

By: Johnson

S.B. No. 2304

A BILL TO BE ENTITLED

AN ACT

relating to the age at which a juvenile court may exercise jurisdiction over a child and to the minimum age of criminal responsibility.

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

SECTION 1. Article 45A.453(a), Code of Criminal Procedure, is amended to read as follows:

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

(1) at least 13 ~~[10]~~ years of age and younger than 17 years of age; and

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

SECTION 2. Article 45A.454(b), Code of Criminal Procedure, is amended to read as follows:

(b) If a law enforcement officer ~~[issues a citation or]~~ files a complaint in the manner provided by Article 45A.101(g) for conduct by a child 13 ~~[12]~~ years of age or older that is alleged to have occurred on school property of or on a vehicle owned or operated by a county or independent school district, the officer shall submit to the court:

(1) the offense report;

(2) a statement by a witness to the alleged conduct;

and

(3) a statement by a victim of the alleged conduct, if any.

SECTION 3. Section 37.141(1), Education Code, is amended to read as follows:

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

(A) a student; and

(B) at least 13 [~~10~~] years of age and younger than 18 years of age.

SECTION 4. Section 51.02(2), Family Code, is amended to read as follows:

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

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

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

(ii) arson under Section 28.02;

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

(iv) indecency with a child under Section 21.11;

(v) aggravated kidnapping under Section 20.04;

(vi) aggravated robbery under Section 29.03;

(vii) manslaughter under Section 19.04;
(viii) criminally negligent homicide under
Section 19.05; or

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

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

(C) 17 [~~(B) — seventeen~~] years of age or older and
under 18 years of age 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 17 years of age.

SECTION 5. Chapter 54, Family Code, is amended by adding
Section 54.022 to read as follows:

Sec. 54.022. WAIVER OF JURISDICTION FOR CHILD UNDER 13
YEARS OF AGE. (a) Not later than the 30th day after the date on
which a preliminary investigation under Section 53.01 concludes,
the attorney representing the state shall file a petition
requesting a hearing to determine whether the juvenile court should
waive its exclusive original jurisdiction over a child younger than
13 years of age.

(b) After the petition under Subsection (a) has been filed,
the juvenile court shall set a time for the hearing. The hearing
must be held:

(1) without a jury; and

(2) before an adjudication hearing may occur.

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

1 (1) less restrictive interventions by the child's
2 parent, guardian, family, or school, or by child protective
3 services or county family and youth services, are available and
4 will be sufficient to ensure the safety of the public and of the
5 child;

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

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

9 (d) If the court elects not to waive its jurisdiction over a
10 child in a hearing under this section, the court shall state the
11 reasons for its decision in the order.

12 (e) If the court elects to waive its jurisdiction over a
13 child in a hearing under this section, the court shall dismiss all
14 charges against the child. The court shall refer the child to the
15 person who conducted the preliminary investigation of the child
16 under Section 53.01 for a referral for services described by
17 Subsection (c)(1), as appropriate.

18 SECTION 6. Sections 8.07(d) and (e), Penal Code, are
19 amended to read as follows:

20 (d) Notwithstanding Subsection (a), a person may not be
21 prosecuted for or convicted of an offense described by Subsection
22 (a)(4) or (5) that the person committed when younger than 13 [~~10~~]
23 years of age.

24 (e) A person who is at least 13 [~~10~~] years of age but younger
25 than 15 years of age is presumed incapable of committing an offense
26 described by Subsection (a)(4) or (5). This presumption may be
27 refuted if the prosecution proves to the court by a preponderance of

1 the evidence that the actor had sufficient capacity to understand
2 that the conduct engaged in was wrong at the time the conduct was
3 engaged in. The prosecution is not required to prove that the actor
4 at the time of engaging in the conduct knew that the act was a
5 criminal offense or knew the legal consequences of the offense.

6 SECTION 7. The following provisions are repealed:

7 (1) Article 45A.454(d), Code of Criminal Procedure;

8 (2) Sections 37.124(d) and 37.126(c), Education Code;

9 and

10 (3) Section 42.01(f), Penal Code.

11 SECTION 8. The changes in law made by this Act apply only to
12 an offense committed or conduct that occurs on or after the
13 effective date of this Act. An offense committed or conduct that
14 occurred before that date is governed by the law in effect on the
15 date the offense was committed or the conduct occurred, and the
16 former law is continued in effect for that purpose. For purposes of
17 this section, an offense was committed or conduct occurred before
18 the effective date of this Act if any element of the offense or
19 conduct occurred before that date.

20 SECTION 9. (a) As soon as practicable after the effective
21 date of this Act, the Texas Commission on Law Enforcement and the
22 Texas School Safety Center shall update the training provided to
23 school resource officers and other peace officers to include the
24 changes in law made by this Act.

25 (b) As soon as practicable after the effective date of this
26 Act, the Texas Juvenile Justice Department shall update the
27 training provided to juvenile probation departments to include the

1 changes in law made by this Act.

2 (c) As soon as practicable after the effective date of this
3 Act, the Supreme Court of Texas Children's Commission shall
4 disseminate information to judges and attorneys in this state
5 regarding the changes in law made by this Act.

6 SECTION 10. This Act takes effect September 1, 2025.