

By: Dutton

H.B. No. 828

A BILL TO BE ENTITLED

AN ACT

relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

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

ARTICLE 1. AGE OF CRIMINAL RESPONSIBILITY

SECTION 1.01. 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 court.

SECTION 1.02. Section 8.07(b), Penal Code, is amended to read as follows:

(b) Unless the juvenile court waives jurisdiction under Section 54.02, Family Code, and certifies the individual for criminal prosecution or the juvenile court has previously waived jurisdiction under that section and certified the individual for criminal prosecution, a person may not be prosecuted for or

1 convicted of any offense committed before reaching 18 [~~17~~] years of
2 age except an offense described by Subsections (a)(1)-(5).

3 SECTION 1.03. The changes in law made by this article apply
4 only to an offense committed or conduct that occurs on or after
5 September 1, 2025. An offense committed or conduct that occurred
6 before September 1, 2025, is governed by the law in effect on the
7 date the offense was committed or the conduct occurred, and the
8 former law is continued in effect for that purpose. For purposes of
9 this section, an offense was committed or conduct occurred before
10 September 1, 2025, if any element of the offense or conduct occurred
11 before that date.

12 ARTICLE 2. OFFENSES WITH AGE AS AN ELEMENT

13 SECTION 2.01. Section [15.031\(e\)](#), Penal Code, is amended to
14 read as follows:

15 (e) An offense under this section is one category lower than
16 the solicited offense, except that an offense under this section is
17 the same category as the solicited offense if it is shown on the
18 trial of the offense that the actor:

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

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

23 (A) further the criminal activities of the
24 criminal street gang; or

25 (B) avoid detection as a member of a criminal
26 street gang.

27 SECTION 2.02. Section [21.02\(b\)](#), Penal Code, is amended to

1 read as follows:

2 (b) A person commits an offense if:

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

7 (2) at the time of the commission of each of the acts
8 of sexual abuse, the actor is 18 [~~17~~] years of age or older and the
9 victim is:

10 (A) a child younger than 14 years of age,
11 regardless of whether the actor knows the age of the victim at the
12 time of the offense; or

13 (B) a disabled individual.

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

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

22 (1) communicates in a sexually explicit manner with a
23 minor; or

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

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

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

1 prescribed for an offense described by Subsection (b) is increased
2 to the punishment prescribed for the next highest category of
3 offense if the actor is 18 [~~17~~] years of age or older and it is shown
4 beyond a reasonable doubt on the trial of the offense that the actor
5 committed the offense at a location that was:

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

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

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

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

12 (D) playground; or

13 (E) general residential operation operating as a
14 residential treatment center;

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

16 (A) shopping mall;

17 (B) movie theater;

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

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

20 (3) on a school bus.

21 SECTION 2.05. Sections [545.424\(b\)](#) and (b-1),
22 Transportation Code, are amended to read as follows:

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

1 other than a wireless communication device.

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

7 (1) the person is in sight of the person's parent or
8 guardian; or

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

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

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

18 (1) Chapter 502, other than Section [~~502.282 or~~]
19 502.412;

20 (2) Chapter 521, other than an offense under Section
21 521.457;

22 (3) Subtitle C, other than an offense punishable by
23 imprisonment or by confinement in jail under Section 550.021,
24 550.022, 550.024, or 550.025;

25 (4) Chapter 601;

26 (5) Chapter 621;

27 (6) Chapter 661; and

1 (7) Chapter 681.

2 SECTION 2.07. Section 729.002, Transportation Code, is
3 amended to read as follows:

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

8 (1) public road or highway;

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

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

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

16 SECTION 2.08. The changes in law made by this article apply
17 only to an offense committed on or after September 1, 2025. An
18 offense committed before September 1, 2025, is governed by the law
19 in effect on the date the offense was committed, and the former law
20 is continued in effect for that purpose. For purposes of this
21 section, an offense was committed before September 1, 2025, if any
22 element of the offense occurred before that date.

23 ARTICLE 3. CRIMINAL PROCEDURES

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

26 Art. 4.19. TRANSFER OF PERSON CERTIFIED TO STAND TRIAL AS AN
27 ADULT. (a) Notwithstanding the order of a juvenile court to detain

1 a person under the age of 18 [~~17~~] who has been certified to stand
2 trial as an adult in a certified juvenile detention facility under
3 Section 54.02(h), Family Code, the judge of the criminal court
4 having jurisdiction over the person may order the person to be
5 transferred to an adult facility. A child who is transferred to an
6 adult facility must be detained under conditions meeting the
7 requirements of Section 51.12, Family Code.

8 (b) On the 18th [~~17th~~] birthday of a person described by
9 Subsection (a) who is detained in a certified juvenile detention
10 facility under Section 54.02(h), Family Code, the judge of the
11 criminal court having jurisdiction over the person shall order the
12 person to be transferred to an adult facility.

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

15 (a) This article applies to a defendant who has not had the
16 disabilities of minority removed and [~~has been:~~

17 [~~(1) charged with an offense other than an offense~~
18 ~~under Section 43.261, Penal Code, if the defendant is younger than~~
19 ~~17 years of age, or~~

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

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

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

27 (1) the person was convicted of not more than one

1 offense described by Section 8.07(a)(4) or (5), Penal Code, while
2 the person was a child; or

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

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

7 (1) the complaint was dismissed under Article 45.051
8 or 45.052 or other law; or

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

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

12 (b) A *capias pro fine* may not be issued for an individual
13 convicted for an offense committed before the individual's 18th
14 [~~17th~~] birthday unless:

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

16 (2) the court finds that the issuance of the *capias pro*
17 *fine* is justified after considering:

18 (A) the sophistication and maturity of the
19 individual;

20 (B) the criminal record and history of the
21 individual; and

22 (C) the reasonable likelihood of bringing about
23 the discharge of the judgment through the use of procedures and
24 services currently available to the court; and

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

27 SECTION 3.05. Article 45.0492(a), Code of Criminal

1 Procedure, as added by Chapter 227 (H.B. 350), 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 occurring in a building or on the grounds of the primary
6 or secondary school at which the defendant was enrolled at the time
7 of the offense.

8 SECTION 3.06. Article [45.0492\(a\)](#), Code of Criminal
9 Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd
10 Legislature, Regular Session, 2011, is amended to read as follows:

11 (a) This article applies only to a defendant younger than 18
12 [~~17~~] years of age who is assessed a fine or costs for a Class C
13 misdemeanor.

14 SECTION 3.07. Articles [45.050\(d\)](#), (e), and (g), Code of
15 Criminal Procedure, are amended to read as follows:

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

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

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

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

24 (e) A justice or municipal court may hold a person in
25 contempt and impose a remedy authorized by Subsection (c)(2) if the
26 person, while younger than 18 [~~17~~] years of age, engaged in conduct
27 in contempt of an order issued by the justice or municipal court,

1 but contempt proceedings could not be held before the person's 18th
2 [~~17th~~] birthday.

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

6 SECTION 3.08. Article [45.057](#)(h), Code of Criminal
7 Procedure, is amended to read as follows:

8 (h) A child and parent required to appear before the court
9 have an obligation to provide the court in writing with the current
10 address and residence of the child. The obligation does not end
11 when the child reaches age 18 [~~17~~]. On or before the seventh day
12 after the date the child or parent changes residence, the child or
13 parent shall notify the court of the current address in the manner
14 directed by the court. A violation of this subsection may result in
15 arrest and is a Class C misdemeanor. The obligation to provide
16 notice terminates on discharge and satisfaction of the judgment or
17 final disposition not requiring a finding of guilt.

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

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

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

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

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

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

5 (1) release the person to the person's parent,
6 guardian, or custodian;

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

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

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

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

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

26 (e) A notice of continuing obligation to appear issued under
27 this article must contain the following statement provided in

1 boldfaced type or capital letters:

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

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

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

14 (A) an offense under Section 21.02 (Continuous
15 sexual abuse of young child or disabled individual), 21.11(a)(1)
16 (Indecency with a child), 22.011 (Sexual assault), or 22.021
17 (Aggravated sexual assault), Penal Code;

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

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

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

27 or

1 (E) an offense under the laws of another state,
2 federal law, the laws of a foreign country, or the Uniform Code of
3 Military Justice if the offense contains elements that are
4 substantially similar to the elements of an offense listed under
5 Paragraph (A), (B), (C), or (D).

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

8 (a) During or after disposition of a case under Section
9 54.04, Family Code, for adjudication of an offense for which
10 registration is required under this chapter, the juvenile court on
11 motion of the respondent shall conduct a hearing to determine
12 whether the interests of the public require registration under this
13 chapter. The motion may be filed and the hearing held regardless of
14 whether the respondent is under 19 [~~18~~] years of age. Notice of the
15 motion and hearing shall be provided to the prosecuting attorney.

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

18 (c) If the court enters an order described by Subsection
19 (b)(1), the court retains discretion and jurisdiction to require,
20 or exempt the respondent from, registration under this chapter at
21 any time during the treatment or on the successful or unsuccessful
22 completion of treatment, except that during the period of deferral,
23 registration may not be required. Following successful completion
24 of treatment, the respondent is exempted from registration under
25 this chapter unless a hearing under this subchapter is held on
26 motion of the prosecuting attorney, regardless of whether the
27 respondent is 19 [~~18~~] years of age or older, and the court

1 determines the interests of the public require registration. Not
2 later than the 10th day after the date of the respondent's
3 successful completion of treatment, the treatment provider shall
4 notify the juvenile court and prosecuting attorney of the
5 completion.

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

8 (b) The person may file a motion under Subsection (a) in the
9 original juvenile case regardless of whether the person, at the
10 time of filing the motion, is 19 [~~18~~] years of age or older. Notice
11 of the motion shall be provided to the prosecuting attorney. A
12 hearing on the motion shall be provided as in other cases under this
13 subchapter.

14 SECTION 3.16. Section 37.085, Education Code, is amended to
15 read as follows:

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

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

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

26 (1) that:

27 (A) a party to the agreement was a victim of

1 family violence, and that circumstance impaired the party's ability
2 to make decisions; or

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

9 (i) reside in the same household as the
10 child; or

11 (ii) otherwise have unsupervised access to
12 the child; and

13 (2) that the agreement is not in the child's best
14 interest.

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

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

22 SECTION 3.19. (a) Except as provided by Subsection (b) of
23 this section, the changes in law made by this article apply only to
24 an offense committed on or after September 1, 2025. An offense
25 committed before September 1, 2025, is governed by the law in effect
26 on the date the offense was committed, and the former law is
27 continued in effect for that purpose.

1 (b) Articles 45.0216(b) and (h), Code of Criminal
2 Procedure, as amended by this article, apply only to the expunction
3 of certain records related to an offense committed on or after
4 September 1, 2025. The expunction of certain records related to an
5 offense committed before September 1, 2025, is governed by the law
6 in effect on the date the offense was committed, and the former law
7 is continued in effect for that purpose.

8 (c) For purposes of this section, an offense was committed
9 before September 1, 2025, if any element of the offense occurred
10 before that date.

11 ARTICLE 4. JUVENILE COURT PROCEDURES

12 SECTION 4.01. Section 51.041, Family Code, is amended to
13 read as follows:

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

20 (b) If the respondent is at least 18 years of age when the
21 order of remand from the appellate court is received by the juvenile
22 court, the juvenile court shall proceed as provided by Sections
23 54.02(o)-(r) for the detention of a person at least 19 [~~18~~] years of
24 age in discretionary transfer proceedings. Pending retrial of the
25 adjudication or transfer proceeding, the juvenile court may:

- 26 (1) order the respondent released from custody;
27 (2) order the respondent detained in a juvenile

1 detention facility; or

2 (3) set bond and order the respondent detained in a
3 county adult facility if bond is not made.

4 SECTION 4.02. Section 51.0412, Family Code, is amended to
5 read as follows:

6 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.
7 The court retains jurisdiction over a person, without regard to the
8 age of the person, who is a respondent in an adjudication
9 proceeding, a disposition proceeding, a proceeding to modify
10 disposition, a proceeding for waiver of jurisdiction and transfer
11 to criminal court under Section 54.02(a), or a motion for transfer
12 of determinate sentence probation to an appropriate district court
13 if:

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

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

20 (3) the court enters a finding in the proceeding that
21 the prosecuting attorney exercised due diligence in an attempt to
22 complete the proceeding before the respondent became 19 or 20 [~~18 or~~
23 ~~19~~] years of age, as applicable.

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

26 (f) A child detained in a building that contains a jail,
27 lockup, or other place of secure confinement, including an alcohol

1 or other drug treatment facility, shall be separated by sight and
2 sound from adults detained in the same building. Children and
3 adults are separated by sight and sound only if they are unable to
4 see each other and conversation between them is not possible. The
5 separation must extend to all areas of the facility, including
6 sally ports and passageways, and those areas used for admission,
7 counseling, sleeping, toileting, showering, dining, recreational,
8 educational, or vocational activities, and health care. The
9 separation may be accomplished through architectural design. A
10 person who has been transferred for prosecution in criminal court
11 under Section 54.02 and is under 18 [~~17~~] years of age is considered
12 a child for the purposes of this subsection.

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

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

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

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

21 (B) violated a condition of release under
22 supervision of the department.

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

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

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

2 (2) the person was:

3 (A) 10 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 capital felony or an offense under Section 19.02, Penal Code;

6 (B) 14 years of age or older and under 18 [~~17~~]
7 years of age at the time the person is alleged to have committed an
8 aggravated controlled substance felony or a felony of the first
9 degree other than an offense under Section 19.02, Penal Code; or

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

13 (3) no adjudication concerning the alleged offense has
14 been made or no adjudication hearing concerning the offense has
15 been conducted;

16 (4) the juvenile court finds from a preponderance of
17 the evidence that:

18 (A) for a reason beyond the control of the state
19 it was not practicable to proceed in juvenile court before the 19th
20 [~~18th~~] birthday of the person; or

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

24 (i) the state did not have probable cause to
25 proceed in juvenile court and new evidence has been found since the
26 19th [~~18th~~] birthday of the person;

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

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

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

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

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

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

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

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

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

24 (l) Except as provided by Subsection (q), a court or jury
25 may place a child on probation under Subsection (d)(1) for any
26 period, except that probation may not continue on or after the
27 child's 19th [~~18th~~] birthday. Except as provided by Subsection

1 (q), the court may, before the period of probation ends, extend the
2 probation for any period, except that the probation may not extend
3 to or after the child's 19th [~~18th~~] birthday.

4 (q) If a court or jury sentences a child to commitment in the
5 Texas Juvenile Justice Department or a post-adjudication secure
6 correctional facility under Subsection (d)(3) for a term of not
7 more than 10 years, the court or jury may place the child on
8 probation under Subsection (d)(1) as an alternative to making the
9 disposition under Subsection (d)(3). The court shall prescribe the
10 period of probation ordered under this subsection for a term of not
11 more than 10 years. The court may, before the sentence of probation
12 expires, extend the probationary period under Section 54.05, except
13 that the sentence of probation and any extension may not exceed 10
14 years. The court may, before the child's 20th [~~19th~~] birthday,
15 discharge the child from the sentence of probation. If a sentence
16 of probation ordered under this subsection and any extension of
17 probation ordered under Section 54.05 will continue after the
18 child's 20th [~~19th~~] birthday, the court shall discharge the child
19 from the sentence of probation on the child's 20th [~~19th~~] birthday
20 unless the court transfers the child to an appropriate district
21 court under Section 54.051.

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

24 (i) A court that requires as a condition of probation that a
25 child attend psychological counseling under Subsection (a) may,
26 before the date the probation period ends, extend the probation for
27 any additional period necessary to complete the required counseling

1 as determined by the treatment provider, except that the probation
2 may not be extended to a date after the date of the child's 19th
3 [~~18th~~] birthday, or 20th [~~19th~~] birthday if the child is placed on
4 determinate sentence probation under Section 54.04(q).

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

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

26 (h) If the juvenile court places the child on probation in a
27 determinate sentence proceeding initiated under Section 53.045 and

1 transfers supervision on the child's 20th [~~19th~~] birthday to a
2 district court for placement on community supervision, the district
3 court shall require the payment of any unpaid restitution as a
4 condition of the community supervision. The liability of the
5 child's parent for restitution may not be extended by transfer to a
6 district court for supervision.

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

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

13 (1) the child reaches:

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

15 (B) the child's 20th [~~19th~~] birthday, if the
16 child was placed on determinate sentence probation under Section
17 54.04(q); or

18 (2) the child is earlier discharged by the court or
19 operation of law.

20 (b) Except for a commitment to the Texas Juvenile Justice
21 Department or to a post-adjudication secure correctional facility
22 under former Section 54.04011 or a placement on determinate
23 sentence probation under Section 54.04(q), all dispositions
24 automatically terminate when the child reaches the child's 19th
25 [~~18th~~] birthday.

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

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

8 (b) The hearing must be conducted before the person's 20th
9 [~~19th~~] birthday[, ~~or before the person's 18th birthday if the~~
10 ~~offense for which the person was placed on probation occurred~~
11 ~~before September 1, 2011,~~] and must be conducted in the same manner
12 as a hearing to modify disposition under Section 54.05.

13 (c) If, after a hearing, the court determines to discharge
14 the child, the court shall specify a date on or before the child's
15 20th [~~19th~~] birthday to discharge the child from the sentence of
16 probation.

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

20 (e-2) If a person who is placed on community supervision
21 under this section violates a condition of that supervision or if
22 the person violated a condition of probation ordered under Section
23 54.04(q) and that probation violation was not discovered by the
24 state before the person's 20th [~~19th~~] birthday, the district court
25 shall dispose of the violation of community supervision or
26 probation, as appropriate, in the same manner as if the court had
27 originally exercised jurisdiction over the case. If the judge

1 revokes community supervision, the judge may reduce the prison
2 sentence to any length without regard to the minimum term imposed by
3 Article 42A.755(a), Code of Criminal Procedure.

4 (i) If the juvenile court exercises jurisdiction over a
5 person on or after the person's 19th or 20th birthday [~~who is 18 or~~
6 ~~19 years of age or older~~], as applicable, under Section 51.041 or
7 51.0412, the court or jury may, if the person is otherwise eligible,
8 place the person on probation under Section 54.04(q). The juvenile
9 court shall set the conditions of probation and immediately
10 transfer supervision of the person to the appropriate court
11 exercising criminal jurisdiction under Subsection (e).

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

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

21 SECTION 4.12. Section 55.15, Family Code, is amended to
22 read as follows:

23 Sec. 55.15. STANDARDS OF CARE; EXPIRATION OF COURT ORDER
24 FOR MENTAL HEALTH SERVICES. If the juvenile court or a court to
25 which the child's case is referred under Section 55.12(2) orders
26 mental health services for the child, the child shall be cared for,
27 treated, and released in conformity to Subtitle C, Title 7, Health

1 and Safety Code, except:

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

5 (2) the administrator of a mental health facility
6 shall notify, in writing, by certified mail, return receipt
7 requested, the juvenile court that ordered mental health services
8 or the juvenile court that referred the case to a court that ordered
9 the mental health services of the intent to discharge the child at
10 least 10 days prior to discharge.

11 SECTION 4.13. Section 55.18, Family Code, is amended to
12 read as follows:

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

17 (1) dismiss the juvenile court proceedings with
18 prejudice; or

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

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

23 Sec. 55.19. TRANSFER TO CRIMINAL COURT ON 19TH [~~18TH~~]
24 BIRTHDAY.

25 SECTION 4.15. Section 55.19(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 under Section 55.12(2) has
4 ordered inpatient mental health services if:

5 (1) the child is not discharged or furloughed from the
6 inpatient mental health facility before reaching 19 [~~18~~] years of
7 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 4.16. Section 55.43(a), Family Code, is amended to
13 read as follows:

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

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

18 (2) the child:

19 (A) is not:

20 (i) ordered by a court to receive inpatient
21 mental health or intellectual disability services;

22 (ii) committed by a court to a residential
23 care facility; or

24 (iii) ordered by a court to receive
25 treatment or services on an outpatient basis; or

26 (B) is discharged or currently on furlough from a
27 mental health facility or outpatient center before the child

1 reaches 19 [~~18~~] years of age.

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

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

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

8 (a) The juvenile court shall transfer all pending
9 proceedings from the juvenile court to a criminal court on the 19th
10 [~~18th~~] birthday of a child for whom the juvenile court or a court to
11 which the child's case is referred has ordered inpatient mental
12 health services or residential care for persons with an
13 intellectual disability if:

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

16 (2) the child is alleged to have engaged in delinquent
17 conduct that included a violation of a penal law listed in Section
18 53.045 and no adjudication concerning the alleged conduct has been
19 made.

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

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

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

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

27 (1) in a juvenile case in which the grand jury has

1 approved of the petition under Section 53.045 if the order:

2 (A) [~~(1)~~] dismisses a petition or any portion of
3 a petition;

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

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

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

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

9 (i) [~~(A)~~] jeopardy has not attached in the
10 case;

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

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

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

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

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

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

22 (B) has received services from two or more
23 juvenile service providers.

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

26 (b) A person who was referred to a juvenile probation
27 department for delinquent conduct is entitled to have all records

1 related to the person's juvenile matters, including records
2 relating to any matters involving conduct indicating a need for
3 supervision, sealed without applying to the juvenile court if the
4 person:

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

6 (2) has not been adjudicated as having engaged in
7 delinquent conduct or, if adjudicated for delinquent conduct, was
8 not adjudicated for delinquent conduct violating a penal law of the
9 grade of felony;

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

12 (4) has not been transferred by a juvenile court to a
13 criminal court for prosecution under Section [54.02](#);

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

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

18 SECTION 4.23. Section [58.255](#)(a), Family Code, is amended to
19 read as follows:

20 (a) A person who was referred to a juvenile court for
21 conduct indicating a need for supervision is entitled to have all
22 records related to all conduct indicating a need for supervision
23 matters sealed without applying to the juvenile court if the
24 person:

25 (1) has records relating to the conduct filed with the
26 court clerk;

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

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

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

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

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

8 (c) Except as provided by Subsection (d), the juvenile court
9 may order the sealing of records related to all matters for which
10 the person was referred to the juvenile probation department if the
11 person:

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

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

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

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

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

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

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

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

1 (A) the most serious conduct for which the person
2 was referred was conduct indicating a need for supervision, whether
3 or not the person was adjudicated; or

4 (B) the referral or information did not relate to
5 conduct indicating a need for supervision or delinquent conduct and
6 the juvenile probation department, prosecutor, or juvenile court
7 did not take action on the referral or information for that reason;

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

9 (A) the most serious conduct for which the person
10 was adjudicated was delinquent conduct that violated a penal law of
11 the grade of misdemeanor; or

12 (B) the most serious conduct for which the person
13 was referred was delinquent conduct and the person was not
14 adjudicated as having engaged in the conduct; or

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

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

20 (b) The juvenile court or the probation department shall
21 discharge the child from the custody of the probation department on
22 the date the provisions of this section are met or on the child's
23 19th [~~18th~~] birthday, whichever is earlier.

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

26 (b) The juvenile court shall discharge the child from the
27 custody of the probation department on the date the provisions of

1 this section are met or on the child's 19th [~~18th~~] birthday,
2 whichever is earlier.

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

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

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

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

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

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

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

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

27 SECTION 4.32. Section 614.019(b), Health and Safety Code,

1 is amended to read as follows:

2 (b) A child with mental illness who is receiving continuity
3 of care services during parole from the Texas Juvenile Justice
4 Department and who is no longer eligible to receive services from a
5 local mental health authority when the child becomes 18 [~~17~~] years
6 of age because the child does not meet the requirements of a local
7 service area plan under Section 533.0352(a) may continue to receive
8 continuity of care services from the office until the child
9 completes the child's parole.

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

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

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

16 (B) is under the jurisdiction of the juvenile
17 court [~~of competent jurisdiction~~].

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

20 Sec. 152.0015. PRETRIAL DETENTION POLICY FOR CERTAIN
21 JUVENILES. A juvenile board shall establish a policy that
22 specifies whether a person who has been transferred for criminal
23 prosecution under Section 54.02, Family Code, and is younger than
24 18 [~~17~~] years of age may be detained in a juvenile facility pending
25 trial as provided by Section 51.12, Family Code.

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

1 (2) "Child" means an individual[+
2 [~~(A)~~] 10 years of age or older and younger than 20
3 [~~18~~] years of age who is under the jurisdiction of a juvenile
4 court[~~, or~~
5 [~~(B)~~ 10 years of age or older and younger than 19
6 ~~years of age who is committed to the department under Title 3,~~
7 ~~Family Code~~].

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

10 (a) The department may not assign a child younger than 16
11 [~~15~~] years of age to the same correctional facility dormitory as a
12 person who is at least 18 [~~17~~] years of age unless the department
13 determines that the placement is necessary to ensure the safety of
14 children in the custody of the department. This subsection does not
15 apply to a dormitory that is used exclusively for short-term
16 assessment and orientation purposes.

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

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

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

26 (a) After a child sentenced to commitment under Section
27 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 17 [~~16~~]

1 years of age but before the child becomes 20 [~~19~~] years of age, the
2 department may refer the child to the juvenile court that entered
3 the order of commitment for approval of the child's transfer to the
4 Texas Department of Criminal Justice for confinement if:

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

9 SECTION 4.39. Section [244.015](#), Human Resources Code, is
10 amended to read as follows:

11 Sec. 244.015. EVALUATION OF CERTAIN CHILDREN SERVING
12 DETERMINATE SENTENCES. (a) When a child who is sentenced to
13 commitment under Section [54.04\(d\)\(3\)](#), [54.04\(m\)](#), or [54.05\(f\)](#),
14 Family Code, becomes 19 [~~18~~] years of age, the department shall
15 evaluate whether the child is in need of additional services that
16 can be completed in the six-month period after the child's 19th
17 [~~18th~~] birthday to prepare the child for release from the custody of
18 the department or transfer to the Texas Department of Criminal
19 Justice.

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

24 SECTION 4.40. Section [245.053\(i\)](#), Human Resources Code, is
25 amended to read as follows:

26 (i) If the department requires as a condition of release
27 that a child attend psychological counseling under Subsection (a),

1 the department may, before the date the period of release ends,
2 petition the appropriate court to request the court to extend the
3 period of release for an additional period necessary to complete
4 the required counseling as determined by the treatment provider,
5 except that the release period may not be extended to a date after
6 the date of the child's 19th [~~18th~~] birthday.

7 SECTION 4.41. Sections [245.151](#)(d) and (e), Human Resources
8 Code, are amended to read as follows:

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

12 (e) The department shall transfer a person who has been
13 sentenced under a determinate sentence to commitment under Section
14 [54.04](#)(d)(3), [54.04](#)(m), or [54.05](#)(f), Family Code, or who has been
15 returned to the department under Section [54.11](#)(i)(1), Family Code,
16 to the custody of the Texas Department of Criminal Justice on the
17 person's 20th [~~19th~~] birthday, if the person has not already been
18 discharged or transferred, to serve the remainder of the person's
19 sentence on parole as provided by Section [508.156](#), Government Code.

20 SECTION 4.42. (a) Except as provided by Subsection (b) of
21 this section, the changes in law made by this article apply only to
22 procedures relating to conduct that occurs on or after September 1,
23 2025. Procedures relating to conduct that occurred before
24 September 1, 2025, are governed by the law in effect on the date the
25 conduct occurred, and the former law is continued in effect for that
26 purpose.

27 (b) The change in law made by this article to Section

1 58.0052, Family Code, applies to the sharing of information on or
2 after September 1, 2025, without regard to whether the information
3 was compiled before, on, or after that date.

4 (c) For purposes of this section, conduct occurred before
5 September 1, 2025, if any element of the conduct occurred before
6 that date.

7 ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL
8 RESPONSIBILITY

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

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

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

20 (B) information relating to a traffic offense.

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

23 (b) If a child fails to obey an order issued by a truancy
24 court under Section 65.103(a) or a child is in direct contempt of
25 court and the child has failed to obey an order or has been found in
26 direct contempt of court on two or more previous occasions, the
27 truancy court, after providing notice and an opportunity for a

1 hearing, may refer the child to the juvenile probation department
2 as a request for truancy intervention, unless the child failed to
3 obey the truancy court order or was in direct contempt of court
4 while 18 [~~17~~] years of age or older.

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

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

9 (A) a misdemeanor punishable by confinement; or

10 (B) a felony.

11 SECTION 5.04. Section 351.903(a), Local Government Code, is
12 amended to read as follows:

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

19 SECTION 5.05. Section 521.201, Transportation Code, is
20 amended to read as follows:

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

23 (1) is under 15 years of age;

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

26 (3) is shown to be addicted to the use of alcohol, a
27 controlled substance, or another drug that renders a person

1 incapable of driving;

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

5 (5) has been determined by a judgment of a court to be
6 totally incapacitated or incapacitated to act as the operator of a
7 motor vehicle unless the person has, by the date of the license
8 application, been:

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

10 (B) released from a hospital for the mentally
11 incapacitated on a certificate by the superintendent or
12 administrator of the hospital that the person has regained
13 capacity;

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

21 (7) has been reported by a court under Section
22 [521.3452](#) for failure to appear unless the court has filed an
23 additional report on final disposition of the case; or

24 (8) has been reported by a court for failure to appear
25 or default in payment of a fine for a misdemeanor that is not
26 covered under Subdivision (7) and that is punishable by a fine only,
27 including a misdemeanor under a municipal ordinance, committed by a

1 person who was under 18 [~~17~~] years of age at the time of the alleged
2 offense, unless the court has filed an additional report on final
3 disposition of the case.

4 SECTION 5.06. Section 65.251(b), Family Code, and Section
5 521.201, Transportation Code, as amended by this article, apply
6 only to an offense committed or conduct that occurred on or after
7 September 1, 2025. An offense committed or conduct that occurred
8 before September 1, 2025, is governed by the law in effect on the
9 date the offense was committed or the conduct occurred, and the
10 former law is continued in effect for that purpose. For purposes of
11 this section, an offense was committed or conduct occurred before
12 September 1, 2025, if any element of the offense or conduct occurred
13 before that date.

14 ARTICLE 6. ADVISORY COMMITTEE

15 SECTION 6.01. ADVISORY COMMITTEE ON IMPLEMENTATION. (a)
16 Not later than December 1, 2023, the Texas Juvenile Justice Board
17 shall appoint an advisory committee to monitor and evaluate
18 implementation of this Act.

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

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

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

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

27 (4) one representative of county commissioners courts

1 appointed by the board;

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

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

5 (7) juvenile prosecutors;

6 (8) juvenile defense attorneys;

7 (9) juvenile justice advocates; and

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

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

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

20 (2) one chief juvenile probation officer of a juvenile
21 probation department serving a county with a population that
22 includes at least 7,500 but fewer than 80,000 persons younger than
23 18 years of age; and

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

27 (d) The board shall designate one of the members as

1 presiding officer of the advisory committee.

2 (e) The advisory committee shall assist the Texas Juvenile
3 Justice Department in evaluating and monitoring the implementation
4 of this Act, which includes determining the needs and problems of
5 county juvenile boards and probation departments, and offer
6 recommendations to meet identified needs and problems.

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

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

11 (h) The advisory committee is abolished and this article
12 expires June 1, 2026.

13 ARTICLE 7. EFFECTIVE DATES

14 SECTION 7.01. (a) Except as provided by Subsection (b) of
15 this section, this Act takes effect September 1, 2025.

16 (b) Article 6 of this Act takes effect September 1, 2023.