

Amend **HB 2687** (house committee printing) as follows:

(1) On page 2, strike lines 14-17 and substitute the following:

YEARS OF AGE. (a) Not later than the 30th day after the date on which a preliminary investigation under Section 53.01 concludes, the attorney representing the state shall file a petition requesting a hearing to determine whether the juvenile court should waive its exclusive original jurisdiction over a child younger than 13 years of age.

(2) On page 2, between lines 17 and 18, insert the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

(____) After the petition under Subsection (a) has been filed, the juvenile court shall set a time for the hearing. The hearing must be held:

(1) without a jury; and

(2) before an adjudication hearing may occur.

(3) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION _____. Articles 45.058(h) and (i), Code of Criminal Procedure, are amended to read as follows:

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

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

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

(i) If a law enforcement officer [~~issues a citation or~~] files a complaint in the manner provided by Article 45.018 for conduct by a child 13 [~~12~~] years of age or older that is alleged to have occurred on school property or on a vehicle owned or operated by a county or independent school district, the officer shall submit to the court the offense report, a statement by a witness to the alleged conduct, and a statement by a victim of the alleged conduct, if any. An attorney representing the state may not proceed in a trial of an offense unless the law enforcement officer complied with the requirements of this subsection.

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

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

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

SECTION _____. The following provisions are repealed:

(1) Article 45.058(j), Code of Criminal Procedure;

(2) Sections 37.124(d) and 37.126(c), Education Code;
and

(3) Section 42.01(f), Penal Code.

SECTION _____. (a) As soon as practicable after the effective date of this Act, the Texas Commission on Law Enforcement and the Texas School Safety Center shall update the training provided to school resource officers and other peace officers to include the changes in law made by this Act.

(b) As soon as practicable after the effective date of this Act, the Texas Juvenile Justice Department shall update the training provided to juvenile probation departments to include the changes in law made by this Act.

(c) As soon as practicable after the effective date of this

Act, the Supreme Court of Texas Children's Commission shall disseminate information to judges and attorneys in this state regarding the changes in law made by this Act.