-person checks of cells or groups of cells
15 confining at-risk individuals.

16 SECTION 5.05. Section [351.903](#)(a), Local Government Code, is
17 amended to read as follows:

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

24 SECTION 5.06. Section [521.201](#), Transportation Code, is
25 amended to read as follows:

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

1 (1) is under 15 years of age;

2 (2) is under 18 years of age unless the person complies
3 with the requirements imposed by Section [521.204](#);

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

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

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

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

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

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

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

1 additional report on final disposition of the case; or

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

9 SECTION 5.07. Section 65.251(b), Family Code, and Section
10 521.201, Transportation Code, as amended by this article, apply
11 only to an offense committed or conduct that occurred on or after
12 September 1, 2020. An offense committed or conduct that occurred
13 before September 1, 2020, is governed by the law in effect on the
14 date the offense was committed or the conduct occurred, and the
15 former law is continued in effect for that purpose. For purposes of
16 this section, an offense was committed or conduct occurred before
17 September 1, 2020, if any element of the offense or conduct occurred
18 before that date.

19 ARTICLE 6. ADVISORY COMMITTEE

20 SECTION 6.01. (a) Not later than December 1, 2019, the
21 Texas Juvenile Justice Board shall appoint an advisory committee to
22 monitor and evaluate implementation of this Act.

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

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

27 (2) the director of probation services of the Texas

1 Juvenile Justice Department or the director's designee;

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

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

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

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

9 (7) juvenile prosecutors;

10 (8) juvenile defense attorneys;

11 (9) juvenile justice advocates; and

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

15 (c) The board shall appoint to the advisory committee one
16 chief juvenile probation officer from each regional chiefs
17 association in this state from a list of nominees submitted to the
18 board by each regional chiefs association. To the greatest extent
19 practicable, a regional chiefs association shall include in the
20 association's list of nominees:

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

24 (2) one chief juvenile probation officer of a juvenile
25 probation department serving a county with a population that
26 includes at least 7,500 but fewer than 80,000 persons younger than
27 18 years of age; and

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

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

6 (e) The advisory committee shall assist the Texas Juvenile
7 Justice Department in evaluating and monitoring the implementation
8 of this Act, which includes determining the needs and problems of
9 county juvenile boards and probation departments, and offer
10 recommendations to meet identified needs and problems.

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

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

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

17 ARTICLE 7. EFFECTIVE DATES

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

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