

1-1 By: Whitmire S.B. No. 1698
1-2 (In the Senate - Filed March 6, 2019; March 14, 2019, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 23, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 23, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Buckingham	X		
1-12	Flores	X		
1-13	Hughes		X	
1-14	Miles	X		
1-15	Perry	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1698 By: Perry

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

1-19 relating to the eligibility of certain juvenile offenders to be
1-20 transferred to criminal court.

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

1-22 SECTION 1. Sections 54.02(a) and (j), Family Code, are
1-23 amended to read as follows:

1-24 (a) The juvenile court may waive its exclusive original
1-25 jurisdiction and transfer a child to the appropriate district court
1-26 or criminal district court for criminal proceedings if:

1-27 (1) the child is alleged to have violated a penal law
1-28 of the grade of felony;

1-29 (2) the child was:

1-30 (A) 14 years of age or older at the time the child
1-31 ~~[he]~~ is alleged to have committed the offense, if the offense is a
1-32 capital felony, an aggravated controlled substance felony, or a
1-33 felony of the first degree, and no adjudication hearing has been
1-34 conducted concerning that offense; or

1-35 (B) 15 years of age or older at the time the child
1-36 is alleged to have committed the offense, if the offense is a felony
1-37 of the second or third degree ~~[or a state jail felony]~~, and no
1-38 adjudication hearing has been conducted concerning that offense;
1-39 and

1-40 (3) after a full investigation and a hearing, the
1-41 juvenile court determines that there is probable cause to believe
1-42 that the child before the court committed the offense alleged and
1-43 that because of the seriousness of the offense alleged or the
1-44 background of the child the welfare of the community requires
1-45 criminal proceedings.

1-46 (j) The juvenile court may waive its exclusive original
1-47 jurisdiction and transfer a person to the appropriate district
1-48 court or criminal district court for criminal proceedings if:

1-49 (1) the person is 18 years of age or older;

1-50 (2) the person was:

1-51 (A) 10 years of age or older and under 17 years of
1-52 age at the time the person is alleged to have committed a capital
1-53 felony or an offense under Section 19.02, Penal Code;

1-54 (B) 14 years of age or older and under 17 years of
1-55 age at the time the person is alleged to have committed an
1-56 aggravated controlled substance felony or a felony of the first
1-57 degree other than an offense under Section 19.02, Penal Code; or

1-58 (C) 15 years of age or older and under 17 years of
1-59 age at the time the person is alleged to have committed a felony of
1-60 the second or third degree ~~[or a state jail felony]~~;

2-1 (3) no adjudication concerning the alleged offense has
2-2 been made or no adjudication hearing concerning the offense has
2-3 been conducted;

2-4 (4) the juvenile court finds from a preponderance of
2-5 the evidence that:

2-6 (A) for a reason beyond the control of the state
2-7 it was not practicable to proceed in juvenile court before the 18th
2-8 birthday of the person; or

2-9 (B) after due diligence of the state it was not
2-10 practicable to proceed in juvenile court before the 18th birthday
2-11 of the person because:

2-12 (i) the state did not have probable cause to
2-13 proceed in juvenile court and new evidence has been found since the
2-14 18th birthday of the person;

2-15 (ii) the person could not be found; or

2-16 (iii) a previous transfer order was
2-17 reversed by an appellate court or set aside by a district court; and

2-18 (5) the juvenile court determines that there is
2-19 probable cause to believe that the child before the court committed
2-20 the offense alleged.

2-21 SECTION 2. This Act applies only to conduct that occurs on
2-22 or after the effective date of this Act. Conduct that occurs before
2-23 the effective date of this Act is governed by the law in effect on
2-24 the date the conduct occurred, and the former law is continued in
2-25 effect for that purpose. For the purposes of this section, conduct
2-26 occurred before the effective date of this Act if any element of the
2-27 conduct occurred before that date.

2-28 SECTION 3. This Act takes effect September 1, 2019.

2-29 * * * * *