

By: Leach

H.B. No. 2687

A BILL TO BE ENTITLED

AN ACT

relating to the age at which a juvenile court may exercise jurisdiction over a child.

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

SECTION 1. Section 51.02(2), Family Code, is amended to read as follows:

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

(A) 10 years of age or older and under 13 years of age who is alleged or found to have engaged in conduct that contains the elements of any of the following offenses under the Penal Code:

(i) aggravated assault under Section 22.02, sexual assault under Section 22.011, or aggravated sexual assault under Section 22.021;

(ii) arson under Section 28.02;

(iii) murder under Section 19.02, capital murder under Section 19.03, or criminal attempt under Section 15.01 to commit murder or capital murder;

(iv) indecency with a child under Section 21.11;

(v) aggravated kidnapping under Section 20.04;

(vi) aggravated robbery under Section 29.03;

(vii) manslaughter under Section 19.04;

1                    (viii) criminally negligent homicide under  
2 Section 19.05; or

3                    (ix) continuous sexual abuse of young child  
4 or disabled individual under Section 21.02;

5                    (B) 13 [~~ten~~] years of age or older and under 17  
6 years of age; or

7                    (C) 17 [~~(B) seventeen~~] years of age or older and  
8 under 18 years of age who is alleged or found to have engaged in  
9 delinquent conduct or conduct indicating a need for supervision as  
10 a result of acts committed before becoming 17 years of age.

11            SECTION 2. Chapter 54, Family Code, is amended by adding  
12 Section 54.021 to read as follows:

13            Sec. 54.021. WAIVER OF JURISDICTION FOR CHILD UNDER 13  
14 YEARS OF AGE. (a) The juvenile court must, before holding an  
15 adjudication hearing, hold a hearing without a jury to determine  
16 whether to waive its exclusive original jurisdiction over a child  
17 under 13 years of age.

18            (b) At a hearing under this section, the juvenile court  
19 shall consider whether:

20                    (1) less restrictive interventions by the child's  
21 parent, guardian, family, or school, or by child protective  
22 services or county family and youth services, are available and  
23 will be sufficient to ensure the safety of the public and of the  
24 child;

25                    (2) intervention by the court is warranted; and

26                    (3) it is in the best interest of the child for the  
27 court to intervene.

1        (c) If the court elects not to waive its jurisdiction over a  
2 child in a hearing under this section, the court shall state the  
3 reasons for its decision in the order.

4        (d) If the court elects to waive its jurisdiction over a  
5 child in a hearing under this section, the court shall dismiss all  
6 charges against the child. The court shall refer the child to the  
7 person who conducted the preliminary investigation of the child  
8 under Section 53.01 for a referral for services described by  
9 Subsection (b)(1), as appropriate.

10        SECTION 3. The changes in law made by this Act apply only to  
11 an offense committed or conduct that occurs on or after the  
12 effective date of this Act. An offense committed or conduct that  
13 occurred before that date is governed by the law in effect on the  
14 date the offense was committed or the conduct occurred, and the  
15 former law is continued in effect for that purpose. For purposes of  
16 this section, an offense was committed or conduct occurred before  
17 the effective date of this Act if any element of the offense or  
18 conduct occurred before that date.

19        SECTION 4. This Act takes effect September 1, 2023.