

By: Cook

S.B. No. 1306

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, 2027. An offense committed or conduct that occurred
6 before September 1, 2027, 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, 2027, 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, 2027. An
18 offense committed before September 1, 2027, 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, 2027, 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 45A.259(h), Code of Criminal
14 Procedure, is amended to read as follows:

15 (h) A *capias pro fine* may not be issued for a person
16 convicted for an offense committed before the person's 18th [~~17th~~]
17 birthday unless:

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

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

21 (A) the sophistication and maturity of the
22 person;

23 (B) the criminal record and history of the
24 person; and

25 (C) the reasonable likelihood of bringing about
26 the discharge of the judgment through the use of procedures and
27 services currently available to the court; and

1 (3) the court has proceeded under Article 45A.461 to
2 compel the person to discharge the judgment.

3 SECTION 3.03. (a) This section takes effect only if the Act
4 of the 89th Legislature, Regular Session, 2025, relating to
5 nonsubstantive additions to and corrections in enacted codes
6 becomes law.

7 (b) Article 45A.452(a), Code of Criminal Procedure, is
8 amended to read as follows:

9 (a) Subject to the requirements of Subchapter K, this ~~[This]~~
10 article applies to a defendant who has not had the disabilities of
11 minority removed and ~~[has been:~~

12 ~~[(1) charged with an offense other than an offense~~
13 ~~under Section 43.261, Penal Code, if the defendant is younger than~~
14 ~~17 years of age; or~~

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

17 SECTION 3.04. (a) This section takes effect only if the Act
18 of the 89th Legislature, Regular Session, 2025, relating to
19 nonsubstantive additions to and corrections in enacted codes does
20 not become law.

21 (b) Article 45A.452(a), Code of Criminal Procedure, is
22 amended to read as follows:

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

25 ~~[(1) charged with an offense other than an offense~~
26 ~~under Section 43.261, Penal Code, if the defendant is younger than~~
27 ~~17 years of age; or~~

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

3 SECTION 3.05. Article 45A.453(a), Code of Criminal
4 Procedure, is amended to read as follows:

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

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

8 (2) charged with or convicted of an offense that a
9 justice or municipal court has jurisdiction of under Article 4.11
10 or 4.14.

11 SECTION 3.06. (a) This section takes effect only if the Act
12 of the 89th Legislature, Regular Session, 2025, relating to
13 nonsubstantive additions to and corrections in enacted codes
14 becomes law.

15 (b) Articles 45A.456(a), (b), and (e), Code of Criminal
16 Procedure, are amended to read as follows:

17 (a) Except as provided by Articles 45A.453 and ~~[7]~~ 45A.454,
18 ~~[and 45A.455,~~ an individual may not be taken into secured custody
19 for offenses alleged to have occurred before the individual's 18th
20 ~~[17th]~~ birthday.

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

1 place, and date to answer the allegations detailed in the notice.

2 (e) A notice of continuing obligation to appear issued under
3 this article must contain the following statement provided in
4 boldfaced type or capital letters:

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

12 SECTION 3.07. (a) This section takes effect only if the Act
13 of the 89th Legislature, Regular Session, 2025, relating to
14 nonsubstantive additions to and corrections in enacted codes does
15 not become law.

16 (b) Articles [45A.456](#)(a), (b), and (e), Code of Criminal
17 Procedure, are amended to read as follows:

18 (a) Except as provided by Articles [45A.453](#), [45A.454](#), and
19 [45A.455](#), an individual may not be taken into secured custody for
20 offenses alleged to have occurred before the individual's 18th
21 [~~17th~~] birthday.

22 (b) On or after an individual's 18th [~~17th~~] birthday, if the
23 court has used all available procedures under this chapter to
24 secure the individual's appearance to answer allegations made
25 before the individual's 18th [~~17th~~] birthday, the court may issue a
26 notice of continuing obligation to appear, by personal service or
27 by mail, to the last known address and residence of the individual.

1 The notice must order the individual to appear at a designated time,
2 place, and date to answer the allegations detailed in the notice.

3 (e) A notice of continuing obligation to appear issued under
4 this article must contain the following statement provided in
5 boldfaced type or capital letters:

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

13 SECTION 3.08. Article [45A.457\(h\)](#), Code of Criminal
14 Procedure, is amended to read as follows:

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

25 SECTION 3.09. Article [45A.459\(a\)](#), Code of Criminal
26 Procedure, is amended to read as follows:

27 (a) This article applies only to a defendant younger than 18

1 [17] years of age who is assessed a fine or cost for a Class C
2 misdemeanor.

3 SECTION 3.10. Article 45A.460(a), Code of Criminal
4 Procedure, is amended to read as follows:

5 (a) This article applies only to a defendant younger than 18
6 [~~17~~] years of age who is assessed a fine or cost for a Class C
7 misdemeanor occurring in a building or on the grounds of the primary
8 or secondary school at which the defendant was enrolled at the time
9 of the offense.

10 SECTION 3.11. Articles 45A.461(d), (e), and (g), Code of
11 Criminal Procedure, are amended to read as follows:

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

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

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

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

20 (e) A justice or municipal court may hold a person in
21 contempt and impose a remedy authorized by Subsection (c)(2) if the
22 person, while younger than 18 [~~17~~] years of age, engaged in conduct
23 in contempt of an order issued by the court, but contempt
24 proceedings could not be held before the person's 18th [~~17th~~]
25 birthday.

26 (g) A justice or municipal court may not refer a person who
27 violates a court order while 18 [~~17~~] years of age or older to a

1 juvenile court for delinquency proceedings for contempt of court.

2 SECTION 3.12. Articles 45A.463(c) and (i), Code of Criminal
3 Procedure, are amended to read as follows:

4 (c) On or after the person's 18th [~~17th~~] birthday, a person
5 may apply to the court in which the person was convicted to have the
6 conviction expunged as provided by this article if:

7 (1) the person was convicted of not more than one
8 offense described by Section 8.07(a)(4) or (5), Penal Code, while
9 the person was a child; or

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

12 (i) Records of a person younger than 18 [~~17~~] years of age
13 relating to a complaint may be expunged under this article if:

14 (1) the complaint was dismissed under Subchapter G,
15 Article 45A.401, or other law; or

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

17 SECTION 3.13. Article 62.001(6), Code of Criminal
18 Procedure, is amended to read as follows:

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

22 (A) an offense under Section 21.02 (Continuous
23 sexual abuse of young child or disabled individual), 21.11(a)(1)
24 (Indecency with a child), 22.011 (Sexual assault), or 22.021
25 (Aggravated sexual assault), Penal Code;

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

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

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

9 (E) an offense under the laws of another state,
10 federal law, the laws of a foreign country, or the Uniform Code of
11 Military Justice if the offense contains elements that are
12 substantially similar to the elements of an offense listed under
13 Paragraph (A), (B), (C), or (D).

14 SECTION 3.14. Article 62.351(a), Code of Criminal
15 Procedure, is amended to read as follows:

16 (a) During or after disposition of a case under Section
17 54.04, Family Code, for adjudication of an offense for which
18 registration is required under this chapter, the juvenile court on
19 motion of the respondent shall conduct a hearing to determine
20 whether the interests of the public require registration under this
21 chapter. The motion may be filed and the hearing held regardless of
22 whether the respondent is under 19 [~~18~~] years of age. Notice of the
23 motion and hearing shall be provided to the prosecuting attorney.

24 SECTION 3.15. Article 62.352(c), Code of Criminal
25 Procedure, is amended to read as follows:

26 (c) If the court enters an order described by Subsection
27 (b)(1), the court retains discretion and jurisdiction to require,

1 or exempt the respondent from, registration under this chapter at
2 any time during the treatment or on the successful or unsuccessful
3 completion of treatment, except that during the period of deferral,
4 registration may not be required. Following successful completion
5 of treatment, the respondent is exempted from registration under
6 this chapter unless a hearing under this subchapter is held on
7 motion of the prosecuting attorney, regardless of whether the
8 respondent is 19 [~~18~~] years of age or older, and the court
9 determines the interests of the public require registration. Not
10 later than the 10th day after the date of the respondent's
11 successful completion of treatment, the treatment provider shall
12 notify the juvenile court and prosecuting attorney of the
13 completion.

14 SECTION 3.16. Article [62.353](#)(b), Code of Criminal
15 Procedure, is amended to read as follows:

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

22 SECTION 3.17. Section [37.085](#), Education Code, is amended to
23 read as follows:

24 Sec. 37.085. ARRESTS PROHIBITED FOR CERTAIN CLASS C
25 MISDEMEANORS. Notwithstanding any other provision of law, a
26 warrant may not be issued for the arrest of a person for a Class C
27 misdemeanor under this code committed when the person was younger

1 than 18 [~~17~~] years of age.

2 SECTION 3.18. Section [153.0071](#)(e-1), Family Code, is
3 amended to read as follows:

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

7 (1) that:

8 (A) a party to the agreement was a victim of
9 family violence, and that circumstance impaired the party's ability
10 to make decisions; or

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

17 (i) reside in the same household as the
18 child; or

19 (ii) otherwise have unsupervised access to
20 the child; and

21 (2) that the agreement is not in the child's best
22 interest.

23 SECTION 3.19. Section [521.453](#)(i), Transportation Code, is
24 amended to read as follows:

25 (i) If the person ordered to perform community service under
26 Subsection (h) is younger than 18 [~~17~~] years of age, the community
27 service shall be performed as if ordered by a juvenile court under

1 Section 54.044(a), Family Code, as a condition of probation under
2 Section 54.04(d), Family Code.

3 SECTION 3.20. (a) Except as provided by Subsection (b) of
4 this section, the changes in law made by this article apply only to
5 an offense committed on or after September 1, 2027. An offense
6 committed before September 1, 2027, is governed by the law in effect
7 on the date the offense was committed, and the former law is
8 continued in effect for that purpose.

9 (b) Articles 45A.463(c) and (i), Code of Criminal
10 Procedure, as amended by this article, apply only to the expunction
11 of certain records related to an offense committed on or after
12 September 1, 2027. The expunction of certain records related to an
13 offense committed before September 1, 2027, is governed by the law
14 in effect on the date the offense was committed, and the former law
15 is continued in effect for that purpose.

16 (c) For purposes of this section, an offense was committed
17 before September 1, 2027, if any element of the offense occurred
18 before that date.

19 ARTICLE 4. JUVENILE COURT PROCEDURES

20 SECTION 4.01. Section 51.041, Family Code, is amended to
21 read as follows:

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

1 (b) If the respondent is at least 18 years of age when the
2 order of remand from the appellate court is received by the juvenile
3 court, the juvenile court shall proceed as provided by Sections
4 54.02(o)-(r) for the detention of a person at least 19 [~~18~~] years of
5 age in discretionary transfer proceedings. Pending retrial of the
6 adjudication or transfer proceeding, the juvenile court may:

7 (1) order the respondent released from custody;

8 (2) order the respondent detained in a juvenile
9 detention facility; or

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

12 SECTION 4.02. Section 51.0412, Family Code, is amended to
13 read as follows:

14 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.
15 The court retains jurisdiction over a person, without regard to the
16 age of the person, who is a respondent in an adjudication
17 proceeding, a disposition proceeding, a proceeding to modify
18 disposition, a proceeding for waiver of jurisdiction and transfer
19 to criminal court under Section 54.02(a), or a motion for transfer
20 of determinate sentence probation to an appropriate district court
21 if:

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

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

27 and

1 (3) the court enters a finding in the proceeding that
2 the prosecuting attorney exercised due diligence in an attempt to
3 complete the proceeding before the respondent became 19 or 20 [~~18 or~~
4 ~~19~~] years of age, as applicable.

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

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

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

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

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

27 (A) escaped from a juvenile facility operated by

1 or under contract with the Texas Juvenile Justice Department; or

2 (B) violated a condition of release under
3 supervision of the department.

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

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

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

10 (2) the person was:

11 (A) 10 years of age or older and under 18 [~~17~~]
12 years of age at the time the person is alleged to have committed a
13 capital felony or an offense under Section 19.02, Penal Code;

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

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

21 (3) no adjudication concerning the alleged offense has
22 been made or no adjudication hearing concerning the offense has
23 been conducted;

24 (4) the juvenile court finds from a preponderance of
25 the evidence that:

26 (A) for a reason beyond the control of the state
27 it was not practicable to proceed in juvenile court before the 19th

1 ~~18th~~ birthday of the person; or

2 (B) after due diligence of the state it was not
3 practicable to proceed in juvenile court before the 19th ~~18th~~
4 birthday of the person because:

5 (i) the state did not have probable cause to
6 proceed in juvenile court and new evidence has been found since the
7 19th ~~18th~~ birthday of the person;

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

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

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

14 SECTION 4.05. Section [54.0326](#)(b), Family Code, is amended
15 to read as follows:

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

20 (1) is alleged to have engaged in delinquent conduct
21 or conduct indicating a need for supervision and may be a victim of
22 conduct that constitutes an offense under Section [20A.02](#), Penal
23 Code; and

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

26 SECTION 4.06. Sections [54.04](#)(e), (l), and (q), Family Code,
27 are amended to read as follows:

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

5 (1) Except as provided by Subsection (q), a court or jury
6 may place a child on probation under Subsection (d)(1) for any
7 period, except that probation may not continue on or after the
8 child's 19th [~~18th~~] birthday. Except as provided by Subsection
9 (q), the court may, before the period of probation ends, extend the
10 probation for any period, except that the probation may not extend
11 to or after the child's 19th [~~18th~~] birthday.

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

1 unless the court transfers the child to an appropriate district
2 court under Section 54.051.

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

5 (i) A court that requires as a condition of probation that a
6 child attend psychological counseling under Subsection (a) may,
7 before the date the probation period ends, extend the probation for
8 any additional period necessary to complete the required counseling
9 as determined by the treatment provider, except that the probation
10 may not be extended to a date after the date of the child's 19th
11 [~~18th~~] birthday, or 20th [~~19th~~] birthday if the child is placed on
12 determinate sentence probation under Section 54.04(q).

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

15 (b) If a child is found to have engaged in delinquent
16 conduct or conduct indicating a need for supervision arising from
17 the commission of an offense in which property damage or loss or
18 personal injury occurred, the juvenile court, on notice to all
19 persons affected and on hearing, may order the child or a parent to
20 make full or partial restitution to the victim of the offense. The
21 program of restitution must promote the rehabilitation of the
22 child, be appropriate to the age and physical, emotional, and
23 mental abilities of the child, and not conflict with the child's
24 schooling. When practicable and subject to court supervision, the
25 court may approve a restitution program based on a settlement
26 between the child and the victim of the offense. An order under
27 this subsection may provide for periodic payments by the child or a

1 parent of the child for the period specified in the order but except
2 as provided by Subsection (h), that period may not extend past the
3 date of the 19th [~~18th~~] birthday of the child or past the date the
4 child is no longer enrolled in an accredited secondary school in a
5 program leading toward a high school diploma, whichever date is
6 later.

7 (h) If the juvenile court places the child on probation in a
8 determinate sentence proceeding initiated under Section 53.045 and
9 transfers supervision on the child's 20th [~~19th~~] birthday to a
10 district court for placement on community supervision, the district
11 court shall require the payment of any unpaid restitution as a
12 condition of the community supervision. The liability of the
13 child's parent for restitution may not be extended by transfer to a
14 district court for supervision.

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

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

21 (1) the child reaches:
22 (A) the child's 19th [~~18th~~] birthday; or
23 (B) the child's 20th [~~19th~~] birthday, if the
24 child was placed on determinate sentence probation under Section
25 54.04(q); or

26 (2) the child is earlier discharged by the court or
27 operation of law.

1 (b) Except for a commitment to the Texas Juvenile Justice
2 Department or to a post-adjudication secure correctional facility
3 under former Section 54.04011 or a placement on determinate
4 sentence probation under Section 54.04(q), all dispositions
5 automatically terminate when the child reaches the child's 19th
6 ~~[18th]~~ birthday.

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

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

16 (b) The hearing must be conducted before the person's 20th
17 ~~[19th]~~ birthday~~[, or before the person's 18th birthday if the~~
18 ~~offense for which the person was placed on probation occurred~~
19 ~~before September 1, 2011,]~~ and must be conducted in the same manner
20 as a hearing to modify disposition under Section 54.05.

21 (c) If, after a hearing, the court determines to discharge
22 the child, the court shall specify a date on or before the child's
23 20th ~~[19th]~~ birthday to discharge the child from the sentence of
24 probation.

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

1 (e-2) If a person who is placed on community supervision
2 under this section violates a condition of that supervision or if
3 the person violated a condition of probation ordered under Section
4 54.04(q) and that probation violation was not discovered by the
5 state before the person's 20th [~~19th~~] birthday, the district court
6 shall dispose of the violation of community supervision or
7 probation, as appropriate, in the same manner as if the court had
8 originally exercised jurisdiction over the case. If the judge
9 revokes community supervision, the judge may reduce the prison
10 sentence to any length without regard to the minimum term imposed by
11 Article 42A.755(a), Code of Criminal Procedure.

12 (i) If the juvenile court exercises jurisdiction over a
13 person on or after the person's 19th or 20th birthday [~~who is 18 or~~
14 ~~19 years of age or older~~], as applicable, under Section 51.041 or
15 51.0412, the court or jury may, if the person is otherwise eligible,
16 place the person on probation under Section 54.04(q). The juvenile
17 court shall set the conditions of probation and immediately
18 transfer supervision of the person to the appropriate court
19 exercising criminal jurisdiction under Subsection (e).

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

22 (1) Pending the conclusion of a transfer hearing, the
23 juvenile court shall order that the person who is referred for
24 transfer be detained in a certified juvenile detention facility as
25 provided by Subsection (m). If the person is at least 18 [~~17~~] years
26 of age, the juvenile court may order that the person be detained
27 without bond in an appropriate county facility for the detention of

1 adults accused of criminal offenses.

2 SECTION 4.12. Section 55.15, Family Code, is amended to
3 read as follows:

4 Sec. 55.15. STANDARDS OF CARE; EXPIRATION OF COURT ORDER
5 FOR MENTAL HEALTH SERVICES. Treatment ordered under this
6 subchapter for a child with mental illness must focus on the
7 stabilization of the child's mental illness and on meeting the
8 child's psychiatric needs in the least restrictive appropriate
9 setting. If the juvenile court or a court to which the child's case
10 is referred under Section 55.12(2) orders mental health services
11 for the child, the child shall be cared for, treated, and released
12 in conformity to Subtitle C, Title 7, Health and Safety Code,
13 except:

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

17 (2) the administrator of a mental health facility
18 shall notify, in writing, by certified mail, return receipt
19 requested, the juvenile court that ordered mental health services
20 or the juvenile court that referred the case to a court that ordered
21 the mental health services of the intent to discharge the child at
22 least 10 days prior to discharge.

23 SECTION 4.13. Section 55.18, Family Code, is amended to
24 read as follows:

25 Sec. 55.18. DISCHARGE FROM COURT-ORDERED INPATIENT OR
26 OUTPATIENT MENTAL HEALTH SERVICES BEFORE REACHING 19 [~~18~~] YEARS OF
27 AGE. If the child is discharged from the mental health facility or

1 from outpatient treatment services before reaching 19 [~~18~~] years of
2 age, the juvenile court may:

3 (1) dismiss the juvenile court proceedings with
4 prejudice; or

5 (2) dissolve the stay and continue with proceedings
6 under this title as though no order of mental health services had
7 been made.

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

10 Sec. 55.19. DISCRETIONARY TRANSFER TO CRIMINAL COURT ON
11 19TH [~~18TH~~] BIRTHDAY.

12 SECTION 4.15. Section 55.19(a), Family Code, is amended to
13 read as follows:

14 (a) The juvenile court may waive its exclusive original
15 jurisdiction and transfer all pending proceedings from the juvenile
16 court to a criminal court on or after the 19th [~~18th~~] birthday of a
17 child for whom the juvenile court or a court to which the child's
18 case was referred under Section 55.12(2) ordered inpatient mental
19 health services if:

20 (1) the child is not discharged or furloughed from the
21 inpatient mental health facility before reaching 19 [~~18~~] years of
22 age; and

23 (2) the child is alleged to have engaged in delinquent
24 conduct that included a violation of a penal law listed in Section
25 53.045 and no adjudication concerning the alleged conduct has been
26 made.

27 SECTION 4.16. Section 55.43(a), Family Code, is amended to

1 read as follows:

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

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

6 (2) the child:

7 (A) is not:

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

10 (ii) ordered by a court to receive services
11 at a residential care facility; or

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

14 (B) is discharged or currently on furlough from a
15 mental health facility or discharged from an alternative setting
16 before the child reaches 19 [~~18~~] years of age.

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

19 Sec. 55.44. DISCRETIONARY TRANSFER TO CRIMINAL COURT ON
20 19TH [~~18TH~~] BIRTHDAY OF CHILD.

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

23 (a) The juvenile court may waive its exclusive original
24 jurisdiction and transfer all pending proceedings from the juvenile
25 court to a criminal court on or after the 19th [~~18th~~] birthday of a
26 child for whom the juvenile court or a court to which the child's
27 case is referred has ordered inpatient mental health services or

1 residential care for persons with an intellectual disability if:

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

4 (2) the child is alleged to have engaged in delinquent
5 conduct that included a violation of a penal law listed in Section
6 53.045 and no adjudication concerning the alleged conduct has been
7 made.

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

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

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

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

15 (1) in a juvenile case in which the grand jury has
16 approved of the petition under Section 53.045 if the order:

17 (A) [~~1~~] dismisses a petition or any portion of
18 a petition;

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

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

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

22 or

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

25 (i) [~~A~~] jeopardy has not attached in the
26 case;

27 (ii) [~~B~~] the prosecuting attorney

1 certifies to the trial court that the appeal is not taken for the
2 purpose of delay; and

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

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

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

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

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

11 (B) has received services from two or more
12 juvenile service providers.

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

15 (b) A person who was referred to a juvenile probation
16 department for delinquent conduct is entitled to have all records
17 related to the person's juvenile matters, including records
18 relating to any matters involving conduct indicating a need for
19 supervision, sealed without applying to the juvenile court if the
20 person:

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

22 (2) has not been adjudicated as having engaged in
23 delinquent conduct or, if adjudicated for delinquent conduct, was
24 not adjudicated for delinquent conduct violating a penal law of the
25 grade of felony;

26 (3) does not have any pending delinquent conduct
27 matters;

1 (4) has not been transferred by a juvenile court to a
2 criminal court for prosecution under Section 54.02;

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

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

7 SECTION 4.23. Section 58.255(a), Family Code, is amended to
8 read as follows:

9 (a) A person who was referred to a juvenile court for
10 conduct indicating a need for supervision is entitled to have all
11 records related to all conduct indicating a need for supervision
12 matters sealed without applying to the juvenile court if the
13 person:

14 (1) has records relating to the conduct filed with the
15 court clerk;

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

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

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

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

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

24 (c) Except as provided by Subsection (d), the juvenile court
25 may order the sealing of records related to all matters for which
26 the person was referred to the juvenile probation department if the
27 person:

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

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

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

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

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

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

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

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

17 (A) the most serious conduct for which the person
18 was referred was conduct indicating a need for supervision, whether
19 or not the person was adjudicated; or

20 (B) the referral or information did not relate to
21 conduct indicating a need for supervision or delinquent conduct and
22 the juvenile probation department, prosecutor, or juvenile court
23 did not take action on the referral or information for that reason;

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

25 (A) the most serious conduct for which the person
26 was adjudicated was delinquent conduct that violated a penal law of
27 the grade of misdemeanor; or

1 (B) the most serious conduct for which the person
2 was referred was delinquent conduct and the person was not
3 adjudicated as having engaged in the conduct; or

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

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

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

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

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

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

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

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

27 (b) The juvenile court shall discharge the child from the

1 custody of the probation department on the date the provisions of
2 this section are met or on the child's 19th [~~18th~~] birthday,
3 whichever is earlier.

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

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

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

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

16 SECTION 4.32. Section 614.019(b), Health and Safety Code,
17 is amended to read as follows:

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

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

1 (1) "Juvenile" means a person from the age of 10 to 20
2 ~~[18]~~ years who:

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

5 (B) is under the jurisdiction of the juvenile
6 court ~~[of competent jurisdiction]~~.

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

9 Sec. 152.0015. PRETRIAL DETENTION POLICY FOR CERTAIN
10 JUVENILES. A juvenile board shall establish a policy that
11 specifies whether a person who has been transferred for criminal
12 prosecution under Section 54.02, Family Code, and is younger than
13 18 ~~[17]~~ years of age may be detained in a juvenile facility pending
14 trial as provided by Section 51.12, Family Code.

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

17 (2) "Child" means an individual~~[-~~
18 ~~[(A)]~~ 10 years of age or older and younger than 20
19 ~~[18]~~ years of age who is under the jurisdiction of a juvenile
20 court~~[- or~~

21 ~~[(B) 10 years of age or older and younger than 19~~
22 ~~years of age who is committed to the department under Title 3,~~
23 ~~Family Code]~~.

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

26 (a) The department may not assign a child younger than 16
27 ~~[15]~~ years of age to the same correctional facility dormitory as a

1 person who is at least 18 [~~17~~] years of age unless the department
2 determines that the placement is necessary to ensure the safety of
3 children in the custody of the department. This subsection does not
4 apply to a dormitory that is used exclusively for short-term
5 assessment and orientation purposes.

6 SECTION 4.37. Section [243.051](#)(b), Human Resources Code, is
7 amended to read as follows:

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

13 SECTION 4.38. Sections [244.014](#)(a) and (a-1), Human
14 Resources Code, are amended to read as follows:

15 (a) After a child sentenced to commitment under Section
16 [54.04](#)(d)(3), [54.04](#)(m), or [54.05](#)(f), Family Code, becomes 17 [~~16~~]
17 years of age but before the child becomes 20 [~~19~~] years of age, the
18 department may refer the child to the juvenile court that entered
19 the order of commitment for approval of the child's transfer to the
20 Texas Department of Criminal Justice for confinement if:

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

25 (a-1) After a child sentenced to commitment under Section
26 [54.04](#)(d)(3), [54.04](#)(m), or [54.05](#)(f), Family Code, becomes 17 [~~16~~]
27 years of age but before the child becomes 20 [~~19~~] years of age, the

1 department shall refer the child to the juvenile court that entered
2 the order of commitment for approval of the child's transfer to the
3 Texas Department of Criminal Justice for confinement if:

- 4 (1) the child has not completed the sentence;
- 5 (2) while the child was committed to the custody of the
6 department, the child was subsequently adjudicated or convicted for
7 conduct constituting a felony of the first or second degree or an
8 offense punishable under Section 22.01(b)(1), Penal Code; and
- 9 (3) the child was at least 17 [~~16~~] years of age at the
10 time the conduct occurred.

11 SECTION 4.39. Section 244.015, Human Resources Code, is
12 amended to read as follows:

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

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

26 SECTION 4.40. Section 245.053(i), Human Resources Code, is
27 amended to read as follows:

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

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

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

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

22 SECTION 4.42. (a) Except as provided by Subsection (b) of
23 this section, the changes in law made by this article apply only to
24 procedures relating to conduct that occurs on or after September 1,
25 2027. Procedures relating to conduct that occurred before
26 September 1, 2027, are governed by the law in effect on the date the
27 conduct occurred, and the former law is continued in effect for that

1 purpose.

2 (b) The change in law made by this article to Section
3 58.0052, Family Code, applies to the sharing of information on or
4 after September 1, 2027, without regard to whether the information
5 was compiled before, on, or after that date.

6 (c) For purposes of this section, conduct occurred before
7 September 1, 2027, if any element of the conduct occurred before
8 that date.

9 ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL
10 RESPONSIBILITY

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

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

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

22 (B) information relating to a traffic offense.

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

25 (b) If a child fails to obey an order issued by a truancy
26 court under Section 65.103(a) or a child is in direct contempt of
27 court and the child has failed to obey an order or has been found in

1 direct contempt of court on two or more previous occasions, the
2 truancy court, after providing notice and an opportunity for a
3 hearing, may refer the child to the juvenile probation department
4 as a request for truancy intervention, unless the child failed to
5 obey the truancy court order or was in direct contempt of court
6 while 18 [~~17~~] years of age or older.

7 SECTION 5.03. Section [79.001\(10\)](#), Government Code, is
8 amended to read as follows:

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

11 (A) a misdemeanor punishable by confinement; or

12 (B) a felony.

13 SECTION 5.04. Section [521.201](#), Transportation Code, is
14 amended to read as follows:

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

17 (1) is under 15 years of age;

18 (2) is under 18 years of age unless the person complies
19 with the requirements imposed by Section [521.204](#);

20 (3) is shown to be addicted to the use of alcohol, a
21 controlled substance, or another drug that renders a person
22 incapable of driving;

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

26 (5) has been determined by a judgment of a court to be
27 totally incapacitated or incapacitated to act as the operator of a

1 motor vehicle unless the person has, by the date of the license
2 application, been:

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

4 (B) released from a hospital for the mentally
5 incapacitated on a certificate by the superintendent or
6 administrator of the hospital that the person has regained
7 capacity;

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

15 (7) has been reported by a court under Section
16 521.3452 for failure to appear unless the court has filed an
17 additional report on final disposition of the case; or

18 (8) has been reported by a court for failure to appear
19 or default in payment of a fine for a misdemeanor that is not
20 covered under Subdivision (7) and that is punishable by a fine only,
21 including a misdemeanor under a municipal ordinance, committed by a
22 person who was under 18 [~~17~~] years of age at the time of the alleged
23 offense, unless the court has filed an additional report on final
24 disposition of the case.

25 SECTION 5.05. Section 65.251(b), Family Code, and Section
26 521.201, Transportation Code, as amended by this article, apply
27 only to an offense committed or conduct that occurred on or after

1 September 1, 2027. An offense committed or conduct that occurred
2 before September 1, 2027, is governed by the law in effect on the
3 date the offense was committed or the conduct occurred, and the
4 former law is continued in effect for that purpose. For purposes of
5 this section, an offense was committed or conduct occurred before
6 September 1, 2027, if any element of the offense or conduct occurred
7 before that date.

8 ARTICLE 6. ADVISORY COMMITTEE

9 SECTION 6.01. ADVISORY COMMITTEE ON IMPLEMENTATION. (a)

10 Not later than December 1, 2025, the Texas Juvenile Justice Board
11 shall appoint an advisory committee to monitor and evaluate
12 implementation of this Act.

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

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

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

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

21 (4) one representative of county commissioners courts
22 appointed by the board;

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

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

26 (7) juvenile prosecutors;

27 (8) juvenile defense attorneys;

1 (9) juvenile justice advocates; and

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

5 (c) The board shall appoint to the advisory committee one
6 chief juvenile probation officer from each regional chiefs
7 association in this state from a list of nominees submitted to the
8 board by each regional chiefs association. To the greatest extent
9 practicable, a regional chiefs association shall include in the
10 association's list of nominees:

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

14 (2) one chief juvenile probation officer of a juvenile
15 probation department serving a county with a population that
16 includes at least 7,500 but fewer than 80,000 persons younger than
17 18 years of age; and

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

21 (d) The board shall designate one of the members as
22 presiding officer of the advisory committee.

23 (e) The advisory committee shall assist the Texas Juvenile
24 Justice Department in evaluating and monitoring the implementation
25 of this Act, which includes determining the needs and problems of
26 county juvenile boards and probation departments, and offer
27 recommendations to meet identified needs and problems.

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

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

5 (h) The advisory committee is abolished and this article
6 expires June 1, 2028.

7 ARTICLE 7. TRANSITION AND EFFECTIVE DATES

8 SECTION 7.01. To the extent of any conflict, this Act
9 prevails over another Act of the 89th Legislature, Regular Session,
10 2025, relating to nonsubstantive additions to and corrections in
11 enacted codes.

12 SECTION 7.02. (a) Except as provided by Subsection (b) of
13 this section, this Act takes effect September 1, 2027.

14 (b) Article 6 of this Act takes effect September 1, 2025.