

By: Hickland

H.B. No. 1511

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a political subdivision to adopt or enforce a juvenile curfew; creating criminal offenses.

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

SECTION 1. Article 45A.259(i), Code of Criminal Procedure, is amended to read as follows:

(i) This article does not limit the authority of a court to order a child taken into custody under Article 45A.453 or 45A.4555 [~~45A.455~~].

SECTION 2. Subchapter J, Chapter 45A, Code of Criminal Procedure, is amended by adding Article 45A.4555 to read as follows:

Art. 45A.4555. CHILD TAKEN INTO CUSTODY FOR VIOLATION OF JUVENILE CURFEW OR ORDER. (a) In this article, "child" means a person who is younger than 17 years of age.

(b) A peace officer taking a child into custody for a violation of a juvenile curfew ordinance of a municipality or order of the commissioners court of a county shall, without unnecessary delay:

(1) release the child to the child's parent, guardian, or custodian;

(2) take the child before a justice or municipal court to answer the charge; or

(3) take the child to a place designated as a juvenile

1 curfew processing office by the head of the law enforcement agency
2 having custody of the child.

3 (c) A juvenile curfew processing office must observe the
4 following procedures:

5 (1) the office must be an unlocked, multipurpose area
6 that is not designated, set aside, or used as a secure detention
7 area or part of a secure detention area;

8 (2) the child may not be secured physically to a
9 cuffing rail, chair, desk, or stationary object;

10 (3) the child may not be held for a period longer than
11 is necessary to complete:

12 (A) identification;

13 (B) investigation;

14 (C) processing;

15 (D) release to a parent, guardian, or custodian;

16 or

17 (E) arrangement of transportation to court;

18 (4) the office may not be designated or intended for
19 residential purposes;

20 (5) a peace officer or other individual shall provide
21 continuous visual supervision of a child while the child is in the
22 office; and

23 (6) a child may not be held in the office for a period
24 of more than six hours.

25 (d) A place designated under this article as a juvenile
26 curfew processing office is not subject to the approval of the
27 juvenile board having jurisdiction where the governmental entity is

1 located.

2 SECTION 3. Article 45A.456(a), Code of Criminal Procedure,
3 is amended to read as follows:

4 (a) Except as provided by Articles 45A.453, 45A.454, and
5 45A.4555 [~~45A.455~~], an individual may not be taken into secured
6 custody for offenses alleged to have occurred before the
7 individual's 17th birthday.

8 SECTION 4. Section 51.02(15), Family Code, is amended to
9 read as follows:

10 (15) "Status offender" means a child who is accused,
11 adjudicated, or convicted for conduct that would not, under state
12 law, be a crime if committed by an adult, including:

13 (A) running away from home under Section
14 51.03(b)(2);

15 (B) a fineable only offense under Section
16 51.03(b)(1) transferred to the juvenile court under Section
17 51.08(b), but only if the conduct constituting the offense would
18 not have been criminal if engaged in by an adult;

19 (C) a violation of standards of student conduct
20 as described by Section 51.03(b)(4);

21 (D) a violation of a juvenile curfew ordinance or
22 order;

23 (E) a violation of a provision of the Alcoholic
24 Beverage Code applicable to minors only; or

25 (F) [~~(E)~~] a violation of any other fineable only
26 offense under Section 8.07(a)(4) or (5), Penal Code, but only if the
27 conduct constituting the offense would not have been criminal if

1 engaged in by an adult.

2 SECTION 5. Section 38.003(a), Government Code, is amended
3 to read as follows:

4 (a) The judge of a county, justice, or municipal court, in
5 accordance with Section 38.002, may award money from a judicial
6 donation trust fund established under Section 38.001 to eligible
7 children or families who appear before the court for a truancy or
8 curfew violation or in another misdemeanor offense proceeding
9 before the court.

10 SECTION 6. Subchapter Z, Chapter 341, Local Government
11 Code, is amended by adding Section 341.905 to read as follows:

12 Sec. 341.905. JUVENILE CURFEW IN GENERAL-LAW MUNICIPALITY.

13 (a) To provide for the public safety, the governing body of a
14 general-law municipality has the same authority to adopt a juvenile
15 curfew ordinance that a county has under Section 351.903.

16 (b) The governing body of a general-law municipality may
17 adopt by ordinance a juvenile curfew order adopted by the
18 commissioners court of the county in which any part of the
19 municipality is located and, except as provided by Subsection (c),
20 may adapt the order to fit the needs of the municipality.

21 (c) The governing body of a general-law municipality may not
22 adopt an ordinance regulating the movements or actions of persons
23 under 17 years of age during the period beginning one-half hour
24 before sunrise and extending until one-half hour after sunset.

25 (d) A person commits an offense if the person violates a
26 restriction or prohibition imposed by an ordinance adopted under
27 this section.

1 (e) An offense under this section is a Class C misdemeanor.

2 SECTION 7. Subchapter 2, Chapter 351, Local Government
3 Code, is amended by adding Section 351.903 to read as follows:

4 Sec. 351.903. COUNTY JUVENILE CURFEW. (a) To provide for
5 the public safety, the commissioners court of a county by order may
6 adopt a curfew to regulate the movements or actions of persons under
7 17 years of age during the period beginning one-half hour after
8 sunset and extending until one-half hour before sunrise. The order
9 applies only to the unincorporated area of the county.

10 (b) The authority under Subsection (a) includes the
11 authority to:

12 (1) establish the hours of the curfew, including
13 different hours for different days of the week;

14 (2) apply different curfew hours to different age
15 groups of juveniles;

16 (3) describe the kinds of conduct subject to the
17 curfew;

18 (4) determine the locations to which the curfew
19 applies;

20 (5) determine which persons incur liability if a
21 violation of the curfew occurs;

22 (6) prescribe procedures, in compliance with Article
23 45A.4555, Code of Criminal Procedure, a police officer must follow
24 in enforcing the curfew; and

25 (7) establish exemptions to the curfew, including
26 exemptions for:

27 (A) holidays; and

1 (B) persons going to or from work.

2 (c) A person commits an offense if the person violates a
3 restriction or prohibition imposed by an order adopted under this
4 section.

5 (d) An offense under this section is a Class C misdemeanor.

6 SECTION 8. Chapter 370, Local Government Code, is amended
7 by adding Section 370.002 to read as follows:

8 Sec. 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE.

9 (a) Before the third anniversary of the date of adoption of a
10 juvenile curfew ordinance by a general-law municipality or a
11 home-rule municipality or an order of a county commissioners court,
12 and every third year after the date of the initial review, the
13 governing body of the general-law municipality or home-rule
14 municipality or the commissioners court of the county shall:

15 (1) review the ordinance's or order's effects on the
16 community and on problems the ordinance or order was intended to
17 remedy;

18 (2) conduct public hearings on the need to continue
19 the ordinance or order; and

20 (3) abolish, continue, or modify the ordinance or
21 order.

22 (b) An ordinance or order described by Subsection (a)
23 expires if the governing body of the general-law municipality or
24 home-rule municipality or the commissioners court of the county
25 fails to act in accordance with Subsection (a).

26 SECTION 9. Section 8.07(e), Penal Code, is amended to read
27 as follows:

1 (e) A person who is at least 10 years of age but younger than
2 15 years of age is presumed incapable of committing an offense
3 described by Subsection (a)(4) or (5), other than an offense under a
4 juvenile curfew ordinance or order. This presumption may be
5 refuted if the prosecution proves to the court by a preponderance of
6 the evidence that the actor had sufficient capacity to understand
7 that the conduct engaged in was wrong at the time the conduct was
8 engaged in. The prosecution is not required to prove that the actor
9 at the time of engaging in the conduct knew that the act was a
10 criminal offense or knew the legal consequences of the offense.

11 SECTION 10. The following provisions are repealed:

- 12 (1) Article 45A.455, Code of Criminal Procedure; and
13 (2) Section 370.007, Local Government Code, as added
14 by Chapter 425 (H.B. 1819), Acts of the 88th Legislature, Regular
15 Session, 2023.

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

25 SECTION 12. This Act takes effect September 1, 2025.