

By: Allen

H.B. No. 4371

A BILL TO BE ENTITLED

AN ACT

relating to juvenile justice reform, including the age of a child at which a juvenile court may exercise jurisdiction over the child and the age of criminal responsibility.

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

ARTICLE 1. AGE OF CRIMINAL RESPONSIBILITY

SECTION 1.01. Section 37.141(1), Education Code, is amended to read as follows:

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

(A) a student; and

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

SECTION 1.02. Section 51.02(2), Family Code, is amended to read as follows:

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

(A) 13 [~~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.

1 SECTION 1.03. Sections 8.07(b), (d), and (e), Penal Code,
2 are amended to read as follows:

3 (b) Unless the juvenile court waives jurisdiction under
4 Section 54.02, Family Code, and certifies the individual for
5 criminal prosecution or the juvenile court has previously waived
6 jurisdiction under that section and certified the individual for
7 criminal prosecution, a person may not be prosecuted for or
8 convicted of any offense committed before reaching 18 [~~17~~] years of
9 age except an offense described by Subsections (a)(1)-(5).

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

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

24 SECTION 1.04. The changes in law made by this article apply
25 only to an offense committed or conduct that occurs on or after
26 September 1, 2021. An offense committed or conduct that occurred
27 before September 1, 2021, is governed by the law in effect on the

1 date the offense was committed or the conduct occurred, and the
2 former law is continued in effect for that purpose. For purposes of
3 this section, an offense was committed or conduct occurred before
4 September 1, 2021, if any element of the offense or conduct occurred
5 before that date.

6 ARTICLE 2. OFFENSES WITH AGE AS AN ELEMENT

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

9 (e) An offense under this section is one category lower than
10 the solicited offense, except that an offense under this section is
11 the same category as the solicited offense if it is shown on the
12 trial of the offense that the actor:

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

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

17 (A) further the criminal activities of the
18 criminal street gang; or

19 (B) avoid detection as a member of a criminal
20 street gang.

21 SECTION 2.02. Section 21.02(b), Penal Code, is amended to
22 read as follows:

23 (b) A person commits an offense if:

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

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

6 SECTION 2.03. Section 33.021(b), Penal Code, is amended to
7 read as follows:

8 (b) A person who is 18 [~~17~~] years of age or older commits an
9 offense if, with the intent to commit an offense listed in Article
10 62.001(5)(A), (B), or (K), Code of Criminal Procedure, the person,
11 over the Internet, by electronic mail or text message or other
12 electronic message service or system, or through a commercial
13 online service, intentionally:

14 (1) communicates in a sexually explicit manner with a
15 minor; or

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

17 SECTION 2.04. Section 71.028(c), Penal Code, is amended to
18 read as follows:

19 (c) Except as provided by Subsection (d), the punishment
20 prescribed for an offense described by Subsection (b) is increased
21 to the punishment prescribed for the next highest category of
22 offense if the actor is 18 [~~17~~] years of age or older and it is shown
23 beyond a reasonable doubt on the trial of the offense that the actor
24 committed the offense at a location that was:

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

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

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

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

5 (D) playground;

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

7 (A) shopping mall;

8 (B) movie theater;

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

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

11 (3) on a school bus.

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

14 (b) A person under 18 [~~17~~] years of age who holds a
15 restricted motorcycle license may not operate a motorcycle while
16 using a wireless communication device, except in case of emergency.
17 This subsection does not apply to a person licensed by the Federal
18 Communications Commission while operating a radio frequency device
19 other than a wireless communication device.

20 (b-1) A person under 18 [~~17~~] years of age who holds a
21 restricted motorcycle license, during the 12-month period
22 following the issuance of an original motorcycle license to the
23 person, may not operate a motorcycle after midnight and before 5
24 a.m. unless:

25 (1) the person is in sight of the person's parent or
26 guardian; or

27 (2) the operation of the vehicle is necessary for the

1 operator to attend or participate in employment or a school-related
2 activity or because of a medical emergency.

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

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

9 (1) Chapter 502, other than Section [~~502.282 or~~]
10 502.412;

11 (2) Chapter 521, other than an offense under Section
12 521.457;

13 (3) Subtitle C, other than an offense punishable by
14 imprisonment or by confinement in jail under Section 550.021,
15 550.022, 550.024, or 550.025;

16 (4) Chapter 601;

17 (5) Chapter 621;

18 (6) Chapter 661; and

19 (7) Chapter 681.

20 SECTION 2.07. Section 729.002, Transportation Code, is
21 amended to read as follows:

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

26 (1) public road or highway;

27 (2) street or alley in a municipality; or

1 (3) public beach as defined by Section 729.001.

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

7 SECTION 2.08. The changes in law made by this article apply
8 only to an offense committed on or after September 1, 2021. An
9 offense committed before September 1, 2021, is governed by the law
10 in effect on the date the offense was committed, and the former law
11 is continued in effect for that purpose. For purposes of this
12 section, an offense was committed before September 1, 2021, if any
13 element of the offense occurred before that date.

14 ARTICLE 3. CRIMINAL PROCEDURES

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

17 Art. 4.19. TRANSFER OF PERSON CERTIFIED TO STAND TRIAL AS AN
18 ADULT. (a) Notwithstanding the order of a juvenile court to detain
19 a person under the age of 18 [~~17~~] who has been certified to stand
20 trial as an adult in a certified juvenile detention facility under
21 Section 54.02(h), Family Code, the judge of the criminal court
22 having jurisdiction over the person may order the person to be
23 transferred to an adult facility. A child who is transferred to an
24 adult facility must be detained under conditions meeting the
25 requirements of Section 51.12, Family Code.

26 (b) On the 18th [~~17th~~] birthday of a person described by
27 Subsection (a) who is detained in a certified juvenile detention

1 facility under Section 54.02(h), Family Code, the judge of the
2 criminal court having jurisdiction over the person shall order the
3 person to be transferred to an adult facility.

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

6 (a) This article applies to a defendant who has not had the
7 disabilities of minority removed and ~~[has been-~~

8 ~~[(1) charged with an offense other than an offense~~
9 ~~under Section 43.261, Penal Code, if the defendant is younger than~~
10 ~~17 years of age; or~~

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

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

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

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

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

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

25 (1) the complaint was dismissed under Article 45.051
26 or 45.052 or other law; or

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

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

3 (b) A capias pro fine may not be issued for an individual
4 convicted for an offense committed before the individual's 18th
5 [~~17th~~] birthday unless:

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

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

9 (A) the sophistication and maturity of the
10 individual;

11 (B) the criminal record and history of the
12 individual; and

13 (C) the reasonable likelihood of bringing about
14 the discharge of the judgment through the use of procedures and
15 services currently available to the court; and

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

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

21 (a) This article applies only to a defendant younger than 18
22 [~~17~~] years of age who is assessed a fine or costs for a Class C
23 misdemeanor occurring in a building or on the grounds of the primary
24 or secondary school at which the defendant was enrolled at the time
25 of the offense.

26 SECTION 3.06. Article 45.0492(a), Code of Criminal
27 Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd

1 Legislature, Regular Session, 2011, is amended to read as follows:

2 (a) This article applies only to a defendant younger than 18
3 [~~17~~] years of age who is assessed a fine or costs for a Class C
4 misdemeanor.

5 SECTION 3.07. Articles 45.050(d), (e), and (g), Code of
6 Criminal Procedure, are amended to read as follows:

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

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

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

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

15 (e) A justice or municipal court may hold a person in
16 contempt and impose a remedy authorized by Subsection (c)(2) if the
17 person, while younger than 18 [~~17~~] years of age, engaged in conduct
18 in contempt of an order issued by the justice or municipal court,
19 but contempt proceedings could not be held before the person's 18th
20 [~~17th~~] birthday.

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

24 SECTION 3.08. Article 45.057(h), Code of Criminal
25 Procedure, is amended to read as follows:

26 (h) A child and parent required to appear before the court
27 have an obligation to provide the court in writing with the current

1 address and residence of the child. The obligation does not end
2 when the child reaches age 18 [~~17~~]. On or before the seventh day
3 after the date the child or parent changes residence, the child or
4 parent shall notify the court of the current address in the manner
5 directed by the court. A violation of this subsection may result in
6 arrest and is a Class C misdemeanor. The obligation to provide
7 notice terminates on discharge and satisfaction of the judgment or
8 final disposition not requiring a finding of guilt.

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

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

12 (1) at least 13 [~~10~~] years of age and younger than 18
13 [~~17~~] years of age; and

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

17 SECTION 3.10. Article [45.059](#)(a), Code of Criminal
18 Procedure, is amended to read as follows:

19 (a) A peace officer taking into custody a person younger
20 than 18 [~~17~~] years of age for violation of a juvenile curfew
21 ordinance of a municipality or order of the commissioners court of a
22 county shall, without unnecessary delay:

23 (1) release the person to the person's parent,
24 guardian, or custodian;

25 (2) take the person before a justice or municipal
26 court to answer the charge; or

27 (3) take the person to a place designated as a juvenile

1 curfew processing office by the head of the law enforcement agency
2 having custody of the person.

3 SECTION 3.11. Articles 45.060(a), (b), and (e), Code of
4 Criminal Procedure, are amended to read as follows:

5 (a) Except as provided by Articles 45.058 and 45.059, an
6 individual may not be taken into secured custody for offenses
7 alleged to have occurred before the individual's 18th [~~17th~~]
8 birthday.

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

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

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

27 SECTION 3.12. Article 62.001(6), Code of Criminal

1 Procedure, is amended to read as follows:

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

5 (A) an offense under Section 21.02 (Continuous
6 sexual abuse of young child or children), 21.11(a)(1) (Indecency
7 with a child), 22.011 (Sexual assault), or 22.021 (Aggravated
8 sexual assault), Penal Code;

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

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

14 (D) an offense under Section 30.02 (Burglary),
15 Penal Code, if the offense is punishable under Subsection (d) of
16 that section and the defendant committed the offense with intent to
17 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
18 or

19 (E) an offense under the laws of another state,
20 federal law, the laws of a foreign country, or the Uniform Code of
21 Military Justice if the offense contains elements that are
22 substantially similar to the elements of an offense listed under
23 Paragraph (A), (B), (C), or (D).

24 SECTION 3.13. Article 62.351(a), Code of Criminal
25 Procedure, is amended to read as follows:

26 (a) During or after disposition of a case under Section
27 54.04, Family Code, for adjudication of an offense for which

1 registration is required under this chapter, the juvenile court on
2 motion of the respondent shall conduct a hearing to determine
3 whether the interests of the public require registration under this
4 chapter. The motion may be filed and the hearing held regardless of
5 whether the respondent is under 19 [~~18~~] years of age. Notice of the
6 motion and hearing shall be provided to the prosecuting attorney.

7 SECTION 3.14. Article 62.352(c), Code of Criminal
8 Procedure, is amended to read as follows:

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

24 SECTION 3.15. Article 62.353(b), Code of Criminal
25 Procedure, is amended to read as follows:

26 (b) The person may file a motion under Subsection (a) in the
27 original juvenile case regardless of whether the person, at the

1 time of filing the motion, is 19 [~~18~~] years of age or older. Notice
2 of the motion shall be provided to the prosecuting attorney. A
3 hearing on the motion shall be provided as in other cases under this
4 subchapter.

5 SECTION 3.16. Section [37.085](#), Education Code, is amended to
6 read as follows:

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

12 SECTION 3.17. Section [153.0071\(e-1\)](#), Family Code, is
13 amended to read as follows:

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

17 (1) that:

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

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

27 (i) reside in the same household as the

1 child; or

2 (ii) otherwise have unsupervised access to
3 the child; and

4 (2) that the agreement is not in the child's best
5 interest.

6 SECTION 3.18. Section 521.453(i), Transportation Code, is
7 amended to read as follows:

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

13 SECTION 3.19. (a) Except as provided by Subsection (b) of
14 this section, the changes in law made by this article apply only to
15 an offense committed on or after September 1, 2021. An offense
16 committed before September 1, 2021, is governed by the law in effect
17 on the date the offense was committed, and the former law is
18 continued in effect for that purpose.

19 (b) Articles 45.0216(b) and (h), Code of Criminal
20 Procedure, as amended by this article, apply only to the expunction
21 of certain records related to an offense committed on or after
22 September 1, 2021. The expunction of certain records related to an
23 offense committed before September 1, 2021, is governed by the law
24 in effect on the date the offense was committed, and the former law
25 is continued in effect for that purpose.

26 (c) For purposes of this section, an offense was committed
27 before September 1, 2021, if any element of the offense occurred

1 before that date.

2 ARTICLE 4. JUVENILE COURT PROCEDURES

3 SECTION 4.01. Section 51.041, Family Code, is amended to
4 read as follows:

5 Sec. 51.041. JURISDICTION AFTER APPEAL. (a) The court
6 retains jurisdiction over a person, without regard to the age of the
7 person, for conduct engaged in by the person before becoming 18 [~~17~~]
8 years of age if, as a result of an appeal by the person or the state
9 under Chapter 56 of an order of the court, the order is reversed or
10 modified and the case remanded to the court by the appellate court.

11 (b) If the respondent is at least 18 years of age when the
12 order of remand from the appellate court is received by the juvenile
13 court, the juvenile court shall proceed as provided by Sections
14 54.02(o)-(r) for the detention of a person at least 19 [~~18~~] years of
15 age in discretionary transfer proceedings. Pending retrial of the
16 adjudication or transfer proceeding, the juvenile court may:

- 17 (1) order the respondent released from custody;
18 (2) order the respondent detained in a juvenile
19 detention facility; or
20 (3) set bond and order the respondent detained in a
21 county adult facility if bond is not made.

22 SECTION 4.02. Section 51.0412, Family Code, is amended to
23 read as follows:

24 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.
25 The court retains jurisdiction over a person, without regard to the
26 age of the person, who is a respondent in an adjudication
27 proceeding, a disposition proceeding, a proceeding to modify

1 disposition, a proceeding for waiver of jurisdiction and transfer
2 to criminal court under Section 54.02(a), or a motion for transfer
3 of determinate sentence probation to an appropriate district court
4 if:

5 (1) the petition or motion was filed while the
6 respondent was younger than 19 or 20 [~~18 or 19~~] years of age, as
7 applicable;

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

11 (3) the court enters a finding in the proceeding that
12 the prosecuting attorney exercised due diligence in an attempt to
13 complete the proceeding before the respondent became 19 or 20 [~~18 or~~
14 ~~19~~] years of age, as applicable.

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

17 (f) A child detained in a building that contains a jail,
18 lockup, or other place of secure confinement, including an alcohol
19 or other drug treatment facility, shall be separated by sight and
20 sound from adults detained in the same building. Children and
21 adults are separated by sight and sound only if they are unable to
22 see each other and conversation between them is not possible. The
23 separation must extend to all areas of the facility, including
24 sally ports and passageways, and those areas used for admission,
25 counseling, sleeping, toileting, showering, dining, recreational,
26 educational, or vocational activities, and health care. The
27 separation may be accomplished through architectural design. A

1 person who has been transferred for prosecution in criminal court
2 under Section 54.02 and is under 18 [~~17~~] years of age is considered
3 a child for the purposes of this subsection.

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

5 (1) who has been transferred to criminal court for
6 prosecution under Section 54.02 and is at least 18 [~~17~~] years of
7 age; or

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

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

12 (B) violated a condition of release under
13 supervision of the department.

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

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

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

20 (2) the person was:

21 (A) 13 [~~10~~] years of age or older and under 18
22 [~~17~~] years of age at the time the person is alleged to have
23 committed a capital felony or an offense under Section 19.02, Penal
24 Code;

25 (B) 14 years of age or older and under 18 [~~17~~]
26 years of age at the time the person is alleged to have committed an
27 aggravated controlled substance felony or a felony of the first

1 degree other than an offense under Section 19.02, Penal Code; or

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

5 (3) no adjudication concerning the alleged offense has
6 been made or no adjudication hearing concerning the offense has
7 been conducted;

8 (4) the juvenile court finds from a preponderance of
9 the evidence that:

10 (A) for a reason beyond the control of the state
11 it was not practicable to proceed in juvenile court before the 19th
12 [~~18th~~] birthday of the person; or

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

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

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

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

22 (5) the juvenile court determines that there is
23 probable cause to believe that the child before the court committed
24 the offense alleged.

25 SECTION 4.05. Section 54.0326(b), Family Code, is amended
26 to read as follows:

27 (b) A juvenile court may defer adjudication proceedings

1 under Section 54.03 until the child's 19th [~~18th~~] birthday and
2 require a child to participate in a program established under
3 Section 152.0017, Human Resources Code, if the child:

4 (1) is alleged to have engaged in delinquent conduct
5 or conduct indicating a need for supervision and may be a victim of
6 conduct that constitutes an offense under Section 20A.02, Penal
7 Code; and

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

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

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

16 (l) Except as provided by Subsection (q), a court or jury
17 may place a child on probation under Subsection (d)(1) for any
18 period, except that probation may not continue on or after the
19 child's 19th [~~18th~~] birthday. Except as provided by Subsection
20 (q), the court may, before the period of probation ends, extend the
21 probation for any period, except that the probation may not extend
22 to or after the child's 19th [~~18th~~] birthday.

23 (q) If a court or jury sentences a child to commitment in the
24 Texas Juvenile Justice Department or a post-adjudication secure
25 correctional facility under Subsection (d)(3) for a term of not
26 more than 10 years, the court or jury may place the child on
27 probation under Subsection (d)(1) as an alternative to making the

1 disposition under Subsection (d)(3). The court shall prescribe the
2 period of probation ordered under this subsection for a term of not
3 more than 10 years. The court may, before the sentence of probation
4 expires, extend the probationary period under Section 54.05, except
5 that the sentence of probation and any extension may not exceed 10
6 years. The court may, before the child's 20th [~~19th~~] birthday,
7 discharge the child from the sentence of probation. If a sentence
8 of probation ordered under this subsection and any extension of
9 probation ordered under Section 54.05 will continue after the
10 child's 20th [~~19th~~] birthday, the court shall discharge the child
11 from the sentence of probation on the child's 20th [~~19th~~] birthday
12 unless the court transfers the child to an appropriate district
13 court under Section 54.051.

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

16 (i) A court that requires as a condition of probation that a
17 child attend psychological counseling under Subsection (a) may,
18 before the date the probation period ends, extend the probation for
19 any additional period necessary to complete the required counseling
20 as determined by the treatment provider, except that the probation
21 may not be extended to a date after the date of the child's 19th
22 [~~18th~~] birthday, or 20th [~~19th~~] birthday if the child is placed on
23 determinate sentence probation under Section 54.04(q).

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

26 (b) If a child is found to have engaged in delinquent
27 conduct or conduct indicating a need for supervision arising from

1 the commission of an offense in which property damage or loss or
2 personal injury occurred, the juvenile court, on notice to all
3 persons affected and on hearing, may order the child or a parent to
4 make full or partial restitution to the victim of the offense. The
5 program of restitution must promote the rehabilitation of the
6 child, be appropriate to the age and physical, emotional, and
7 mental abilities of the child, and not conflict with the child's
8 schooling. When practicable and subject to court supervision, the
9 court may approve a restitution program based on a settlement
10 between the child and the victim of the offense. An order under
11 this subsection may provide for periodic payments by the child or a
12 parent of the child for the period specified in the order but except
13 as provided by Subsection (h), that period may not extend past the
14 date of the 19th [~~18th~~] birthday of the child or past the date the
15 child is no longer enrolled in an accredited secondary school in a
16 program leading toward a high school diploma, whichever date is
17 later.

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

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

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

5 (1) the child reaches:

6 (A) the child's 19th [~~18th~~] birthday; or

7 (B) the child's 20th [~~19th~~] birthday, if the
8 child was placed on determinate sentence probation under Section
9 54.04(q); or

10 (2) the child is earlier discharged by the court or
11 operation of law.

12 (b) Except for a commitment to the Texas Juvenile Justice
13 Department or to a post-adjudication secure correctional facility
14 under former Section 54.04011 or a placement on determinate
15 sentence probation under Section 54.04(q), all dispositions
16 automatically terminate when the child reaches the child's 19th
17 [~~18th~~] birthday.

18 SECTION 4.10. Sections 54.051(a), (b), (c), (d), (e-2), and
19 (i), Family Code, are amended to read as follows:

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

27 (b) The hearing must be conducted before the person's 20th

1 ~~[19th] birthday[, or before the person's 18th birthday if the~~
2 ~~offense for which the person was placed on probation occurred~~
3 ~~before September 1, 2011,]~~ and must be conducted in the same manner
4 as a hearing to modify disposition under Section 54.05.

5 (c) If, after a hearing, the court determines to discharge
6 the child, the court shall specify a date on or before the child's
7 20th ~~[19th]~~ birthday to discharge the child from the sentence of
8 probation.

9 (d) If, after a hearing, the court determines to transfer
10 the child, the court shall transfer the child to an appropriate
11 district court on the child's 20th ~~[19th]~~ birthday.

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

23 (i) If the juvenile court exercises jurisdiction over a
24 person on or after the person's 19th or 20th birthday ~~[who is 18 or~~
25 ~~19 years of age or older]~~, as applicable, under Section 51.041 or
26 51.0412, the court or jury may, if the person is otherwise eligible,
27 place the person on probation under Section 54.04(q). The juvenile

1 court shall set the conditions of probation and immediately
2 transfer supervision of the person to the appropriate court
3 exercising criminal jurisdiction under Subsection (e).

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

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

13 SECTION 4.12. Section 55.15, Family Code, is amended to
14 read as follows:

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

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

24 (2) the administrator of a mental health facility
25 shall notify, in writing, by certified mail, return receipt
26 requested, the juvenile court that ordered mental health services
27 or the juvenile court that referred the case to a court that ordered

1 the mental health services of the intent to discharge the child at
2 least 10 days prior to discharge.

3 SECTION 4.13. Section 55.18, Family Code, is amended to
4 read as follows:

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

9 (1) dismiss the juvenile court proceedings with
10 prejudice; or

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

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

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

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

19 (a) The juvenile court shall transfer all pending
20 proceedings from the juvenile court to a criminal court on the 19th
21 [~~18th~~] birthday of a child for whom the juvenile court or a court to
22 which the child's case is referred under Section 55.12(2) has
23 ordered inpatient mental health services if:

24 (1) the child is not discharged or furloughed from the
25 inpatient mental health facility before reaching 19 [~~18~~] years of
26 age; and

27 (2) the child is alleged to have engaged in delinquent

1 conduct that included a violation of a penal law listed in Section
2 53.045 and no adjudication concerning the alleged conduct has been
3 made.

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

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

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

10 (2) the child:

11 (A) is not:

12 (i) ordered by a court to receive inpatient
13 mental health services;

14 (ii) committed by a court to a residential
15 care facility; or

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

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

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

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

25 SECTION 4.18. Section 55.44(a), Family Code, is amended to
26 read as follows:

27 (a) The juvenile court shall transfer all pending

1 proceedings from the juvenile court to a criminal court on the 19th
2 [~~18th~~] birthday of a child for whom the juvenile court or a court to
3 which the child's case is referred has ordered inpatient mental
4 health services or residential care for persons with an
5 intellectual disability if:

6 (1) the child is not discharged or currently on
7 furlough from the facility before reaching 19 [~~18~~] years of age; and

8 (2) the child is alleged to have engaged in delinquent
9 conduct that included a violation of a penal law listed in Section
10 53.045 and no adjudication concerning the alleged conduct has been
11 made.

12 SECTION 4.19. The heading to Section 56.03, Family Code, is
13 amended to read as follows:

14 Sec. 56.03. APPEAL BY STATE [~~IN CASES OF OFFENSES ELIGIBLE~~
15 ~~FOR DETERMINATE SENTENCE~~].

16 SECTION 4.20. Section 56.03(b), Family Code, is amended to
17 read as follows:

18 (b) The state is entitled to appeal an order of a court:

19 (1) (1) in a juvenile case in which the grand jury has
20 approved of the petition under Section 53.045 if the order:

21 (A) [~~(1)~~] dismisses a petition or any portion of
22 a petition;

23 (B) [~~(2)~~] arrests or modifies a judgment;

24 (C) [~~(3)~~] grants a new trial;

25 (D) [~~(4)~~] sustains a claim of former jeopardy; or

26 (E) [~~(5)~~] grants a motion to suppress evidence, a
27 confession, or an admission and if:

1 (i) [~~(A)~~] jeopardy has not attached in the
2 case;

3 (ii) [~~(B)~~] the prosecuting attorney
4 certifies to the trial court that the appeal is not taken for the
5 purpose of delay; and

6 (iii) [~~(C)~~] the evidence, confession, or
7 admission is of substantial importance in the case; or

8 (2) if the order denies the transfer of the child under
9 Section 54.02 to criminal court for prosecution as an adult.

10 SECTION 4.21. Section 58.0052(a)(3), Family Code, is
11 amended to read as follows:

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

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

14 (B) has received services from two or more
15 juvenile service providers.

16 SECTION 4.22. Section 58.253(b), Family Code, is amended to
17 read as follows:

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

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

25 (2) has not been adjudicated as having engaged in
26 delinquent conduct or, if adjudicated for delinquent conduct, was
27 not adjudicated for delinquent conduct violating a penal law of the

1 grade of felony;

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

4 (4) has not been transferred by a juvenile court to a
5 criminal court for prosecution under Section 54.02;

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

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

10 SECTION 4.23. Section 58.255(a), Family Code, is amended to
11 read as follows:

12 (a) A person who was referred to a juvenile court for
13 conduct indicating a need for supervision is entitled to have all
14 records related to all conduct indicating a need for supervision
15 matters sealed without applying to the juvenile court if the
16 person:

17 (1) has records relating to the conduct filed with the
18 court clerk;

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

20 (3) has not been referred to the juvenile probation
21 department for delinquent conduct;

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

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

25 SECTION 4.24. Section 58.256(c), Family Code, is amended to
26 read as follows:

27 (c) Except as provided by Subsection (d), the juvenile court

1 may order the sealing of records related to all matters for which
2 the person was referred to the juvenile probation department if the
3 person:

4 (1) is at least 18 [~~17~~] years of age, or is younger
5 than 18 [~~17~~] years of age and at least one year has elapsed after the
6 date of final discharge in each matter for which the person was
7 referred to the juvenile probation department;

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

10 (3) was not transferred by a juvenile court to a
11 criminal court for prosecution under Section [54.02](#);

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

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

15 SECTION 4.25. Section [58.264\(b\)](#), Family Code, is amended to
16 read as follows:

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

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

20 (A) the most serious conduct for which the person
21 was referred was conduct indicating a need for supervision, whether
22 or not the person was adjudicated; or

23 (B) the referral or information did not relate to
24 conduct indicating a need for supervision or delinquent conduct and
25 the juvenile probation department, prosecutor, or juvenile court
26 did not take action on the referral or information for that reason;

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

1 (A) the most serious conduct for which the person
2 was adjudicated was delinquent conduct that violated a penal law of
3 the grade of misdemeanor; or

4 (B) the most serious conduct for which the person
5 was referred was delinquent conduct and the person was not
6 adjudicated as having engaged in the conduct; or

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

10 SECTION 4.26. Section 59.005(b), Family Code, is amended to
11 read as follows:

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

16 SECTION 4.27. Section 59.006(b), Family Code, is amended to
17 read as follows:

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

22 SECTION 4.28. Section 59.007(b), Family Code, is amended to
23 read as follows:

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

1 SECTION 4.29. Section 59.008(b), Family Code, is amended to
2 read as follows:

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

7 SECTION 4.30. Section 59.009(c), Family Code, is amended to
8 read as follows:

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

14 SECTION 4.31. Section 61.051(c), Family Code, is amended to
15 read as follows:

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

19 SECTION 4.32. Section 614.019(b), Health and Safety Code,
20 is amended to read as follows:

21 (b) A child with mental illness who is receiving continuity
22 of care services during parole from the Texas Juvenile Justice
23 Department and who is no longer eligible to receive services from a
24 local mental health authority when the child becomes 18 [~~17~~] years
25 of age because the child does not meet the requirements of a local
26 service area plan under Section 533.0352(a) may continue to receive
27 continuity of care services from the office until the child

1 completes the child's parole.

2 SECTION 4.33. Section 63.001(1), Human Resources Code, is
3 amended to read as follows:

4 (1) "Juvenile" means a person from the age of 13 [~~10~~]
5 to 20 [~~18~~] years who:

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

8 (B) is under the jurisdiction of the juvenile
9 court [~~of competent jurisdiction~~].

10 SECTION 4.34. Section 152.0015, Human Resources Code, is
11 amended to read as follows:

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

18 SECTION 4.35. Section 201.001(a)(2), Human Resources Code,
19 is amended to read as follows:

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

21 [~~(A) 10~~] years of age or older and younger than 20
22 [~~18~~] years of age who is under the jurisdiction of a juvenile
23 court [~~, or~~

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

27 SECTION 4.36. Section 243.001(a), Human Resources Code, is

1 amended to read as follows:

2 (a) The department may not assign a child younger than 16
3 [~~15~~] years of age to the same correctional facility dormitory as a
4 person who is at least 18 [~~17~~] years of age unless the department
5 determines that the placement is necessary to ensure the safety of
6 children in the custody of the department. This subsection does not
7 apply to a dormitory that is used exclusively for short-term
8 assessment and orientation purposes.

9 SECTION 4.37. Section [243.051](#)(b), Human Resources Code, is
10 amended to read as follows:

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

16 SECTION 4.38. Section [244.014](#)(a), Human Resources Code, is
17 amended to read as follows:

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

- 24 (1) the child has not completed the sentence; and
25 (2) the child's conduct, regardless of whether the
26 child was released under supervision under Section [245.051](#),
27 indicates that the welfare of the community requires the transfer.

1 SECTION 4.39. Section 244.015, Human Resources Code, is
2 amended to read as follows:

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

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

16 SECTION 4.40. Section 245.053(i), Human Resources Code, is
17 amended to read as follows:

18 (i) If the department requires as a condition of release
19 that a child attend psychological counseling under Subsection (a),
20 the department may, before the date the period of release ends,
21 petition the appropriate court to request the court to extend the
22 period of release for an additional period necessary to complete
23 the required counseling as determined by the treatment provider,
24 except that the release period may not be extended to a date after
25 the date of the child's 19th [~~18th~~] birthday.

26 SECTION 4.41. Sections 245.151(d) and (e), Human Resources
27 Code, are amended to read as follows:

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

4 (e) The department shall transfer a person who has been
5 sentenced under a determinate sentence to commitment under Section
6 [54.04\(d\)\(3\)](#), [54.04\(m\)](#), or [54.05\(f\)](#), Family Code, or who has been
7 returned to the department under Section [54.11\(i\)\(1\)](#), Family Code,
8 to the custody of the Texas Department of Criminal Justice on the
9 person's 20th [~~19th~~] birthday, if the person has not already been
10 discharged or transferred, to serve the remainder of the person's
11 sentence on parole as provided by Section [508.156](#), Government Code.

12 SECTION 4.42. (a) Except as provided by Subsection (b) of
13 this section, the changes in law made by this article apply only to
14 procedures relating to conduct that occurs on or after September 1,
15 2021. Procedures relating to conduct that occurred before
16 September 1, 2021, are governed by the law in effect on the date the
17 conduct occurred, and the former law is continued in effect for that
18 purpose.

19 (b) The change in law made by this article to Section
20 [58.0052](#), Family Code, applies to the sharing of information on or
21 after September 1, 2021, without regard to whether the information
22 was compiled before, on, or after that date.

23 (c) For purposes of this section, conduct occurred before
24 September 1, 2021, if any element of the conduct occurred before
25 that date.

26 ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL
27 RESPONSIBILITY

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

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

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

12 (B) information relating to a traffic offense.

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

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

24 SECTION 5.03. Section 79.001(10), Government Code, is
25 amended to read as follows:

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

1 (A) a misdemeanor punishable by confinement; or

2 (B) a felony.

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

5 (a) The commission shall:

6 (1) adopt reasonable rules and procedures
7 establishing minimum standards for the construction, equipment,
8 maintenance, and operation of county jails;

9 (2) adopt reasonable rules and procedures
10 establishing minimum standards for the custody, care, and treatment
11 of prisoners;

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

15 (4) adopt reasonable rules and procedures
16 establishing minimum requirements for programs of rehabilitation,
17 education, and recreation in county jails;

18 (5) revise, amend, or change rules and procedures if
19 necessary;

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

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

24 (8) require that the sheriff and commissioners of each
25 county submit to the commission, on a form prescribed by the
26 commission, an annual report on the conditions in each county jail
27 within their jurisdiction, including all information necessary to

1 determine compliance with state law, commission orders, and the
2 rules adopted under this chapter;

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

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

11 (11) adopt rules relating to requirements for
12 segregation of classes of inmates and to capacities for county
13 jails;

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

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

23 (14) require that the sheriff and commissioners court
24 of each county submit to the commission, on a form prescribed by the
25 commission, an annual report of persons under 18 [~~17~~] years of age
26 securely detained in the county jail, including all information
27 necessary to determine compliance with state law concerning secure

1 confinement of children in county jails;

2 (15) schedule announced and unannounced inspections
3 of jails under the commission's jurisdiction using the risk
4 assessment plan established under Section 511.0085 to guide the
5 inspections process;

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

8 (A) common issues concerning jail
9 administration;

10 (B) examples of successful strategies for
11 maintaining compliance with state law and the rules, standards, and
12 procedures of the commission; and

13 (C) solutions to operational challenges for
14 jails;

15 (17) report to the Texas Correctional Office on
16 Offenders with Medical or Mental Impairments on a jail's compliance
17 with Article 16.22, Code of Criminal Procedure;

18 (18) adopt reasonable rules and procedures
19 establishing minimum requirements for a county jail to:

20 (A) determine if a prisoner is pregnant;

21 (B) ensure that the jail's health services plan
22 addresses medical care, including obstetrical and gynecological
23 care, mental health care, nutritional requirements, and any special
24 housing or work assignment needs for prisoners who are known or
25 determined to be pregnant; and

26 (C) identify when a pregnant prisoner is in labor
27 and provide appropriate care to the prisoner, including promptly

1 transporting the prisoner to a local hospital;

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

11 (A) give prisoners the ability to access a mental
12 health professional at the jail or through a telemental health
13 service 24 hours a day or, if a mental health professional is not at
14 the county jail at the time, then require the jail to use all
15 reasonable efforts to arrange for the inmate to have access to a
16 mental health professional within a reasonable time;

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

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

26 (24) adopt reasonable rules and procedures
27 establishing minimum standards for the quantity and quality of

1 feminine hygiene products, including tampons in regular and large
2 sizes and menstrual pads with wings in regular and large sizes,
3 provided to a female prisoner.

4 SECTION 5.05. Section 351.903(a), Local Government Code, is
5 amended to read as follows:

6 (a) To provide for the public safety, the commissioners
7 court of a county by order may adopt a curfew to regulate the
8 movements or actions of persons under 18 [~~17~~] years of age during
9 the period beginning one-half hour after sunset and extending until
10 one-half hour before sunrise or during school hours, or both. The
11 order applies only to the unincorporated area of the county.

12 SECTION 5.06. Section 521.201, Transportation Code, is
13 amended to read as follows:

14 Sec. 521.201. LICENSE INELIGIBILITY IN GENERAL. The
15 department may not issue any license to a person who:

16 (1) is under 15 years of age;

17 (2) is under 18 years of age unless the person complies
18 with the requirements imposed by Section 521.204;

19 (3) is shown to be addicted to the use of alcohol, a
20 controlled substance, or another drug that renders a person
21 incapable of driving;

22 (4) holds a driver's license issued by this state or
23 another state or country that is revoked, canceled, or under
24 suspension;

25 (5) has been determined by a judgment of a court to be
26 totally incapacitated or incapacitated to act as the operator of a
27 motor vehicle unless the person has, by the date of the license

1 application, been:

2 (A) restored to capacity by judicial decree; or

3 (B) released from a hospital for the mentally
4 incapacitated on a certificate by the superintendent or
5 administrator of the hospital that the person has regained
6 capacity;

7 (6) the department determines to be afflicted with a
8 mental or physical disability or disease that prevents the person
9 from exercising reasonable and ordinary control over a motor
10 vehicle while operating the vehicle on a highway, except that a
11 person may not be refused a license because of a physical defect if
12 common experience shows that the defect does not incapacitate a
13 person from safely operating a motor vehicle;

14 (7) has been reported by a court under Section
15 [521.3452](#) for failure to appear unless the court has filed an
16 additional report on final disposition of the case; or

17 (8) has been reported by a court for failure to appear
18 or default in payment of a fine for a misdemeanor that is not
19 covered under Subdivision (7) and that is punishable by a fine only,
20 including a misdemeanor under a municipal ordinance, committed by a
21 person who was under 18 [~~17~~] years of age at the time of the alleged
22 offense, unless the court has filed an additional report on final
23 disposition of the case.

24 SECTION 5.07. Section [65.251\(b\)](#), Family Code, and Section
25 [521.201](#), Transportation Code, as amended by this article, apply
26 only to an offense committed or conduct that occurred on or after
27 September 1, 2021. An offense committed or conduct that occurred

1 before September 1, 2021, is governed by the law in effect on the
2 date the offense was committed or the conduct occurred, and the
3 former law is continued in effect for that purpose. For purposes of
4 this section, an offense was committed or conduct occurred before
5 September 1, 2021, if any element of the offense or conduct occurred
6 before that date.

7 ARTICLE 6. MISCELLANEOUS JUVENILE JUSTICE REFORM

8 SECTION 6.01. Section 37.007(f), Education Code, is amended
9 to read as follows:

10 (f) A student who engages in conduct that contains the
11 elements of the offense of criminal mischief under Section 28.03,
12 Penal Code, may be expelled at the district's discretion if the
13 conduct is punishable as a felony under that section. [~~The student
14 shall be referred to the authorized officer of the juvenile court
15 regardless of whether the student is expelled.~~]

16 SECTION 6.02. Section 54.04(b), Family Code, is amended to
17 read as follows:

18 (b) At the disposition hearing, the juvenile court,
19 notwithstanding the Texas Rules of Evidence or Chapter 37, Code of
20 Criminal Procedure, may consider written reports from probation
21 officers, professional court employees, or professional
22 consultants in addition to the testimony of witnesses. If a risk
23 and needs assessment of the child has been conducted, the juvenile
24 court shall consider the assessment in disposition. On or before
25 the second day before the date of the disposition hearing, the court
26 shall provide the attorney for the child and the prosecuting
27 attorney with access to all written matter to be considered by the

1 court in disposition. The court may order counsel not to reveal
2 items to the child or the child's parent, guardian, or guardian ad
3 litem if such disclosure would materially harm the treatment and
4 rehabilitation of the child or would substantially decrease the
5 likelihood of receiving information from the same or similar
6 sources in the future.

7 SECTION 6.03. Section 54.05, Family Code, is amended by
8 adding Subsection (n) to read as follows:

9 (n) If a court finds after a hearing to modify disposition
10 that a child violated a condition of probation by engaging in
11 conduct that does not violate a penal law of this state, the court
12 may not modify the disposition by ordering the placement of the
13 child in a juvenile facility solely because of the violation unless
14 the conduct indicates that the child may be dangerous to the child's
15 self or may threaten the safety of the public.

16 SECTION 6.04. Subchapter A, Chapter 221, Human Resources
17 Code, is amended by adding Section 221.013 to read as follows:

18 Sec. 221.013. COMMUNITY REINVESTMENT FUND. (a) A county
19 shall establish a community reinvestment fund.

20 (b) The juvenile board or juvenile probation department of
21 the county shall partner with research-based service providers in
22 the community to use money in the community reinvestment fund to
23 provide services as an alternative to juvenile detention for youth
24 in the community, including by providing mentoring, behavioral and
25 mental health services, financial or housing assistance, job
26 training, educational services, and after-school activities.

27 (c) The community reinvestment fund may be funded by:

