

BILL ANALYSIS

C.S.H.B. 2234
By: Dutton
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that Texas is one of four states to treat 17-year-olds as adults for criminal justice purposes, in addition to Georgia, Louisiana, and Wisconsin, and that Texas is one of six states to treat teens as adults for those purposes, in addition to the three previously mentioned states and Florida and Delaware. The bill author has further informed the committee that unfortunately, 17-year-olds who are sentenced to adult prison are essentially segregated from the adult inmates, and thus denied access to the valuable rehabilitation programs and services offered in pursuit of mitigating the rates of reoffending. C.S.H.B. 2234, the George Foreman Justice Act, seeks to address the needs of 17-year-old inmates that are largely overlooked and ignored in adult prisons by raising the age of criminal responsibility from 17 to 18 years old, aiding county jails and prisons in reducing the chronic abuse and fiscal penalties associated with housing these 17-year-olds.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

ARTICLE 1: Short Title

C.S.H.B. 2234 may be cited as the George Foreman Justice Act.

ARTICLE 2: Age of Criminal Responsibility

C.S.H.B. 2234 amends the Family Code to raise the age at which a person is considered a child under the juvenile justice code from under 17 to under 18. For a person who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming of age and who is under the jurisdiction of a juvenile court, the bill changes the age range at which a person is considered a child from 17 or older and under 18 to 18 or older and under 20.

C.S.H.B. 2234 amends the Penal Code to raise from 17 to 18 the minimum age at which a person who commits an offense may be prosecuted or convicted, with certain exceptions.

The provisions of C.S.H.B. 2234 relating to the age of criminal responsibility apply only to an offense committed or conduct that occurs on or after September 1, 2027. An offense committed

or conduct that occurred before that date is governed by the law in effect on the date the offense was committed or the conduct occurred, and the former law is continued in effect for that purpose. For these purposes, an offense was committed or conduct occurred before September 1, 2027, if any element of the offense or conduct occurred before that date.

ARTICLE 3: Offenses With Age as an Element

C.S.H.B. 2234 amends the Penal Code to raise from 17 to 18 the minimum age of an actor who was a member of a criminal street gang at the time the actor committed criminal solicitation of a minor that renders that offense the same category as the solicited offense. The bill raises from 17 to 18 the minimum age at which an actor is considered to commit an offense of continuous sexual abuse of a young child or disabled individual, an offense of online solicitation of a minor, and, for purposes of increased punishment, certain offenses regarding criminal activities committed in a gang-free zone.

C.S.H.B. 2234 amends the Transportation Code to raise from under 17 to under 18 the age of a person who holds a restricted motorcycle license against whom the prohibition on operating a motorcycle while using a wireless communication device or during certain nighttime hours within the 12-month period following the issuance of the original license, with certain exceptions, applies. The bill raises from younger than 17 to younger than 18 the age at which an actor is considered to commit certain offenses involving the operation of a motor vehicle by a minor, including operation of a motor vehicle without an applicable driver's license.

The provisions of C.S.H.B. 2234 relating to offenses with age as an element apply only to an offense committed on or after September 1, 2027. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before September 1, 2027, if any element of the offense occurred before that date.

ARTICLE 4: Criminal Procedures

C.S.H.B. 2234 amends the Code of Criminal Procedure to make the prohibition against the issuance of a capias pro fine for conviction of an offense committed before the individual's 17th birthday applicable instead to an offense committed before the individual's 18th birthday and accordingly raises from 17 to 18 the minimum age of the individual for whom the court may issue a capias pro fine for such an offense if certain conditions are met.

C.S.H.B. 2234 extends the applicability of statutory provisions governing a plea by a minor and the court appearance of a parent to any defendant younger than 18 years of age who has not had the disabilities of minority removed, subject to the requirements of Subchapter K, as added by an Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes. The bill makes such extension of applicability contingent on that act becoming law. However, if that act does not become law, the bill extends the applicability of statutory provisions governing a plea by a minor and the court appearance of a parent to any defendant younger than 18 years of age who has not had the disabilities of minority removed.

C.S.H.B. 2234 raises from younger than 17 to younger than 18 the age at which a person is considered a child for purposes of statutory provisions relating to juvenile cases over which a justice or municipal court has jurisdiction.

C.S.H.B. 2234 extends the prohibition against taking an individual into secured custody for offenses alleged to have occurred before the individual's 17th birthday, except as provided by procedures for taking a child into nonsecure custody or a child alleged to have committed certain conduct on school property, to an individual with respect to offenses alleged to have occurred before the individual's 18th birthday, except as provided by those same provisions. The bill

makes the extension of the prohibition effective contingent on an Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes, becoming law. However, if that act does not become law, the bill extends the prohibition against taking an individual into secured custody for offenses alleged to have occurred before the individual's 17th birthday, except as provided by procedures for taking a child into nonsecure custody, for a child alleged to have committed certain conduct on school property, or for taking a child into custody for violation of a curfew or order, to an individual with respect to offenses alleged to have occurred before the individual's 18th birthday, except as provided by those same provisions.

C.S.H.B. 2234 replaces the provision establishing that the obligation of a child and parent to provide the child's current address and residence to a justice or municipal court that finds the child has committed an applicable offense does not end when the child reaches age 17 with a provision establishing that such an obligation does not end when the child reaches age 18.

C.S.H.B. 2234 raises from younger than 17 to younger than 18 the age at which a juvenile defendant is eligible to perform community service in satisfaction of a fine or costs assessed for a Class C misdemeanor, including a Class C misdemeanor occurring in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense.

C.S.H.B. 2234 limits the authority of a justice or municipal court to hold in contempt and impose certain remedies on a person who is convicted for an offense committed before the person's 17th birthday and fails to obey the court's order while the person was 17 years of age or older under circumstances that constitute contempt of court to a person who is convicted for an offense committed before the person's 18th birthday and fails to obey the court's order while the person was 18 years of age or older under circumstances that constitute contempt of court. The bill also raises from younger than 17 to younger than 18 the age at which a person who engaged in conduct in contempt of a justice or municipal court's order but contempt proceedings could not be held before the person's next birthday, may be held in contempt and certain remedies may be imposed by the court. The bill raises from 17 years of age or older to 18 years of age or older the age at which a person who violates a court order may not be referred to juvenile court for delinquency proceedings for contempt of court.

C.S.H.B. 2234 changes the earliest date on which an eligible person may apply to a court for an expunction of certain conviction records from the person's 17th birthday to the person's 18th birthday. This provision applies only to the expunction of certain records related to an offense committed on or after September 1, 2027. The expunction of certain records related to an offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before September 1, 2027, if any element of the offense occurred before that date.

C.S.H.B. 2234 raises from 17 to 18 the minimum age at which a person who commits a certain sexual offense is considered to have committed a sexually violent offense for purposes of the sex offender registration program. Accordingly, the bill raises by one year the applicable age in statutory provisions relating to juvenile exemptions from registration under the program.

C.S.H.B. 2234 amends the Education Code to extend the prohibition against the issuance of a warrant for the arrest of a person for a Class C misdemeanor under the Education Code committed when the person was younger than 17 years of age to a person who committed such an offense when the person was younger than 18 years of age.

C.S.H.B. 2234 amends the Family Code to raise from 17 to 18 the minimum age of a person who commits an offense that subjects the person to sex offender registration for whom a court

may decline to enter a judgment on a mediated settlement agreement in a suit affecting the parent-child relationship if the court finds the following:

- the agreement would permit such a person to reside in the same household as the child or otherwise have unsupervised access to the child; and
- the agreement is not in the child's best interest.

C.S.H.B. 2234 amends the Transportation Code to raise from younger than 17 to younger than 18 the age of a person whose community service for a possession of a fictitious driver's license or personal identification certificate offense is required to be performed as if ordered by a juvenile court as a condition of probation.

Except as otherwise provided, the bill's provisions relating to criminal procedures apply only to an offense committed on or after September 1, 2027. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before September 1, 2027, if any element of the offense occurred before that date.

ARTICLE 5: Juvenile Court Procedures

C.S.H.B. 2234 amends the Family Code to reflect the raised maximum age of a child under the juvenile justice code by raising by one year certain age requirements relating to the following:

- a juvenile court's jurisdiction;
- the place and conditions of a child's detention;
- the deferral of adjudication proceedings and dismissal of certain cases on completion of a trafficked persons program;
- the disposition of a child, including conditions relating to probation, or orders affecting a child's parent following a juvenile justice proceeding;
- the transfer or discharge of a child placed on determinate sentence probation;
- the transfer of a child committed to the Texas Juvenile Justice Department (TJJD);
- a child receiving mental health services or a child who is determined unfit to proceed in juvenile court as a result of mental illness or intellectual disability;
- the treatment of a child's records, including provisions relating to the following:
 - interagency sharing of certain noneducational records;
 - sealing records without applying to the juvenile court for delinquent conduct or conduct indicating the need for supervision;
 - sealing records by applying to the court for all matters for which the person was referred to the court; and
 - the permissible destruction of records; and
- the discharge of a child from the custody of a probation department or other applicable entity under the progressive sanctions model.

The bill includes an order denying the transfer of a child from a juvenile court to criminal court for prosecution as an adult among the court orders the state is entitled to appeal. The bill's provisions relating to the interagency sharing of certain noneducational records of a child applies to the sharing of information on or after September 1, 2027, without regard to whether the information was compiled before, on, or after that date.

C.S.H.B. 2234 amends the Health and Safety Code to revise the authorization for a child with mental illness to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments after receiving those services from TJJD due to the child's ineligibility to receive the services from a local health mental authority upon the child turning 17 by raising the age at which the child becomes ineligible to receive those services from a local health mental authority from 17 to 18.

C.S.H.B. 2234 amends the Human Resources Code to raise from 18 to 20 the maximum age at which a person who has been found to have engaged in delinquent conduct is considered a juvenile for purposes of statutory provisions relating to residential facilities for certain

delinquent children and specifies that the person is under the jurisdiction of the juvenile court. The bill raises from younger than 18 to younger than 20 the age at which an individual under a juvenile court's jurisdiction is considered a child for purposes of statutory provisions relating to juvenile justice services and facilities and removes an alternative definition of a child for those purposes that is based on a child's commitment to TJJD. Accordingly, the bill reflects these raised maximum ages of a child by raising by one year certain age requirements relating to the following:

- the duty of a juvenile board to establish a pretrial detention policy for juveniles;
- the limitation on the placement of a child in a TJJD facility based on the child's age;
- the detainment of a child who escapes custody or violates a release condition;
- the referral of a child serving a determinate sentence for transfer;
- the evaluation of whether a child serving a determinate sentence needs additional services;
- counseling for a child required to register as a sex offender; and
- termination of control by TJJD of a person committed to TJJD custody.

Except as otherwise provided, the bill's provisions relating to juvenile court procedures apply only to procedures relating to conduct that occurs on or after September 1, 2027. Procedures relating to conduct that occurred before that date are governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. For these purposes, conduct occurred before September 1, 2027, if any element of the conduct occurred before that date.

ARTICLE 6: Miscellaneous Laws Relating to Age of Criminal Responsibility

C.S.H.B. 2234 amends the Business & Commerce Code to raise from younger than 17 to younger than 18 the age of a person considered a child for purposes of confidential criminal record information under statutory provisions relating to the operations of a business entity engaged in publication of certain criminal or juvenile record information.

C.S.H.B. 2234 amends the Family Code to raise from 17 to 18 the minimum age of a child excluded from a truancy court's authority to refer a child who fails to obey a truancy court order or who is in direct contempt of court to the applicable juvenile probation department as a request for truancy intervention.

C.S.H.B. 2234 amends the Government Code to raise from younger than 17 to younger than 18 the age at which a person who commits conduct that constitutes a misdemeanor punishable by confinement or a felony is considered to have committed a juvenile offense for purposes of statutory provisions relating to the Texas Indigent Defense Commission.

C.S.H.B. 2234 amends the Transportation Code to change the applicability of the prohibition against the Department of Public Safety issuing a driver's license to, with certain exceptions, a person who has been reported by a court for failure to appear or default in fine payment for certain fine-only misdemeanors from such a person who was under 17 years of age at the time of the alleged offense to such a person who was under 18 years of age at the time of the alleged offense.

The provisions of C.S.H.B. 2234 relating to a truancy court's authority and license ineligibility provisions apply only to an offense committed or conduct that occurred on or after September 1, 2027. An offense committed or conduct that occurred before that date is governed by the law in effect on the date the offense was committed or the conduct occurred, and the former law is continued in effect for that purpose. For these purposes, an offense was committed or conduct occurred before September 1, 2027, if any element of the offense or conduct occurred before that date.

ARTICLE 7: Advisory Committee

C.S.H.B. 2234, effective September 1, 2025, requires TJJD, not later than December 1, 2025, to appoint an advisory committee to monitor and evaluate the implementation of the bill's provisions. The bill sets out requirements relating to the board's committee appointments and the designation of the committee's presiding officer. The bill requires the advisory committee to assist TJJD in evaluating and monitoring the implementation of the bill's provisions, which includes determining the needs and problems of county juvenile boards and probation departments, and to offer recommendations to meet identified needs and problems.

C.S.H.B. 2234 establishes that advisory committee members serve without compensation and are not entitled to reimbursement for expenses and exempts the advisory committee from statutory provisions governing state agency advisory committees. The bill's provisions relating to the committee expire and the committee is abolished on June 1, 2028.

ARTICLE 8: Transition Provision

C.S.H.B. 2234 establishes that, to the extent of any conflict, its provisions prevail over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2027.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2234 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a short title absent from the introduced establishing that the bill may be cited as the George Foreman Justice Act.