

## **BILL ANALYSIS**

H.B. 437  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The bill author has informed the committee of a case in Scotland wherein a biological male named Isla Bryson who was convicted of multiple counts of rape being sent to a women's prison in that country after changing their gender identity, that this led the United Kingdom to prohibit biological males who change their gender identity from being sent to women's prisons, and that this illustrates the need for Texas to codify protections for juveniles to ensure that girls placed in state correctional facilities are not at disproportionate risk of sexual or physical abuse. Moreover, the bill author also informed the committee that, under current statute in the Family Code, juveniles are not required to be separated based on biological sex despite this being the current standard practice for the state and contracted entities, that a biological man in a girls' prison could create the same plethora of safety and administrative problems that are evident in European nations, and that, while some juveniles engage in co-ed activities, statutory protections are needed to ensure that girls are able to access intimate areas such as showers, bathrooms, and sleeping quarters without facing the risk of encountering a biological male. H.B. 437 addresses these issues by requiring the Texas Juvenile Justice Department to place a child in a detention or correctional facility according to biological sex.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Juvenile Justice Board in SECTION 4 of this bill.

### **ANALYSIS**

H.B. 437 amends the Family Code to require the Texas Juvenile Justice Department (TJJD) or a juvenile board, as applicable, to take the following actions:

- place a child in a detention or correctional facility according to the child's biological sex, as determined by an official birth certificate, if the child's biological sex is correctly stated on the certificate, or, if such a certificate is unobtainable, by another government record that states the child's biological sex;
- consider the unique safety needs of each child and take appropriate action to ensure a child's health and safety, in accordance with national standards under the federal Prison Rape Elimination Act of 2003; and
- adopt any rules necessary to implement the bill's provisions regarding the placement of a child in a detention or correctional facility based on biological sex that ensure compliance with state and federal law.

The bill establishes that a statement of a child's biological sex on the child's official birth certificate is considered to be correct only if the statement was entered at or near the time of the

child's birth and not modified except as necessary to correct any type of scrivener or clerical error in the child's biological sex. The bill prohibits the vital statistics unit of the Department of State Health Services from charging TJJD or a juvenile board a fee to issue a birth certificate for the applicable placement.

H.B. 437 authorizes TJJD to deny, suspend, or revoke the registration of any applicable governmental unit or private entity that operates or contracts for the operation of a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility in Texas if the facility fails to strictly comply with the bill's provisions.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.