

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

1 operation of law; or

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

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

6 (i) deceased;

7 (ii) determined by a court to be
8 incapacitated;

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

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

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 1062 was passed by the House on April 23, 2021, by the following vote: Yeas 146, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1062 was passed by the Senate on May 21, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor