

By: Hinojosa

S.B. No. 1552

A BILL TO BE ENTITLED

AN ACT

relating to the age of a child at which a juvenile court may exercise jurisdiction over the child, to the age of criminal responsibility, and to certain substantive and procedural matters related to those ages.

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 12 [~~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) 10 [~~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

1 court.

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

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

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

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

25 SECTION 1.04. The changes in law made by this article apply
26 only to an offense committed or conduct that occurs on or after
27 September 1, 2022. An offense committed or conduct that occurred

1 before September 1, 2022, 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, 2022, if any element of the offense or conduct occurred
6 before that date.

7 ARTICLE 2. OFFENSES WITH AGE AS AN ELEMENT

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

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

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

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

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

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

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

24 (b) A person commits an offense if:

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

1 against one or more victims; and

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

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

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

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

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

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

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

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

27 (A) real property that is owned, rented, or

1 leased by a school or school board;

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

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

6 (D) playground;

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

8 (A) shopping mall;

9 (B) movie theater;

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

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

12 (3) on a school bus.

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

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

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

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

1 (2) the operation of the vehicle is necessary for the
2 operator to attend or participate in employment or a school-related
3 activity or because of a medical emergency.

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

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

10 (1) Chapter 502, other than Section [~~502.282 or~~]
11 502.412;

12 (2) Chapter 521, other than an offense under Section
13 521.457;

14 (3) Subtitle C, other than an offense punishable by
15 imprisonment or by confinement in jail under Section 550.021,
16 550.022, 550.024, or 550.025;

17 (4) Chapter 601;

18 (5) Chapter 621;

19 (6) Chapter 661; and

20 (7) Chapter 681.

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

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

27 (1) public road or highway;

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

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

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

8 SECTION 2.08. The changes in law made by this article apply
9 only to an offense committed on or after September 1, 2022. An
10 offense committed before September 1, 2022, is governed by the law
11 in effect on the date the offense was committed, and the former law
12 is continued in effect for that purpose. For purposes of this
13 section, an offense was committed before September 1, 2022, if any
14 element of the offense occurred before that date.

15 ARTICLE 3. CRIMINAL PROCEDURES

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

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

27 (b) On the 18th [~~17th~~] birthday of a person described by

1 Subsection (a) who is detained in a certified juvenile detention
2 facility under Section 54.02(h), Family Code, the judge of the
3 criminal court having jurisdiction over the person shall order the
4 person to be transferred to an adult facility.

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

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

9 ~~[(1) charged with an offense other than an offense~~
10 ~~under Section 43.261, Penal Code, if the defendant is younger than~~
11 ~~17 years of age; or~~

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

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

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

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

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

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

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

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

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

4 (b) A capias pro fine may not be issued for an individual
5 convicted for an offense committed before the individual's 18th
6 [~~17th~~] birthday unless:

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

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

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

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

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

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

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

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

27 SECTION 3.06. Article 45.0492(a), Code of Criminal

1 Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd
2 Legislature, Regular Session, 2011, is amended to read as follows:

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

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

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

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

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

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

16 (e) A justice or municipal court may hold a person in
17 contempt and impose a remedy authorized by Subsection (c)(2) if the
18 person, while younger than 18 [~~17~~] years of age, engaged in conduct
19 in contempt of an order issued by the justice or municipal court,
20 but contempt proceedings could not be held before the person's 18th
21 [~~17th~~] birthday.

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

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

27 (h) A child and parent required to appear before the court

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

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

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

13 (1) at least 12 [~~10~~] years of age and younger than 18
14 [~~17~~] years of age; and

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

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

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

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

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

1 (3) take the person to a place designated as a juvenile
2 curfew processing office by the head of the law enforcement agency
3 having custody of the person.

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

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

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

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

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

1 SECTION 3.12. Article 62.001(6), Code of Criminal
2 Procedure, is amended to read as follows:

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

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

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

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

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

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

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

27 (a) During or after disposition of a case under Section

1 54.04, Family Code, for adjudication of an offense for which
2 registration is required under this chapter, the juvenile court on
3 motion of the respondent shall conduct a hearing to determine
4 whether the interests of the public require registration under this
5 chapter. The motion may be filed and the hearing held regardless of
6 whether the respondent is under 19 [~~18~~] years of age. Notice of the
7 motion and hearing shall be provided to the prosecuting attorney.

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

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

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

27 (b) The person may file a motion under Subsection (a) in the

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

6 SECTION 3.16. Section 37.085, Education Code, is amended to
7 read as follows:

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

13 SECTION 3.17. Section 153.0071(e-1), Family Code, is
14 amended to read as follows:

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

18 (1) that:

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

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

1 (i) reside in the same household as the
2 child; or

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

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

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

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

14 SECTION 3.19. (a) Except as provided by Subsection (b) of
15 this section, the changes in law made by this article apply only to
16 an offense committed on or after September 1, 2022. An offense
17 committed before September 1, 2022, is governed by the law in effect
18 on the date the offense was committed, and the former law is
19 continued in effect for that purpose.

20 (b) Articles 45.0216(b) and (h), Code of Criminal
21 Procedure, as amended by this article, apply only to the expunction
22 of certain records related to an offense committed on or after
23 September 1, 2022. The expunction of certain records related to an
24 offense committed before September 1, 2022, is governed by the law
25 in effect on the date the offense was committed, and the former law
26 is continued in effect for that purpose.

27 (c) For purposes of this section, an offense was committed

1 before September 1, 2022, if any element of the offense occurred
2 before that date.

3 ARTICLE 4. JUVENILE COURT PROCEDURES

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

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

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

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

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

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

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

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

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

12 (3) the court enters a finding in the proceeding that
13 the prosecuting attorney exercised due diligence in an attempt to
14 complete the proceeding before the respondent became 19 or 20 [~~18 or~~
15 ~~19~~] years of age, as applicable.

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

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

1 separation may be accomplished through architectural design. A
2 person who has been transferred for prosecution in criminal court
3 under Section 54.02 and is under 18 [~~17~~] years of age is considered
4 a child for the purposes of this subsection.

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

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

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

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

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

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

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

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

21 (2) the person was:

22 (A) 12 [~~10~~] years of age or older and under 18
23 [~~17~~] years of age at the time the person is alleged to have
24 committed a capital felony or an offense under Section 19.02, Penal
25 Code;

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

1 aggravated controlled substance felony or a felony of the first
2 degree other than an offense under Section 19.02, Penal Code; or

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

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

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

11 (A) for a reason beyond the control of the state
12 it was not practicable to proceed in juvenile court before the 19th
13 [~~18th~~] birthday of the person; or

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

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

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

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

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

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

1 (b) A juvenile court may defer adjudication proceedings
2 under Section 54.03 until the child's 19th [~~18th~~] birthday and
3 require a child to participate in a program established under
4 Section 152.0017, Human Resources Code, if the child:

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

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

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

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

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

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

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

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

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

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

27 (b) If a child is found to have engaged in delinquent

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

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

27 SECTION 4.09. Sections 54.05(a) and (b), Family Code, are

1 amended to read as follows:

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

6 (1) the child reaches:

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

8 (B) the child's 20th [~~19th~~] birthday, if the
9 child was placed on determinate sentence probation under Section
10 54.04(q); or

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

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

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

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

1 (b) The hearing must be conducted before the person's 20th
2 [~~19th~~] birthday[, ~~or before the person's 18th birthday if the~~
3 ~~offense for which the person was placed on probation occurred~~
4 ~~before September 1, 2011,~~] and must be conducted in the same manner
5 as a hearing to modify disposition under Section 54.05.

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

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

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

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

1 place the person on probation under Section 54.04(q). The juvenile
2 court shall set the conditions of probation and immediately
3 transfer supervision of the person to the appropriate court
4 exercising criminal jurisdiction under Subsection (e).

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

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

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

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

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

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

1 or the juvenile court that referred the case to a court that ordered
2 the mental health services of the intent to discharge the child at
3 least 10 days prior to discharge.

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

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

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

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

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

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

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

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

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

1 (2) the child is alleged to have engaged in delinquent
2 conduct that included a violation of a penal law listed in Section
3 53.045 and no adjudication concerning the alleged conduct has been
4 made.

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

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

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

11 (2) the child:

12 (A) is not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (E) [~~(5)~~] grants a motion to suppress evidence, a

1 confession, or an admission and if:

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

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

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

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

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

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

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

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

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

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

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

26 (2) has not been adjudicated as having engaged in
27 delinquent conduct or, if adjudicated for delinquent conduct, was

1 not adjudicated for delinquent conduct violating a penal law of the
2 grade of felony;

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) Except as provided by Subsection (d), the juvenile court
2 may order the sealing of records related to all matters for which
3 the person was referred to the juvenile probation department if the
4 person:

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

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

11 (3) was not transferred by a juvenile court to a
12 criminal court for prosecution under Section 54.02;

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

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

16 SECTION 4.25. Section 58.264(b), Family Code, is amended to
17 read as follows:

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

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

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

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

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

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

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

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

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

13 (b) The juvenile court or the probation department shall
14 discharge the child from the custody of the probation department on
15 the date the provisions of this section are met or on the child's
16 19th [~~18th~~] birthday, whichever is earlier.

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

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

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

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

1 whichever is earlier.

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

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

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

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

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

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

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

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

1 continuity of care services from the office until the child
2 completes the child's parole.

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

5 (1) "Juvenile" means a person from the age of 10 to 20
6 ~~[18]~~ years who:

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

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

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

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

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

21 (2) "Child" means an individual~~[+~~
22 ~~[(A)]~~ 10 years of age or older and younger than 20
23 ~~[18]~~ years of age who is under the jurisdiction of a juvenile
24 court~~[, or~~

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

1 SECTION 4.36. Section 243.001(a), Human Resources Code, is
2 amended to read as follows:

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

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

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

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

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

- 25 (1) the child has not completed the sentence; and
26 (2) the child's conduct, regardless of whether the
27 child was released under supervision under Section 245.051,

1 indicates that the welfare of the community requires the transfer.

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

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

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

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

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

27 SECTION 4.41. Sections 245.151(d) and (e), Human Resources

1 Code, are amended to read as follows:

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

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

13 SECTION 4.42. (a) Except as provided by Subsection (b) of
14 this section, the changes in law made by this article apply only to
15 procedures relating to conduct that occurs on or after September 1,
16 2022. Procedures relating to conduct that occurred before
17 September 1, 2022, are governed by the law in effect on the date the
18 conduct occurred, and the former law is continued in effect for that
19 purpose.

20 (b) The change in law made by this article to Section
21 58.0052, Family Code, applies to the sharing of information on or
22 after September 1, 2022, without regard to whether the information
23 was compiled before, on, or after that date.

24 (c) For purposes of this section, conduct occurred before
25 September 1, 2022, if any element of the conduct occurred before
26 that date.

1 ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL

2 RESPONSIBILITY

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

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

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

14 (B) information relating to a traffic offense.

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

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

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

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

3 (A) a misdemeanor punishable by confinement; or

4 (B) a felony.

5 SECTION 5.04. Section [511.009\(a\)](#), Government Code, is
6 amended to read as follows:

7 (a) The commission shall:

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

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

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

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

20 (5) revise, amend, or change rules and procedures if
21 necessary;

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

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

26 (8) require that the sheriff and commissioners of each
27 county submit to the commission, on a form prescribed by the

1 commission, an annual report on the conditions in each county jail
2 within their jurisdiction, including all information necessary to
3 determine compliance with state law, commission orders, and the
4 rules adopted under this chapter;

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

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

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

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

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

25 (14) require that the sheriff and commissioners court
26 of each county submit to the commission, on a form prescribed by the
27 commission, an annual report of persons under 18 [~~17~~] years of age

1 securely detained in the county jail, including all information
2 necessary to determine compliance with state law concerning secure
3 confinement of children in county jails;

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

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

10 (A) common issues concerning jail
11 administration;

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

15 (C) solutions to operational challenges for
16 jails;

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

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

22 (A) determine if a prisoner is pregnant;

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

1 (C) identify when a pregnant prisoner is in labor
2 and provide appropriate care to the prisoner, including promptly
3 transporting the prisoner to a local hospital;

4 (19) provide guidelines to sheriffs regarding
5 contracts between a sheriff and another entity for the provision of
6 food services to or the operation of a commissary in a jail under
7 the commission's jurisdiction, including specific provisions
8 regarding conflicts of interest and avoiding the appearance of
9 impropriety;

10 (20) adopt reasonable rules and procedures
11 establishing minimum standards for prisoner visitation that
12 provide each prisoner at a county jail with a minimum of two
13 in-person, noncontact visitation periods per week of at least 20
14 minutes duration each;

15 (21) require the sheriff of each county to:

16 (A) investigate and verify the veteran status of
17 each prisoner by using data made available from the Veterans
18 Reentry Search Service (VRSS) operated by the United States
19 Department of Veterans Affairs or a similar service; and

20 (B) use the data described by Paragraph (A) to
21 assist prisoners who are veterans in applying for federal benefits
22 or compensation for which the prisoners may be eligible under a
23 program administered by the United States Department of Veterans
24 Affairs;

25 (22) adopt reasonable rules and procedures regarding
26 visitation of a prisoner at a county jail by a guardian, as defined
27 by Section [1002.012](#), Estates Code, that:

1 (A) allow visitation by a guardian to the same
2 extent as the prisoner's next of kin, including placing the
3 guardian on the prisoner's approved visitors list on the guardian's
4 request and providing the guardian access to the prisoner during a
5 facility's standard visitation hours if the prisoner is otherwise
6 eligible to receive visitors; and

7 (B) require the guardian to provide the sheriff
8 with letters of guardianship issued as provided by Section
9 [1106.001](#), Estates Code, before being allowed to visit the prisoner;

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

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

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

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

1 (24) adopt reasonable rules and procedures
2 establishing minimum standards for the quantity and quality of
3 feminine hygiene products, including tampons in regular and large
4 sizes and menstrual pads with wings in regular and large sizes,
5 provided to a female prisoner.

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

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

14 SECTION 5.06. Section 521.201, Transportation Code, is
15 amended to read as follows:

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

18 (1) is under 15 years of age;

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

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

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

27 (5) has been determined by a judgment of a court to be

1 totally incapacitated or incapacitated to act as the operator of a
2 motor vehicle unless the person has, by the date of the license
3 application, been:

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

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

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

16 (7) has been reported by a court under Section
17 521.3452 for failure to appear unless the court has filed an
18 additional report on final disposition of the case; or

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

26 SECTION 5.07. Section 65.251(b), Family Code, and Section
27 521.201, Transportation Code, as amended by this article, apply

1 only to an offense committed or conduct that occurred on or after
2 September 1, 2022. An offense committed or conduct that occurred
3 before September 1, 2022, is governed by the law in effect on the
4 date the offense was committed or the conduct occurred, and the
5 former law is continued in effect for that purpose. For purposes of
6 this section, an offense was committed or conduct occurred before
7 September 1, 2022, if any element of the offense or conduct occurred
8 before that date.

9 ARTICLE 6. ADVISORY COMMITTEE

10 SECTION 6.01. ADVISORY COMMITTEE ON IMPLEMENTATION. (a)

11 Not later than December 1, 2021, the Texas Juvenile Justice Board
12 shall appoint an advisory committee to monitor and evaluate
13 implementation of this Act.

14 (b) In making appointments to the advisory committee, the
15 board shall include members who are interested parties, including:

16 (1) the executive director of the Texas Juvenile
17 Justice Department or the executive director's designee;

18 (2) the director of probation services of the Texas
19 Juvenile Justice Department or the director's designee;

20 (3) the executive commissioner of the Health and Human
21 Services Commission or the executive commissioner's designee;

22 (4) one representative of county commissioners courts
23 appointed by the board;

24 (5) two juvenile court judges appointed by the board;

25 (6) seven chief juvenile probation officers appointed
26 by the board as provided by Subsection (c) of this section;

27 (7) juvenile prosecutors;

1 (8) juvenile defense attorneys;

2 (9) juvenile justice advocates; and

3 (10) individuals who were adjudicated for juvenile
4 offenses in this state or who were prosecuted as adults for offenses
5 committed when they were 17 years old, or their family members.

6 (c) The board shall appoint to the advisory committee one
7 chief juvenile probation officer from each regional chiefs
8 association in this state from a list of nominees submitted to the
9 board by each regional chiefs association. To the greatest extent
10 practicable, a regional chiefs association shall include in the
11 association's list of nominees:

12 (1) one chief juvenile probation officer of a juvenile
13 probation department serving a county with a population that
14 includes fewer than 7,500 persons younger than 18 years of age;

15 (2) one chief juvenile probation officer of a juvenile
16 probation department serving a county with a population that
17 includes at least 7,500 but fewer than 80,000 persons younger than
18 18 years of age; and

19 (3) one chief juvenile probation officer of a juvenile
20 probation department serving a county with a population that
21 includes 80,000 or more persons younger than 18 years of age.

22 (d) The board shall designate one of the members as
23 presiding officer of the advisory committee.

24 (e) The advisory committee shall assist the Texas Juvenile
25 Justice Department in evaluating and monitoring the implementation
26 of this Act, which includes determining the needs and problems of
27 county juvenile boards and probation departments, and offer

1 recommendations to meet identified needs and problems.

2 (f) Members of the advisory committee serve without
3 compensation and are not entitled to reimbursement for expenses.

4 (g) The advisory committee is not subject to Chapter 2110,
5 Government Code.

6 (h) The advisory committee is abolished and this article
7 expires June 1, 2023.

8 ARTICLE 7. EFFECTIVE DATES

9 SECTION 7.01. (a) Except as provided by Subsection (b) of
10 this section, this Act takes effect September 1, 2022.

11 (b) Article 6 of this Act takes effect September 1, 2021.