87R1617 JCG-F

By:  Bell of Montgomery H.B. No. 1062

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain 17-year-old persons to serve as members of the Texas State Guard.

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

SECTION 1.  Section 437.302, Government Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b)  To serve in the Texas State Guard, a person:

(1)  must be a resident of this state for at least 180 days;

(2)  must be a citizen of the United States or a person who has been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.);

(3)  subject to Subsections [~~Subsection~~] (c) and (d), must be at least 17 [~~18~~] years of age and not older than 70 years of age;

(4)  must undergo a criminal history check;

(5)  must not be a registered sex offender; and

(6)  must be acceptable to and approved by the governor or adjutant general under the governor's direction.

(d)  A person who is at least 17 years of age but younger than 18 years of age may serve in the Texas State Guard if the person:

(1)  is emancipated by marriage, court order, or other operation of law; or

(2)  provides to the adjutant general, in a form and manner prescribed by the adjutant general, the written consent of:

(A)  each of the person's parents or legal guardians, other than a parent or legal guardian who is:

(i)  deceased;

(ii)  determined by a court to be incapacitated;

(iii)  absent at an unknown location for an indefinite period; or

(iv)  confined in jail or prison serving a term of punishment that will result in the parent or guardian being released after the person's 18th birthday; or

(B)  for a person who is in the managing conservatorship of the Department of Family and Protective Services or another legal entity, a representative of the department or other legal entity.

SECTION 2.  This Act takes effect September 1, 2021.