

By: White

H.B. No. 1783

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the age of a child at which a juvenile court may  
3 exercise jurisdiction over the child and to the minimum age of  
4 criminal responsibility.

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

6 SECTION 1. Article 45.058(h), Code of Criminal Procedure,  
7 is amended to read as follows:

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

9 (1) at least 13 [~~10~~] years of age and younger than 17  
10 years of age; and

11 (2) charged with or convicted of an offense that a  
12 justice or municipal court has jurisdiction of under Article 4.11  
13 or 4.14.

14 SECTION 2. Section 37.141(1), Education Code, is amended to  
15 read as follows:

16 (1) "Child" means a person who is:

17 (A) a student; and

18 (B) at least 13 [~~10~~] years of age and younger than  
19 18 years of age.

20 SECTION 3. Section 51.02(2), Family Code, is amended to  
21 read as follows:

22 (2) "Child" means a person who is:

23 (A) 13 [~~ten~~] years of age or older and under 17  
24 years of age; or

1 (B) 17 [~~seventeen~~] years of age or older and  
2 under 19 [~~18~~] years of age who is:

3 (i) alleged or found to have engaged in  
4 delinquent conduct or conduct indicating a need for supervision as  
5 a result of acts committed before becoming 17 years of age; and

6 (ii) under the jurisdiction of a juvenile  
7 court.

8 SECTION 4. 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 18 years of age or older;

14 (2) the person was:

15 (A) 13 [~~10~~] years of age or older and under 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 17 years of  
19 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 17 years of  
23 age at the time the person is alleged to have committed a felony of  
24 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 18th  
5 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 18th birthday  
8 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 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 5. Section 63.001(1), Human Resources Code, is  
19 amended to read as follows:

20           (1) "Juvenile" means a person from the age of 13 [~~10~~]  
21 to 18 years who has been found to have engaged in delinquent conduct  
22 by a court of competent jurisdiction.

23           SECTION 6. Section 201.001(a)(2), Human Resources Code, is  
24 amended to read as follows:

25           (2) "Child" means an individual 13[~~+~~

26                           [~~(A)~~—10] years of age or older and younger than 19  
27 [~~18~~] years of age who is under the jurisdiction of a juvenile

1 court [~~or~~

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

5 SECTION 7. Sections 8.07(d) and (e), Penal Code, are  
6 amended to read as follows:

7 (d) Notwithstanding Subsection (a), a person may not be  
8 prosecuted for or convicted of an offense described by Subsection  
9 (a)(4) or (5) that the person committed when younger than 13 [~~10~~]  
10 years of age.

11 (e) A person who is at least 13 [~~10~~] years of age but younger  
12 than 15 years of age is presumed incapable of committing an offense  
13 described by Subsection (a)(4) or (5), other than an offense under a  
14 juvenile curfew ordinance or order. This presumption may be  
15 refuted if the prosecution proves to the court by a preponderance of  
16 the evidence that the actor had sufficient capacity to understand  
17 that the conduct engaged in was wrong at the time the conduct was  
18 engaged in. The prosecution is not required to prove that the actor  
19 at the time of engaging in the conduct knew that the act was a  
20 criminal offense or knew the legal consequences of the offense.

21 SECTION 8. The changes in law made by this Act apply only to  
22 an offense committed or conduct that occurs on or after the  
23 effective date of this Act. An offense committed or conduct that  
24 occurred before that date is governed by the law in effect on the  
25 date the offense was committed or the conduct occurred, and the  
26 former law is continued in effect for that purpose. For purposes of  
27 this section, an offense was committed or conduct occurred before

H.B. No. 1783

1 the effective date of this Act if any element of the offense or  
2 conduct occurred before that date.

3 SECTION 9. This Act takes effect September 1, 2021.