

By: Wu

H.B. No. 4268

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 8.07(b), Penal Code, is amended to read as follows:

(b) Unless the juvenile court waives jurisdiction under Section 54.02, Family Code, and certifies the individual for criminal prosecution or the juvenile court has previously waived jurisdiction under that section and certified the individual for criminal prosecution, a person may not be prosecuted for or

1 convicted of any offense committed before reaching 18 [~~17~~] years of
2 age except an offense described by Subsections (a)(1)-(5).

3 SECTION 1.03. The changes in law made by this article apply
4 only to an offense committed or conduct that occurs on or after
5 September 1, 2019. An offense committed or conduct that occurred
6 before September 1, 2019, is governed by the law in effect on the
7 date the offense was committed or the conduct occurred, and the
8 former law is continued in effect for that purpose. For purposes of
9 this section, an offense was committed or conduct occurred before
10 September 1, 2019, if any element of the offense or conduct occurred
11 before that date.

12 ARTICLE 2. OFFENSES WITH AGE AS AN ELEMENT

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

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

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

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

23 (A) further the criminal activities of the
24 criminal street gang; or

25 (B) avoid detection as a member of a criminal
26 street gang.

27 SECTION 2.02. Section 21.02(b), Penal Code, is amended to

1 read as follows:

2 (b) A person commits an offense if:

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

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

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

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

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

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

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

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

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

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

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

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

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

10 or

11 (D) playground;

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

13 (A) shopping mall;

14 (B) movie theater;

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

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

17 (3) on a school bus.

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

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

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

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

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

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

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

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

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

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

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

23 (4) Chapter 601;

24 (5) Chapter 621;

25 (6) Chapter 661; and

26 (7) Chapter 681.

27 SECTION 2.07. Section 729.002, Transportation Code, is

1 amended to read as follows:

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

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

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

14 SECTION 2.08. The changes in law made by this article apply
15 only to an offense committed on or after September 1, 2019. An
16 offense committed before September 1, 2019, is governed by the law
17 in effect on the date the offense was committed, and the former law
18 is continued in effect for that purpose. For purposes of this
19 section, an offense was committed before September 1, 2019, if any
20 element of the offense occurred before that date.

21 ARTICLE 3. CRIMINAL PROCEDURES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 SECTION 3.10. Articles [45.060](#)(a), (b), and (e), Code of
25 Criminal Procedure, are amended to read as follows:

26 (a) Except as provided by Articles [45.058](#) and [45.059](#), an
27 individual may not be taken into secured custody for offenses

1 alleged to have occurred before the individual's 18th [~~17th~~]
2 birthday.

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

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

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

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

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

26 (A) an offense under Section 21.02 (Continuous
27 sexual abuse of young child or children), 21.11(a)(1) (Indecency

1 with a child), 22.011 (Sexual assault), or 22.021 (Aggravated
2 sexual assault), Penal Code;

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

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

8 (D) an offense under Section 30.02 (Burglary),
9 Penal Code, if the offense is punishable under Subsection (d) of
10 that section and the defendant committed the offense with intent to
11 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
12 or

13 (E) an offense under the laws of another state,
14 federal law, the laws of a foreign country, or the Uniform Code of
15 Military Justice if the offense contains elements that are
16 substantially similar to the elements of an offense listed under
17 Paragraph (A), (B), (C), or (D).

18 SECTION 3.12. Article 62.351(a), Code of Criminal
19 Procedure, is amended to read as follows:

20 (a) During or after disposition of a case under Section
21 54.04, Family Code, for adjudication of an offense for which
22 registration is required under this chapter, the juvenile court on
23 motion of the respondent shall conduct a hearing to determine
24 whether the interests of the public require registration under this
25 chapter. The motion may be filed and the hearing held regardless of
26 whether the respondent is under 19 [~~18~~] years of age. Notice of the
27 motion and hearing shall be provided to the prosecuting attorney.

1 SECTION 3.13. Article 62.352(c), Code of Criminal
2 Procedure, is amended to read as follows:

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

18 SECTION 3.14. Article 62.353(b), Code of Criminal
19 Procedure, is amended to read as follows:

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

26 SECTION 3.15. Section 37.085, Education Code, is amended to
27 read as follows:

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

6 SECTION 3.16. Section [153.0071\(e-1\)](#), Family Code, is
7 amended to read as follows:

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

11 (1) that:

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

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

21 (i) reside in the same household as the
22 child; or

23 (ii) otherwise have unsupervised access to
24 the child; and

25 (2) that the agreement is not in the child's best
26 interest.

27 SECTION 3.17. Section [521.453\(i\)](#), Transportation Code, is

1 amended to read as follows:

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

7 SECTION 3.18. (a) Except as provided by Subsection (b) of
8 this section, the changes in law made by this article apply only to
9 an offense committed on or after September 1, 2019. An offense
10 committed before September 1, 2019, is governed by the law in effect
11 on the date the offense was committed, and the former law is
12 continued in effect for that purpose.

13 (b) Articles 45.0216(b) and (h), Code of Criminal
14 Procedure, as amended by this article, apply only to the expunction
15 of certain records related to an offense committed on or after
16 September 1, 2019. The expunction of certain records related to an
17 offense committed before September 1, 2019, is governed by the law
18 in effect on the date the offense was committed, and the former law
19 is continued in effect for that purpose.

20 (c) For purposes of this section, an offense was committed
21 before September 1, 2019, if any element of the offense occurred
22 before that date.

23 ARTICLE 4. JUVENILE COURT PROCEDURES

24 SECTION 4.01. Section 51.041, Family Code, is amended to
25 read as follows:

26 Sec. 51.041. JURISDICTION AFTER APPEAL. (a) The court
27 retains jurisdiction over a person, without regard to the age of the

1 person, for conduct engaged in by the person before becoming 18 [~~17~~]
2 years of age if, as a result of an appeal by the person or the state
3 under Chapter 56 of an order of the court, the order is reversed or
4 modified and the case remanded to the court by the appellate court.

5 (b) If the respondent is at least 18 years of age when the
6 order of remand from the appellate court is received by the juvenile
7 court, the juvenile court shall proceed as provided by Sections
8 54.02(o)-(r) for the detention of a person at least 19 [~~18~~] years of
9 age in discretionary transfer proceedings. Pending retrial of the
10 adjudication or transfer proceeding, the juvenile court may:

- 11 (1) order the respondent released from custody;
- 12 (2) order the respondent detained in a juvenile
13 detention facility; or
- 14 (3) set bond and order the respondent detained in a
15 county adult facility if bond is not made.

16 SECTION 4.02. Section 51.0412, Family Code, is amended to
17 read as follows:

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

- 26 (1) the petition or motion was filed while the
27 respondent was younger than 19 or 20 [~~18 or 19~~] years of age, as

1 applicable;

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

5 (3) the court enters a finding in the proceeding that
6 the prosecuting attorney exercised due diligence in an attempt to
7 complete the proceeding before the respondent became 19 or 20 [~~18 or~~
8 ~~19~~] years of age, as applicable.

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

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

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

26 (1) who has been transferred to criminal court for
27 prosecution under Section 54.02 and is at least 18 [~~17~~] years of

1 age; or

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

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

6 (B) violated a condition of release under
7 supervision of the department.

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

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

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

14 (2) the person was:

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

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

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

25 (3) no adjudication concerning the alleged offense has
26 been made or no adjudication hearing concerning the offense has
27 been conducted;

1 (4) the juvenile court finds from a preponderance of
2 the evidence that:

3 (A) for a reason beyond the control of the state
4 it was not practicable to proceed in juvenile court before the 19th
5 [~~18th~~] birthday of the person; or

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

9 (i) the state did not have probable cause to
10 proceed in juvenile court and new evidence has been found since the
11 19th [~~18th~~] birthday of the person;

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

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

15 (5) the juvenile court determines that there is
16 probable cause to believe that the child before the court committed
17 the offense alleged.

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

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

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

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

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

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

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

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

1 sentence of probation ordered under this subsection and any
2 extension of probation ordered under Section 54.05 will continue
3 after the child's 20th [~~19th~~] birthday, the court shall discharge
4 the child from the sentence of probation on the child's 20th [~~19th~~]
5 birthday unless the court transfers the child to an appropriate
6 district court under Section 54.051.

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

9 (i) A court that requires as a condition of probation that a
10 child attend psychological counseling under Subsection (a) may,
11 before the date the probation period ends, extend the probation for
12 any additional period necessary to complete the required counseling
13 as determined by the treatment provider, except that the probation
14 may not be extended to a date after the date of the child's 19th
15 [~~18th~~] birthday, or 20th [~~19th~~] birthday if the child is placed on
16 determinate sentence probation under Section 54.04(q).

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

19 (b) If a child is found to have engaged in delinquent
20 conduct or conduct indicating a need for supervision arising from
21 the commission of an offense in which property damage or loss or
22 personal injury occurred, the juvenile court, on notice to all
23 persons affected and on hearing, may order the child or a parent to
24 make full or partial restitution to the victim of the offense. The
25 program of restitution must promote the rehabilitation of the
26 child, be appropriate to the age and physical, emotional, and
27 mental abilities of the child, and not conflict with the child's

1 schooling. When practicable and subject to court supervision, the
2 court may approve a restitution program based on a settlement
3 between the child and the victim of the offense. An order under
4 this subsection may provide for periodic payments by the child or a
5 parent of the child for the period specified in the order but except
6 as provided by Subsection (h), that period may not extend past the
7 date of the 19th [~~18th~~] birthday of the child or past the date the
8 child is no longer enrolled in an accredited secondary school in a
9 program leading toward a high school diploma, whichever date is
10 later.

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

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

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

- 25 (1) the child reaches:
- 26 (A) the child's 19th [~~18th~~] birthday; or
- 27 (B) the child's 20th [~~19th~~] birthday, if the

1 child was placed on determinate sentence probation under Section
2 54.04(q); or

3 (2) the child is earlier discharged by the court or
4 operation of law.

5 (b) Except for a commitment to the Texas Juvenile Justice
6 Department or to a post-adjudication secure correctional facility
7 under former Section 54.04011 or a placement on determinate
8 sentence probation under Section 54.04(q), all dispositions
9 automatically terminate when the child reaches the child's 19th
10 [~~18th~~] birthday.

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

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

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

26 (c) If, after a hearing, the court determines to discharge
27 the child, the court shall specify a date on or before the child's

1 applicable [~~19th~~] birthday to discharge the child from the
2 sentence of probation.

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

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

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

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

27 (1) 18th birthday, if the conduct for which the person

1 was placed on probation occurred before September 1, 2011;

2 (2) 19th birthday, if the conduct for which the person
3 was placed on probation occurred on or after September 1, 2011, but
4 before September 1, 2019; or

5 (3) 20th birthday, if the conduct for which the person
6 was placed on probation occurred on or after September 1, 2019.

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

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

16 SECTION 4.12. Section 55.15, Family Code, is amended to
17 read as follows:

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

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

27 (2) the administrator of a mental health facility

1 shall notify, in writing, by certified mail, return receipt
2 requested, the juvenile court that ordered mental health services
3 or the juvenile court that referred the case to a court that ordered
4 the mental health services of the intent to discharge the child at
5 least 10 days prior to discharge.

6 SECTION 4.13. Section 55.18, Family Code, is amended to
7 read as follows:

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

12 (1) dismiss the juvenile court proceedings with
13 prejudice; or

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

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

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

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

22 (a) The juvenile court shall transfer all pending
23 proceedings from the juvenile court to a criminal court on the 19th
24 [~~18th~~] birthday of a child for whom the juvenile court or a court to
25 which the child's case is referred under Section 55.12(2) has
26 ordered inpatient mental health services if:

27 (1) the child is not discharged or furloughed from the

1 inpatient mental health facility before reaching 19 [~~18~~] years of
2 age; and

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

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

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

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

13 (2) the child:

14 (A) is not:

15 (i) ordered by a court to receive inpatient
16 mental health services;

17 (ii) committed by a court to a residential
18 care facility; or

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

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

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

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

1 SECTION 4.18. Section 55.44(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 has ordered inpatient mental
7 health services or residential care for persons with an
8 intellectual disability if:

9 (1) the child is not discharged or currently on
10 furlough from the facility before reaching 19 [~~18~~] years of 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 4.19. Section 58.0052(a)(3), Family Code, is
16 amended to read as follows:

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

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

19 (B) has received services from two or more
20 juvenile service providers.

21 SECTION 4.20. Section 58.253(b), Family Code, is amended to
22 read as follows:

23 (b) A person who was referred to a juvenile probation
24 department for delinquent conduct is entitled to have all records
25 related to the person's juvenile matters, including records
26 relating to any matters involving conduct indicating a need for
27 supervision, sealed without applying to the juvenile court if the

1 person:

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

3 (2) has not been adjudicated as having engaged in
4 delinquent conduct or, if adjudicated for delinquent conduct, was
5 not adjudicated for delinquent conduct violating a penal law of the
6 grade of felony;

7 (3) does not have any pending delinquent conduct
8 matters;

9 (4) has not been transferred by a juvenile court to a
10 criminal court for prosecution under Section [54.02](#);

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

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

15 SECTION 4.21. Section [58.255](#)(a), Family Code, is amended to
16 read as follows:

17 (a) A person who was referred to a juvenile probation
18 department for conduct indicating a need for supervision is
19 entitled to have all records related to all conduct indicating a
20 need for supervision matters sealed without applying to the
21 juvenile court if the person:

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

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

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

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

1 SECTION 4.22. Section 58.256(c), Family Code, is amended to
2 read as follows:

3 (c) Except as provided by Subsection (d), the juvenile court
4 may order the sealing of records related to all matters for which
5 the person was referred to the juvenile probation department if the
6 person:

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

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

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

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

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

18 SECTION 4.23. Section 58.264(b), Family Code, is amended to
19 read as follows:

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

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

23 (A) the most serious conduct for which the person
24 was referred was conduct indicating a need for supervision, whether
25 or not the person was adjudicated; or

26 (B) the referral or information did not relate to
27 conduct indicating a need for supervision or delinquent conduct and

1 the juvenile probation department, prosecutor, or juvenile court
2 did not take action on the referral or information for that reason;

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

4 (A) the most serious conduct for which the person
5 was adjudicated was delinquent conduct that violated a penal law of
6 the grade of misdemeanor; or

7 (B) the most serious conduct for which the person
8 was referred was delinquent conduct and the person was not
9 adjudicated as having engaged in the conduct; or

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

13 SECTION 4.24. Section 59.005(b), Family Code, is amended to
14 read as follows:

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

19 SECTION 4.25. Section 59.006(b), Family Code, is amended to
20 read as follows:

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

25 SECTION 4.26. Section 59.007(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 4.27. Section 59.008(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 4.28. Section 59.009(c), Family Code, is amended to
11 read as follows:

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

17 SECTION 4.29. Section 61.051(c), Family Code, is amended to
18 read as follows:

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

22 SECTION 4.30. Section 614.019(b), Health and Safety Code,
23 is amended to read as follows:

24 (b) A child with mental illness who is receiving continuity
25 of care services during parole from the Texas Juvenile Justice
26 Department and who is no longer eligible to receive services from a
27 local mental health authority when the child becomes 18 [~~17~~] years

1 of age because the child does not meet the requirements of a local
2 service area plan under Section 533.0352(a) may continue to receive
3 continuity of care services from the office until the child
4 completes the child's parole.

5 SECTION 4.31. Section 63.001(1), Human Resources Code, is
6 amended to read as follows:

7 (1) "Juvenile" means a person from the age of 10 to 19
8 [~~18~~] years who:

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

11 (B) is under the jurisdiction of the juvenile
12 court [~~of competent jurisdiction~~].

13 SECTION 4.32. Section 152.0015, Human Resources Code, is
14 amended to read as follows:

15 Sec. 152.0015. PRETRIAL DETENTION POLICY FOR CERTAIN
16 JUVENILES. A juvenile board shall establish a policy that
17 specifies whether a person who has been transferred for criminal
18 prosecution under Section 54.02, Family Code, and is younger than
19 18 [~~17~~] years of age may be detained in a juvenile facility pending
20 trial as provided by Section 51.12, Family Code.

21 SECTION 4.33. Section 201.001(a)(2), Human Resources Code,
22 is amended to read as follows:

23 (2) "Child" means an individual[~~+~~

24 [~~(A)~~] 10 years of age or older and younger than 20
25 [~~18~~] years of age who is under the jurisdiction of a juvenile
26 court[~~, or~~

27 [~~(B) 10 years of age or older and younger than 19~~

1 ~~years of age who is committed to the department under Title 3,~~
2 ~~Family Code].~~

3 SECTION 4.34. Section 243.001(a), Human Resources Code, is
4 amended to read as follows:

5 (a) The department may not assign a child younger than 16
6 [~~15~~] years of age to the same correctional facility dormitory as a
7 person who is at least 18 [~~17~~] years of age unless the department
8 determines that the placement is necessary to ensure the safety of
9 children in the custody of the department. This subsection does not
10 apply to a dormitory that is used exclusively for short-term
11 assessment and orientation purposes.

12 SECTION 4.35. Section 243.051(b), Human Resources Code, is
13 amended to read as follows:

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

19 SECTION 4.36. Section 244.014(a), Human Resources Code, is
20 amended to read as follows:

21 (a) After a child sentenced to commitment under Section
22 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 17 [~~16~~]
23 years of age but before the child becomes 20 [~~19~~] years of age, the
24 department may refer the child to the juvenile court that entered
25 the order of commitment for approval of the child's transfer to the
26 Texas Department of Criminal Justice for confinement if:

27 (1) the child has not completed the sentence; and

1 (2) the child's conduct, regardless of whether the
2 child was released under supervision under Section 245.051,
3 indicates that the welfare of the community requires the transfer.

4 SECTION 4.37. Section 244.015, Human Resources Code, is
5 amended to read as follows:

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

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

19 SECTION 4.38. Section 245.053(i), Human Resources Code, is
20 amended to read as follows:

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

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

2 SECTION 4.39. Sections 245.151(d) and (e), Human Resources
3 Code, are amended to read as follows:

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

7 (e) The department shall transfer a person who has been
8 sentenced under a determinate sentence to commitment under Section
9 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, or who has been
10 returned to the department under Section 54.11(i)(1), Family Code,
11 to the custody of the Texas Department of Criminal Justice on the
12 person's 20th [~~19th~~] birthday, if the person has not already been
13 discharged or transferred, to serve the remainder of the person's
14 sentence on parole as provided by Section 508.156, Government Code.

15 SECTION 4.40. (a) Except as provided by Subsection (b) of
16 this section, the changes in law made by this article apply only to
17 procedures relating to conduct that occurs on or after September 1,
18 2019. Procedures relating to conduct that occurred before
19 September 1, 2019, are governed by the law in effect on the date the
20 conduct occurred, and the former law is continued in effect for that
21 purpose.

22 (b) The change in law made by this article to Section
23 58.0052, Family Code, applies to the sharing of information on or
24 after September 1, 2019, without regard to whether the information
25 was compiled before, on, or after that date.

26 (c) For purposes of this section, conduct occurred before
27 September 1, 2019, if any element of the conduct occurred before

1 that date.

2 ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL
3 RESPONSIBILITY

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

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

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

15 (B) information relating to a traffic offense.

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

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

27 SECTION 5.03. Section 79.001(10), Government Code, is

1 amended to read as follows:

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

4 (A) a misdemeanor punishable by confinement; or

5 (B) a felony.

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

8 (a) The commission shall:

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

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

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

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

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

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

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

27 (8) require that the sheriff and commissioners of each

1 county submit to the commission, on a form prescribed by the
2 commission, an annual report on the conditions in each county jail
3 within their jurisdiction, including all information necessary to
4 determine compliance with state law, commission orders, and the
5 rules adopted under this chapter;

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

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

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

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

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

26 (14) require that the sheriff and commissioners court
27 of each county submit to the commission, on a form prescribed by the

1 commission, an annual report of persons under 18 [~~17~~] years of age
2 securely detained in the county jail, including all information
3 necessary to determine compliance with state law concerning secure
4 confinement of children in county jails;

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

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

11 (A) common issues concerning jail
12 administration;

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

16 (C) solutions to operational challenges for
17 jails;

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

21 (18) adopt reasonable rules and procedures
22 establishing minimum requirements for jails to:

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

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

1 be pregnant;

2 (19) provide guidelines to sheriffs regarding
3 contracts between a sheriff and another entity for the provision of
4 food services to or the operation of a commissary in a jail under
5 the commission's jurisdiction, including specific provisions
6 regarding conflicts of interest and avoiding the appearance of
7 impropriety;

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

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

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

18 (B) use the data described by Paragraph (A) to
19 assist prisoners who are veterans in applying for federal benefits
20 or compensation for which the prisoners may be eligible under a
21 program administered by the United States Department of Veterans
22 Affairs;

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

26 (A) allow visitation by a guardian to the same
27 extent as the prisoner's next of kin, including placing the

1 guardian on the prisoner's approved visitors list on the guardian's
2 request and providing the guardian access to the prisoner during a
3 facility's standard visitation hours if the prisoner is otherwise
4 eligible to receive visitors; and

5 (B) require the guardian to provide the sheriff
6 with letters of guardianship issued as provided by Section
7 [1106.001](#), Estates Code, before being allowed to visit the prisoner;
8 and

9 (23) adopt reasonable rules and procedures to ensure
10 the safety of prisoners, including rules and procedures that
11 require a county jail to:

12 (A) give prisoners the ability to access a mental
13 health professional at the jail through a telemental health service
14 24 hours a day;

15 (B) give prisoners the ability to access a health
16 professional at the jail or through a telehealth service 24 hours a
17 day or, if a health professional is unavailable at the jail or
18 through a telehealth service, provide for a prisoner to be
19 transported to access a health professional; and

20 (C) if funding is available under Section
21 [511.019](#), install automated electronic sensors or cameras to ensure
22 accurate and timely in-person checks of cells or groups of cells
23 confining at-risk individuals.

24 SECTION 5.05. 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 5.06. 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, 2019. An offense committed or conduct that occurred
13 before September 1, 2019, 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, 2019, if any element of the offense or conduct occurred
18 before that date.

19 ARTICLE 6. EFFECTIVE DATE

20 SECTION 6.01. This Act takes effect September 1, 2019.