

By: Dutton

H.B. No. 122

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, 2018. An offense committed or conduct that occurs
6 before September 1, 2018, 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, 2018, 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 a child younger than 14 years of age.

10 SECTION 2.03. Section 33.021(b), Penal Code, is amended to
11 read as follows:

12 (b) A person who is 18 [~~17~~] years of age or older commits an
13 offense if, with the intent to commit an offense listed in Article
14 62.001(5)(A), (B), or (K), Code of Criminal Procedure, the person,
15 over the Internet, by electronic mail or text message or other
16 electronic message service or system, or through a commercial
17 online service, intentionally:

18 (1) communicates in a sexually explicit manner with a
19 minor; or

20 (2) distributes sexually explicit material to a minor.

21 SECTION 2.04. Section 71.028(c), Penal Code, is amended to
22 read as follows:

23 (c) Except as provided by Subsection (d), the punishment
24 prescribed for an offense described by Subsection (b) is increased
25 to the punishment prescribed for the next highest category of
26 offense if the actor is 18 [~~17~~] years of age or older and it is shown
27 beyond a reasonable doubt on the trial of the offense that the actor

1 committed the offense at a location that was:

2 (1) in, on, or within 1,000 feet of any:

3 (A) real property that is owned, rented, or
4 leased by a school or school board;

5 (B) premises owned, rented, or leased by an
6 institution of higher education;

7 (C) premises of a public or private youth center;

8 or

9 (D) playground;

10 (2) in, on, or within 300 feet of any:

11 (A) shopping mall;

12 (B) movie theater;

13 (C) premises of a public swimming pool; or

14 (D) premises of a video arcade facility; or

15 (3) on a school bus.

16 SECTION 2.05. Section 729.001(a), Transportation Code, is
17 amended to read as follows:

18 (a) A person who is younger than 18 [~~17~~] years of age commits
19 an offense if the person operates a motor vehicle on a public road
20 or highway, a street or alley in a municipality, or a public beach
21 in violation of any traffic law of this state, including:

22 (1) Chapter 502, other than Section [~~502.282 or~~]
23 502.412;

24 (2) Chapter 521, other than an offense under Section
25 521.457;

26 (3) Subtitle C, other than an offense punishable by
27 imprisonment or by confinement in jail under Section 550.021,

- 1 550.022, 550.024, or 550.025;
2 (4) Chapter 601;
3 (5) Chapter 621;
4 (6) Chapter 661; and
5 (7) Chapter 681.

6 SECTION 2.06. Section 729.002, Transportation Code, is
7 amended to read as follows:

8 Sec. 729.002. OPERATION OF MOTOR VEHICLE BY MINOR WITHOUT
9 LICENSE. (a) A person who is younger than 18 [~~17~~] years of age
10 commits an offense if the person operates a motor vehicle without a
11 driver's license authorizing the operation of a motor vehicle on a:

- 12 (1) public road or highway;
13 (2) street or alley in a municipality; or
14 (3) public beach as defined by Section 729.001.

15 (b) An offense under this section is punishable in the same
16 manner as if the person was 18 [~~17~~] years of age or older and
17 operated a motor vehicle without a license as described by
18 Subsection (a), except that an offense under this section is not
19 punishable by confinement or imprisonment.

20 SECTION 2.07. The changes in law made by this article apply
21 only to an offense committed on or after September 1, 2018. An
22 offense committed before September 1, 2018, is governed by the law
23 in effect on the date the offense was committed, and the former law
24 is continued in effect for that purpose. For purposes of this
25 section, an offense was committed before September 1, 2018, if any
26 element of the offense occurred before that date.

ARTICLE 3. CRIMINAL PROCEDURES

SECTION 3.01. Article 4.19, Code of Criminal Procedure, is amended to read as follows:

Art. 4.19. TRANSFER OF PERSON CERTIFIED TO STAND TRIAL AS AN ADULT. (a) Notwithstanding the order of a juvenile court to detain a person under the age of 18 [~~17~~] who has been certified to stand trial as an adult in a certified juvenile detention facility under Section 54.02(h), Family Code, the judge of the criminal court having jurisdiction over the person may order the person to be transferred to an adult facility. A child who is transferred to an adult facility must be detained under conditions meeting the requirements of Section 51.12, Family Code.

(b) On the 18th [~~17th~~] birthday of a person described by Subsection (a) who is detained in a certified juvenile detention facility under Section 54.02(h), Family Code, the judge of the criminal court having jurisdiction over the person shall order the person to be transferred to an adult facility.

SECTION 3.02. Article 45.0215(a), Code of Criminal Procedure, is amended to read as follows:

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

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

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

SECTION 3.03. Articles 45.0216(b) and (h), Code of Criminal

1 Procedure, are amended to read as follows:

2 (b) A person may apply to the court in which the person was
3 convicted to have the conviction expunged as provided by this
4 article on or after the person's 18th [~~17th~~] birthday if:

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

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

10 (h) Records of a person under 18 [~~17~~] years of age relating
11 to a complaint may be expunged under this article if:

12 (1) the complaint was dismissed under Article 45.051
13 or 45.052 or other law; or

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

15 SECTION 3.04. Article 45.045(b), Code of Criminal
16 Procedure, is amended to read as follows:

17 (b) A *capias pro fine* may not be issued for an individual
18 convicted for an offense committed before the individual's 18th
19 [~~17th~~] birthday unless:

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

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

23 (A) the sophistication and maturity of the
24 individual;

25 (B) the criminal record and history of the
26 individual; and

27 (C) the reasonable likelihood of bringing about

1 the discharge of the judgment through the use of procedures and
2 services currently available to the court; and

3 (3) the court has proceeded under Article 45.050 to
4 compel the individual to discharge the judgment.

5 SECTION 3.05. Article 45.0492(a), Code of Criminal
6 Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd
7 Legislature, Regular Session, 2011, is amended to read as follows:

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

13 SECTION 3.06. Article 45.0492(a), Code of Criminal
14 Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd
15 Legislature, Regular Session, 2011, is amended to read as follows:

16 (a) This article applies only to a defendant younger than 18
17 [~~17~~] years of age who is assessed a fine or costs for a Class C
18 misdemeanor.

19 SECTION 3.07. Articles 45.050(d), (e), and (g), Code of
20 Criminal Procedure, are amended to read as follows:

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

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

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

27 (3) the failure to obey occurred under circumstances

1 that constitute contempt of court.

2 (e) A justice or municipal court may hold a person in
3 contempt and impose a remedy authorized by Subsection (c)(2) if the
4 person, while younger than 18 [~~17~~] years of age, engaged in conduct
5 in contempt of an order issued by the justice or municipal court,
6 but contempt proceedings could not be held before the person's 18th
7 [~~17th~~] birthday.

8 (g) A justice or municipal court may not refer a child who
9 violates a court order while 18 [~~17~~] years of age or older to a
10 juvenile court for delinquency proceedings for contempt of court.

11 SECTION 3.08. Article [45.057](#)(h), Code of Criminal
12 Procedure, is amended to read as follows:

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

23 SECTION 3.09. Article [45.058](#)(h), Code of Criminal
24 Procedure, is amended to read as follows:

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

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

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

4 SECTION 3.10. Article 45.059(a), Code of Criminal
5 Procedure, is amended to read as follows:

6 (a) A peace officer taking into custody a person younger
7 than 18 [~~17~~] years of age for violation of a juvenile curfew
8 ordinance of a municipality or order of the commissioners court of a
9 county shall, without unnecessary delay:

10 (1) release the person to the person's parent,
11 guardian, or custodian;

12 (2) take the person before a justice or municipal
13 court to answer the charge; or

14 (3) take the person to a place designated as a juvenile
15 curfew processing office by the head of the law enforcement agency
16 having custody of the person.

17 SECTION 3.11. Articles 45.060(a), (b), and (e), Code of
18 Criminal Procedure, are amended to read as follows:

19 (a) Except as provided by Articles 45.058 and 45.059, an
20 individual may not be taken into secured custody for offenses
21 alleged to have occurred before the individual's 18th [~~17th~~]
22 birthday.

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

1 mail to the last known address and residence of the individual. The
2 notice must order the individual to appear at a designated time,
3 place, and date to answer the allegations detailed in the notice.

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

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

14 SECTION 3.12. Article 62.001(6), Code of Criminal
15 Procedure, is amended to read as follows:

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

19 (A) an offense under Section 21.02 (Continuous
20 sexual abuse of young child or children), 21.11(a)(1) (Indecency
21 with a child), 22.011 (Sexual assault), or 22.021 (Aggravated
22 sexual assault), Penal Code;

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

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

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

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

11 SECTION 3.13. Article 62.351(a), Code of Criminal
12 Procedure, is amended to read as follows:

13 (a) During or after disposition of a case under Section
14 54.04, Family Code, for adjudication of an offense for which
15 registration is required under this chapter, the juvenile court on
16 motion of the respondent shall conduct a hearing to determine
17 whether the interests of the public require registration under this
18 chapter. The motion may be filed and the hearing held regardless of
19 whether the respondent is under 19 [~~18~~] years of age. Notice of the
20 motion and hearing shall be provided to the prosecuting attorney.

21 SECTION 3.14. Article 62.352(c), Code of Criminal
22 Procedure, is amended to read as follows:

23 (c) If the court enters an order described by Subsection
24 (b)(1), the court retains discretion and jurisdiction to require,
25 or exempt the respondent from, registration under this chapter at
26 any time during the treatment or on the successful or unsuccessful
27 completion of treatment, except that during the period of deferral,

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

11 SECTION 3.15. Article [62.353\(b\)](#), Code of Criminal
12 Procedure, is amended to read as follows:

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

19 SECTION 3.16. Section [37.085](#), Education Code, is amended to
20 read as follows:

21 Sec. 37.085. ARRESTS PROHIBITED FOR CERTAIN CLASS C
22 MISDEMEANORS. Notwithstanding any other provision of law, a
23 warrant may not be issued for the arrest of a person for a Class C
24 misdemeanor under this code committed when the person was younger
25 than 18 [~~17~~] years of age.

26 SECTION 3.17. Section [521.453\(i\)](#), Transportation Code, is
27 amended to read as follows:

1 (i) If the person ordered to perform community service under
2 Subsection (h) is younger than 18 [~~17~~] years of age, the community
3 service shall be performed as if ordered by a juvenile court under
4 Section 54.044(a), Family Code, as a condition of probation under
5 Section 54.04(d), Family Code.

6 SECTION 3.18. (a) Except as provided by Subsection (b) of
7 this section, the changes in law made by this article apply only to
8 an offense committed on or after September 1, 2018. An offense
9 committed before September 1, 2018, is governed by the law in effect
10 on the date the offense was committed, and the former law is
11 continued in effect for that purpose.

12 (b) Articles 45.0216(b) and (h), Code of Criminal
13 Procedure, as amended by this article, apply only to the expunction
14 of certain records related to an offense committed on or after
15 September 1, 2018. The expunction of certain records related to an
16 offense committed before September 1, 2018, is governed by the law
17 in effect on the date the offense was committed, and the former law
18 is continued in effect for that purpose.

19 (c) For purposes of this section, an offense was committed
20 before September 1, 2018, if any element of the offense occurred
21 before that date.

22 ARTICLE 4. JUVENILE COURT PROCEDURES

23 SECTION 4.01. Section 51.041, Family Code, is amended to
24 read as follows:

25 Sec. 51.041. JURISDICTION AFTER APPEAL. (a) The court
26 retains jurisdiction over a person, without regard to the age of the
27 person, for conduct engaged in by the person before becoming 18 [~~17~~]

1 years of age if, as a result of an appeal by the person or the state
2 under Chapter 56 of an order of the court, the order is reversed or
3 modified and the case remanded to the court by the appellate court.

4 (b) If the respondent is at least 18 years of age when the
5 order of remand from the appellate court is received by the juvenile
6 court, the juvenile court shall proceed as provided by Sections
7 54.02(o)-(r) for the detention of a person at least 19 [~~18~~] years of
8 age in discretionary transfer proceedings. Pending retrial of the
9 adjudication or transfer proceeding, the juvenile court may:

10 (1) order the respondent released from custody;

11 (2) order the respondent detained in a juvenile
12 detention facility; or

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

15 SECTION 4.02. Section 51.0412, Family Code, is amended to
16 read as follows:

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

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

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

4 (3) the court enters a finding in the proceeding that
5 the prosecuting attorney exercised due diligence in an attempt to
6 complete the proceeding before the respondent became 19 or 20 [~~18 or~~
7 ~~19~~] years of age, as applicable.

8 SECTION 4.03. Sections [51.12\(f\)](#) and (h), Family Code, are
9 amended to read as follows:

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

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

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

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

3 (A) escaped from a juvenile facility operated by
4 or under contract with the Texas Juvenile Justice Department; or

5 (B) violated a condition of release under
6 supervision of the department.

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

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

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

13 (2) the person was:

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

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

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

24 (3) no adjudication concerning the alleged offense has
25 been made or no adjudication hearing concerning the offense has
26 been conducted;

27 (4) the juvenile court finds from a preponderance of

1 the evidence that:

2 (A) for a reason beyond the control of the state
3 it was not practicable to proceed in juvenile court before the 19th
4 [~~18th~~] birthday of the person; or

5 (B) after due diligence of the state it was not
6 practicable to proceed in juvenile court before the 19th [~~18th~~]
7 birthday of the person because:

8 (i) the state did not have probable cause to
9 proceed in juvenile court and new evidence has been found since the
10 19th [~~18th~~] birthday of the person;

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

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

14 (5) the juvenile court determines that there is
15 probable cause to believe that the child before the court committed
16 the offense alleged.

17 SECTION 4.05. Section 54.0326(b), Family Code, is amended
18 to read as follows:

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

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

27 (2) presents to the court an oral or written request to

1 participate in the program.

2 SECTION 4.06. Sections 54.04(e), (l), and (q), Family Code,
3 are amended to read as follows:

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

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

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

1 extension of probation ordered under Section 54.05 will continue
2 after the child's 20th [~~19th~~] birthday, the court shall discharge
3 the child from the sentence of probation on the child's 20th [~~19th~~]
4 birthday unless the court transfers the child to an appropriate
5 district court under Section 54.051.

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

8 (i) A court that requires as a condition of probation that a
9 child attend psychological counseling under Subsection (a) may,
10 before the date the probation period ends, extend the probation for
11 any additional period necessary to complete the required counseling
12 as determined by the treatment provider, except that the probation
13 may not be extended to a date after the date of the child's 19th
14 [~~18th~~] birthday, or 20th [~~19th~~] birthday if the child is placed on
15 determinate sentence probation under Section 54.04(q).

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

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

1 court may approve a restitution program based on a settlement
2 between the child and the victim of the offense. An order under
3 this subsection may provide for periodic payments by the child or a
4 parent of the child for the period specified in the order but except
5 as provided by Subsection (h), that period may not extend past the
6 date of the 19th [~~18th~~] birthday of the child or past the date the
7 child is no longer enrolled in an accredited secondary school in a
8 program leading toward a high school diploma, whichever date is
9 later.

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

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

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

24 (1) the child reaches:

25 (A) the child's 19th [~~18th~~] birthday; or

26 (B) the child's 20th [~~19th~~] birthday, if the
27 child was placed on determinate sentence probation under Section

1 54.04(q); or

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

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

9 SECTION 4.10. Section 54.051, Family Code, is amended by
10 amending Subsections (a), (b), (c), (d), (e-2), and (i) and adding
11 Subsection (j) to read as follows:

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

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

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

1 (d) If, after a hearing, the court determines to transfer
2 the child, the court shall transfer the child to an appropriate
3 district court on the child's applicable [~~19th~~] birthday.

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

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

23 (j) In this section, "applicable birthday" means the
24 person's:

25 (1) 18th birthday, if the conduct for which the person
26 was placed on probation occurred before September 1, 2011;

27 (2) 19th birthday, if the conduct for which the person

1 was placed on probation occurred on or after September 1, 2011, but
2 before September 1, 2018; or

3 (3) 20th birthday, if the conduct for which the person
4 was placed on probation occurred on or after September 1, 2018.

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

7 (1) Pending the conclusion of a transfer hearing, the
8 juvenile court shall order that the person who is referred for
9 transfer be detained in a certified juvenile detention facility as
10 provided by Subsection (m). If the person is at least 18 [~~17~~] years
11 of age, the juvenile court may order that the person be detained
12 without bond in an appropriate county facility for the detention of
13 adults accused of criminal offenses.

14 SECTION 4.12. Section 55.15, Family Code, is amended to
15 read as follows:

16 Sec. 55.15. STANDARDS OF CARE; EXPIRATION OF COURT ORDER
17 FOR MENTAL HEALTH SERVICES. If the juvenile court or a court to
18 which the child's case is referred under Section 55.12(2) orders
19 mental health services for the child, the child shall be cared for,
20 treated, and released in conformity to Subtitle C, Title 7, Health
21 and Safety Code, except:

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

25 (2) the administrator of a mental health facility
26 shall notify, in writing, by certified mail, return receipt
27 requested, the juvenile court that ordered mental health services

1 or the juvenile court that referred the case to a court that ordered
2 the mental health services of the intent to discharge the child at
3 least 10 days prior to discharge.

4 SECTION 4.13. Section 55.18, Family Code, is amended to
5 read as follows:

6 Sec. 55.18. DISCHARGE FROM MENTAL HEALTH FACILITY BEFORE
7 REACHING 19 [~~18~~] YEARS OF AGE. If the child is discharged from the
8 mental health facility before reaching 19 [~~18~~] years of age, the
9 juvenile court may:

10 (1) dismiss the juvenile court proceedings with
11 prejudice; or

12 (2) continue with proceedings under this title as
13 though no order of mental health services had been made.

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

16 Sec. 55.19. TRANSFER TO CRIMINAL COURT ON 19TH [~~18TH~~]
17 BIRTHDAY.

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

20 (a) The juvenile court shall transfer all pending
21 proceedings from the juvenile court to a criminal court on the 19th
22 [~~18th~~] birthday of a child for whom the juvenile court or a court to
23 which the child's case is referred under Section 55.12(2) has
24 ordered inpatient mental health services if:

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

1 (2) the child is alleged to have engaged in delinquent
2 conduct that included a violation of a penal law listed in Section
3 53.045 and no adjudication concerning the alleged conduct has been
4 made.

5 SECTION 4.16. Section 55.43(a), Family Code, is amended to
6 read as follows:

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

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

11 (2) the child:

12 (A) is not:

13 (i) ordered by a court to receive inpatient
14 mental health services;

15 (ii) committed by a court to a residential
16 care facility; or

17 (iii) ordered by a court to receive
18 treatment on an outpatient basis; or

19 (B) is discharged or currently on furlough from a
20 mental health facility or outpatient center before the child
21 reaches 19 [~~18~~] years of age.

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

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

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

1 (a) The juvenile court shall transfer all pending
2 proceedings from the juvenile court to a criminal court on the 19th
3 [~~18th~~] birthday of a child for whom the juvenile court or a court to
4 which the child's case is referred has ordered inpatient mental
5 health services or residential care for persons with an
6 intellectual disability if:

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

9 (2) the child is alleged to have engaged in delinquent
10 conduct that included a violation of a penal law listed in Section
11 53.045 and no adjudication concerning the alleged conduct has been
12 made.

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

15 Sec. 56.03. APPEAL BY STATE [~~IN CASES OF OFFENSES ELICIBLE~~
16 ~~FOR DETERMINATE SENTENCE~~].

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

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

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

22 (A) [~~(1)~~] dismisses a petition or any portion of
23 a petition;

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

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

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

27 (E) [~~(5)~~] grants a motion to suppress evidence, a

1 confession, or an admission and if:

2 (i) [~~(A)~~] jeopardy has not attached in the
3 case;

4 (ii) [~~(B)~~] the prosecuting attorney
5 certifies to the trial court that the appeal is not taken for the
6 purpose of delay; and

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

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

11 SECTION 4.21. Sections 58.003(c), (c-2), (c-4), (c-6), and
12 (c-8), Family Code, are amended to read as follows:

13 (c) Subject to Subsection (b), a court may order the sealing
14 of records concerning a person adjudicated as having engaged in
15 delinquent conduct that violated a penal law of the grade of felony
16 only if:

17 (1) the person is 19 years of age or older;

18 (2) the person was not transferred by a juvenile court
19 under Section 54.02 to a criminal court for prosecution;

20 (3) the records have not been used as evidence in the
21 punishment phase of a criminal proceeding under Section 3(a),
22 Article 37.07, Code of Criminal Procedure; and

23 (4) the person has not been convicted of a penal law of
24 the grade of felony after becoming 18 [~~17~~].

25 (c-2) If the court orders the sealing of a child's records
26 under Subsection (c-1), a prosecuting attorney or juvenile
27 probation department may maintain until the child's 19th [~~17th~~]

1 birthday a separate record of the child's name and date of birth and
2 the date the child successfully completed the drug court
3 program. The prosecuting attorney or juvenile probation
4 department, as applicable, shall send the record to the court as
5 soon as practicable after the child's 19th [~~17th~~] birthday to be
6 added to the child's other sealed records.

7 (c-4) A prosecuting attorney or juvenile probation
8 department may maintain until a child's 19th [~~17th~~] birthday a
9 separate record of the child's name and date of birth and the date
10 on which the child's records are sealed, if the child's records are
11 sealed under Subsection (c-3). The prosecuting attorney or
12 juvenile probation department, as applicable, shall send the record
13 to the court as soon as practicable after the child's 19th [~~17th~~]
14 birthday to be added to the child's other sealed records.

15 (c-6) A prosecuting attorney or juvenile probation
16 department may maintain until a child's 19th [~~17th~~] birthday a
17 separate record of the child's name and date of birth and the date
18 on which the child successfully completed the educational program,
19 if the child's records are sealed under Subsection (c-5). The
20 prosecuting attorney or juvenile probation department, as
21 applicable, shall send the record to the court as soon as
22 practicable after the child's 19th [~~17th~~] birthday to be added to
23 the child's other sealed records.

24 (c-8) If the court orders the sealing of a child's records
25 under Subsection (c-7), a prosecuting attorney or juvenile
26 probation department may maintain until the child's 19th [~~18th~~]
27 birthday a separate record of the child's name and date of birth and

1 the date the child successfully completed the trafficked persons
2 program. The prosecuting attorney or juvenile probation
3 department, as applicable, shall send the record to the court as
4 soon as practicable after the child's 19th [~~18th~~] birthday to be
5 added to the child's other sealed records.

6 SECTION 4.22. Section 58.0052(a)(2), Family Code, is
7 amended to read as follows:

8 (2) "Multi-system youth" means a person who:

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

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

12 SECTION 4.23. Section 58.0071(d), Family Code, is amended
13 to read as follows:

14 (d) The physical records and files of a juvenile case may
15 only be destroyed if the child who is the respondent in the case:

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

17 (A) the most serious allegation adjudicated was
18 conduct indicating a need for supervision;

19 (B) the most serious allegation was conduct
20 indicating a need for supervision and there was not an
21 adjudication; or

22 (C) the referral or information did not relate to
23 conduct indicating a need for supervision or delinquent conduct and
24 the juvenile court or the court's staff did not take action on the
25 referral or information for that reason;

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

27 (A) the most serious allegation adjudicated was

1 delinquent conduct that violated a penal law of the grade of
2 misdemeanor; or

3 (B) the most serious allegation was delinquent
4 conduct that violated a penal law of the grade of misdemeanor or
5 felony and there was not an adjudication; or

6 (3) is at least 31 years of age and the most serious
7 allegation adjudicated was delinquent conduct that violated a penal
8 law of the grade of felony.

9 SECTION 4.24. Section 58.203(a), Family Code, is amended to
10 read as follows:

11 (a) The department shall certify to the juvenile probation
12 department to which a referral was made that resulted in
13 information being submitted to the juvenile justice information
14 system that the records relating to a person's juvenile case are
15 subject to automatic restriction of access if:

16 (1) the person is at least 19 [~~17~~] years of age;

17 (2) the juvenile case did not include conduct
18 resulting in determinate sentence proceedings in the juvenile court
19 under Section 53.045; and

20 (3) the juvenile case was not certified for trial in
21 criminal court under Section 54.02.

22 SECTION 4.25. Section 58.208, Family Code, is amended to
23 read as follows:

24 Sec. 58.208. INFORMATION TO CHILD ON DISCHARGE. On the
25 final discharge of a child from the juvenile system or on the last
26 official action in the case, if there is no adjudication, the
27 appropriate juvenile justice official shall provide to the child:

1 (1) a written explanation of how automatic restricted
2 access under this subchapter works;

3 (2) a copy of this subchapter; and

4 (3) a statement that if the child wishes to receive
5 notification of an action restricting access to the child's records
6 under Section 58.207(a), the child must before the child's 19th
7 [~~17th~~] birthday provide the juvenile probation department with a
8 current address where the child can receive notification.

9 SECTION 4.26. Section 58.209(a), Family Code, is amended to
10 read as follows:

11 (a) When a child is placed on probation for an offense that
12 may be eligible for automatic restricted access at age 19 [~~17~~] or
13 when a child is received by the Texas Juvenile Justice Department on
14 an indeterminate commitment, a probation officer or an official at
15 the Texas Juvenile Justice Department reception center, as soon as
16 practicable, shall explain the substance of the following
17 information to the child:

18 (1) if the child was adjudicated as having committed
19 delinquent conduct for a felony or jailable misdemeanor, that the
20 child probably has a juvenile record with the department and the
21 Federal Bureau of Investigation;

22 (2) that the child's juvenile record is a permanent
23 record that is not destroyed or erased unless the record is eligible
24 for sealing and the child or the child's family hires a lawyer and
25 files a petition in court to have the record sealed;

26 (3) that the child's juvenile record, other than
27 treatment records made confidential by law, can be accessed by

1 police, sheriff's officers, prosecutors, probation officers,
2 correctional officers, and other criminal and juvenile justice
3 officials in this state and elsewhere;

4 (4) that the child's juvenile record, other than
5 treatment records made confidential by law, can be accessed by
6 employers, educational institutions, licensing agencies, and other
7 organizations when the child applies for employment or educational
8 programs;

9 (5) if the child's juvenile record is placed on
10 restricted access when the child becomes 19 [~~17~~] years of age, that
11 access will be denied to employers, educational institutions, and
12 others except for criminal justice agencies;

13 (6) that restricted access does not require any action
14 by the child or the child's family, including the filing of a
15 petition or hiring of a lawyer, but occurs automatically at age 19
16 [~~17~~]; and

17 (7) that if the child is under the jurisdiction of the
18 juvenile court or the Texas Juvenile Justice Department on or after
19 the child's 19th [~~17th~~] birthday, the law regarding restricted
20 access will not apply until the person is discharged from the
21 jurisdiction of the court or department, as appropriate.

22 SECTION 4.27. Section [58.211](#)(a), Family Code, is amended to
23 read as follows:

24 (a) If the department has notified a juvenile probation
25 department that a record has been placed on restricted access and
26 the department later receives information in the department's
27 criminal history system that the subject of the records has been

1 convicted of or placed on deferred adjudication for a felony or a
2 misdemeanor punishable by confinement in jail for an offense
3 committed after the person reached the age of 18 [~~17~~], the person's
4 juvenile records are no longer subject to restricted access. The
5 department shall notify the appropriate local juvenile probation
6 departments in the manner described by Section 58.203 that the
7 person's records are no longer subject to restricted access.

8 SECTION 4.28. Section 59.005(b), Family Code, is amended to
9 read as follows:

10 (b) The juvenile court or the probation department shall
11 discharge the child from the custody of the probation department on
12 the date the provisions of this section are met or on the child's
13 19th [~~18th~~] birthday, whichever is earlier.

14 SECTION 4.29. Section 59.006(b), Family Code, is amended to
15 read as follows:

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

20 SECTION 4.30. Section 59.007(b), Family Code, is amended to
21 read as follows:

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

26 SECTION 4.31. Section 59.008(b), Family Code, is amended to
27 read as follows:

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

5 SECTION 4.32. Section 59.009(c), Family Code, is amended to
6 read as follows:

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

12 SECTION 4.33. Section 61.051(c), Family Code, is amended to
13 read as follows:

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

17 SECTION 4.34. Section 614.019(b), Health and Safety Code,
18 is amended to read as follows:

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

27 SECTION 4.35. Section 63.001(1), Human Resources Code, is

1 amended to read as follows:

2 (1) "Juvenile" means a person from the age of 10 to 20
3 [~~18~~] years who:

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

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

8 SECTION 4.36. Section 152.0015, Human Resources Code, is
9 amended to read as follows:

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

16 SECTION 4.37. Sections 152.0016(e) and (j), Human Resources
17 Code, are amended to read as follows:

18 (e) A juvenile board or a local juvenile probation
19 department shall accept a person properly committed to it by a
20 juvenile court under Section 54.04011, Family Code, in the same
21 manner in which the Texas Juvenile Justice Department accepts a
22 person under Section 54.04(e), Family Code, even though the person
23 may be 18 [~~17~~] years of age or older at the time of the commitment.

24 (j) After a child committed to a post-adjudication secure
25 correctional facility with a determinate sentence under Section
26 54.04011(c)(2), Family Code, becomes 16 years of age but before the
27 child becomes 20 [~~19~~] years of age, the juvenile board or local

1 juvenile probation department operating or contracting for the
2 operation of the facility may refer the child to the juvenile court
3 that entered the order of commitment for approval of the child's
4 transfer to the Texas Department of Criminal Justice for
5 confinement if the child has not completed the sentence and:

6 (1) the child's conduct, regardless of whether the
7 child was released under supervision through a program established
8 by the board or department, indicates that the welfare of the
9 community requires the transfer; or

10 (2) while the child was released under supervision:

11 (A) a juvenile court adjudicated the child as
12 having engaged in delinquent conduct constituting a felony offense;

13 (B) a criminal court convicted the child of a
14 felony offense; or

15 (C) the child's release under supervision was
16 revoked.

17 SECTION 4.38. Section 201.001(a)(2), Human Resources Code,
18 is amended to read as follows:

19 (2) "Child" means an individual[+]

20 [~~(A)~~] 10 years of age or older and younger than 20
21 [~~18~~] years of age who is under the jurisdiction of a juvenile
22 court[~~, or~~

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

26 SECTION 4.39. Section 243.001(a), Human Resources Code, is
27 amended to read as follows:

1 (a) The department may not assign a child younger than 16
2 [~~15~~] years of age to the same correctional facility dormitory as a
3 person who is at least 18 [~~17~~] years of age unless the department
4 determines that the placement is necessary to ensure the safety of
5 children in the custody of the department. This subsection does not
6 apply to a dormitory that is used exclusively for short-term
7 assessment and orientation purposes.

8 SECTION 4.40. Section [243.051](#)(b), Human Resources Code, is
9 amended to read as follows:

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

15 SECTION 4.41. Section [244.014](#)(a), Human Resources Code, is
16 amended to read as follows:

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

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

27 SECTION 4.42. Section [244.015](#), Human Resources Code, is

1 amended to read as follows:

2 Sec. 244.015. EVALUATION OF CERTAIN CHILDREN SERVING
3 DETERMINATE SENTENCES. (a) When a child who is sentenced to
4 commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),
5 Family Code, becomes 19 [~~18~~] years of age, the department shall
6 evaluate whether the child is in need of additional services that
7 can be completed in the six-month period after the child's 19th
8 [~~18th~~] birthday to prepare the child for release from the custody of
9 the department or transfer to the Texas Department of Criminal
10 Justice.

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

15 SECTION 4.43. Section 245.053(i), Human Resources Code, is
16 amended to read as follows:

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

25 SECTION 4.44. Sections 245.151(d) and (e), Human Resources
26 Code, are amended to read as follows:

27 (d) Except as provided by Subsection (e), the department

1 shall discharge from its custody a person not already discharged on
2 the person's 20th [~~19th~~] birthday.

3 (e) The department shall transfer a person who has been
4 sentenced under a determinate sentence to commitment under Section
5 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, or who has been
6 returned to the department under Section 54.11(i)(1), Family Code,
7 to the custody of the Texas Department of Criminal Justice on the
8 person's 20th [~~19th~~] birthday, if the person has not already been
9 discharged or transferred, to serve the remainder of the person's
10 sentence on parole as provided by Section 508.156, Government Code.

11 SECTION 4.45. (a) Except as provided by Subsection (b) of
12 this section, the changes in law made by this article apply only to
13 procedures relating to conduct that occurs on or after September 1,
14 2018. Procedures relating to conduct that occurred before
15 September 1, 2018, are governed by the law in effect on the date the
16 conduct occurred, and the former law is continued in effect for that
17 purpose.

18 (b) The change in law made by this article to Section
19 58.0052, Family Code, applies to the sharing of information on or
20 after September 1, 2018, without regard to whether the information
21 was compiled before, on, or after that date.

22 (c) For purposes of this section, conduct occurred before
23 September 1, 2018, if any element of the conduct occurred before
24 that date.

25 ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL
26 RESPONSIBILITY

27 SECTION 5.01. Section 109.001(5), Business & Commerce Code,

1 is amended to read as follows:

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

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

11 (B) information relating to a traffic offense.

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

14 (b) If a child fails to obey an order issued by a truancy
15 court under Section 65.103(a) or a child is in direct contempt of
16 court and the child has failed to obey an order or has been found in
17 direct contempt of court on two or more previous occasions, the
18 truancy court, after providing notice and an opportunity for a
19 hearing, may refer the child to the juvenile probation department
20 as a request for truancy intervention, unless the child failed to
21 obey the truancy court order or was in direct contempt of court
22 while 18 [~~17~~] years of age or older.

23 SECTION 5.03. Section 79.001(10), Government Code, is
24 amended to read as follows:

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

27 (A) a misdemeanor punishable by confinement; or

1 (B) a felony.

2 SECTION 5.04. Section 511.009(a), Government Code, as
3 amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B.
4 634), Acts of the 84th Legislature, Regular Session, 2015, is
5 reenacted and amended to read as follows:

6 (a) The commission shall:

7 (1) adopt reasonable rules and procedures
8 establishing minimum standards for the construction, equipment,
9 maintenance, and operation of county jails;

10 (2) adopt reasonable rules and procedures
11 establishing minimum standards for the custody, care, and treatment
12 of prisoners;

13 (3) adopt reasonable rules establishing minimum
14 standards for the number of jail supervisory personnel and for
15 programs and services to meet the needs of prisoners;

16 (4) adopt reasonable rules and procedures
17 establishing minimum requirements for programs of rehabilitation,
18 education, and recreation in county jails;

19 (5) revise, amend, or change rules and procedures if
20 necessary;

21 (6) provide to local government officials
22 consultation on and technical assistance for county jails;

23 (7) review and comment on plans for the construction
24 and major modification or renovation of county jails;

25 (8) require that the sheriff and commissioners of each
26 county submit to the commission, on a form prescribed by the
27 commission, an annual report on the conditions in each county jail

1 within their jurisdiction, including all information necessary to
2 determine compliance with state law, commission orders, and the
3 rules adopted under this chapter;

4 (9) review the reports submitted under Subdivision (8)
5 and require commission employees to inspect county jails regularly
6 to ensure compliance with state law, commission orders, and rules
7 and procedures adopted under this chapter;

8 (10) adopt a classification system to assist sheriffs
9 and judges in determining which defendants are low-risk and
10 consequently suitable participants in a county jail work release
11 program under Article [42.034](#), Code of Criminal Procedure;

12 (11) adopt rules relating to requirements for
13 segregation of classes of inmates and to capacities for county
14 jails;

15 (12) require that the chief jailer of each municipal
16 lockup submit to the commission, on a form prescribed by the
17 commission, an annual report of persons under 18 [~~17~~] years of age
18 securely detained in the lockup, including all information
19 necessary to determine compliance with state law concerning secure
20 confinement of children in municipal lockups;

21 (13) at least annually determine whether each county
22 jail is in compliance with the rules and procedures adopted under
23 this chapter;

24 (14) require that the sheriff and commissioners court
25 of each county submit to the commission, on a form prescribed by the
26 commission, an annual report of persons under 18 [~~17~~] years of age
27 securely detained in the county jail, including all information

1 necessary to determine compliance with state law concerning secure
2 confinement of children in county jails;

3 (15) schedule announced and unannounced inspections
4 of jails under the commission's jurisdiction using the risk
5 assessment plan established under Section 511.0085 to guide the
6 inspections process;

7 (16) adopt a policy for gathering and distributing to
8 jails under the commission's jurisdiction information regarding:

9 (A) common issues concerning jail
10 administration;

11 (B) examples of successful strategies for
12 maintaining compliance with state law and the rules, standards, and
13 procedures of the commission; and

14 (C) solutions to operational challenges for
15 jails;

16 (17) report to the Texas Correctional Office on
17 Offenders with Medical or Mental Impairments on a jail's compliance
18 with Article 16.22, Code of Criminal Procedure;

19 (18) adopt reasonable rules and procedures
20 establishing minimum requirements for jails to:

21 (A) determine if a prisoner is pregnant; and

22 (B) ensure that the jail's health services plan
23 addresses medical and mental health care, including nutritional
24 requirements, and any special housing or work assignment needs for
25 persons who are confined in the jail and are known or determined to
26 be pregnant;

27 (19) provide guidelines to sheriffs regarding

1 contracts between a sheriff and another entity for the provision of
2 food services to or the operation of a commissary in a jail under
3 the commission's jurisdiction, including specific provisions
4 regarding conflicts of interest and avoiding the appearance of
5 impropriety; ~~and~~

6 (20) adopt reasonable rules and procedures
7 establishing minimum standards for prisoner visitation that
8 provide each prisoner at a county jail with a minimum of two
9 in-person, noncontact visitation periods per week of at least 20
10 minutes duration each;

11 (21) ~~[(20)]~~ require the sheriff of each county to:

12 (A) investigate and verify the veteran status of
13 each prisoner by using data made available from the Veterans
14 Reentry Search Service (VRSS) operated by the United States
15 Department of Veterans Affairs or a similar service; and

16 (B) use the data described by Paragraph (A) to
17 assist prisoners who are veterans in applying for federal benefits
18 or compensation for which the prisoners may be eligible under a
19 program administered by the United States Department of Veterans
20 Affairs; and

21 (22) ~~[(20)]~~ adopt reasonable rules and procedures
22 regarding visitation of a prisoner at a county jail by a guardian,
23 as defined by Section [1002.012](#), Estates Code, that:

24 (A) allow visitation by a guardian to the same
25 extent as the prisoner's next of kin, including placing the
26 guardian on the prisoner's approved visitors list on the guardian's
27 request and providing the guardian access to the prisoner during a

1 facility's standard visitation hours if the prisoner is otherwise
2 eligible to receive visitors; and

3 (B) require the guardian to provide the sheriff
4 with letters of guardianship issued as provided by Section
5 1106.001, Estates Code, before being allowed to visit the prisoner.

6 SECTION 5.05. Section 351.903(a), Local Government Code, is
7 amended to read as follows:

8 (a) To provide for the public safety, the commissioners
9 court of a county by order may adopt a curfew to regulate the
10 movements or actions of persons under 18 [~~17~~] years of age during
11 the period beginning one-half hour after sunset and extending until
12 one-half hour before sunrise or during school hours, or both. The
13 order applies only to the unincorporated area of the county.

14 SECTION 5.06. Section 521.201, Transportation Code, is
15 amended to read as follows:

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

18 (1) is under 15 years of age;
19 (2) is under 18 years of age unless the person complies
20 with the requirements imposed by Section 521.204;

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

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

27 (5) has been determined by a judgment of a court to be

1 totally incapacitated or incapacitated to act as the operator of a
2 motor vehicle unless the person has, by the date of the license
3 application, been:

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

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

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

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

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

26 SECTION 5.07. Section 521.294, Transportation Code, is
27 amended to read as follows:

1 Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE
2 REVOCATION. The department shall revoke the person's license if
3 the department determines that the person:

4 (1) is incapable of safely operating a motor vehicle;

5 (2) has not complied with the terms of a citation
6 issued by a jurisdiction that is a party to the Nonresident Violator
7 Compact of 1977 for a traffic violation to which that compact
8 applies;

9 (3) has failed to provide medical records or has
10 failed to undergo medical or other examinations as required by a
11 panel of the medical advisory board;

12 (4) has failed to pass an examination required by the
13 director under this chapter;

14 (5) has been reported by a court under Section
15 [521.3452](#) for failure to appear unless the court files an additional
16 report on final disposition of the case;

17 (6) has been reported within the preceding two years
18 by a justice or municipal court for failure to appear or for a
19 default in payment of a fine for a misdemeanor punishable only by
20 fine, other than a failure reported under Section [521.3452](#),
21 committed by a person who is at least 14 years of age but younger
22 than 18 [~~17~~] years of age when the offense was committed, unless the
23 court files an additional report on final disposition of the case;
24 or

25 (7) has committed an offense in another state or
26 Canadian province that, if committed in this state, would be
27 grounds for revocation.

1 SECTION 5.08. Section 109.001(5), Business & Commerce Code,
2 and Sections 521.201 and 521.294, Transportation Code, as amended
3 by this article, apply only to an offense committed on or after
4 September 1, 2018. An offense committed before September 1, 2018,
5 is governed by the law in effect on the date the offense was
6 committed, and the former law is continued in effect for that
7 purpose. For purposes of this section, an offense was committed
8 before September 1, 2018, if any element of the offense occurred
9 before that date.

10 ARTICLE 6. ADVISORY COMMITTEE

11 SECTION 6.01. ADVISORY COMMITTEE ON IMPLEMENTATION. (a)
12 Not later than December 1, 2017, the Texas Juvenile Justice Board
13 shall appoint an advisory committee to monitor and evaluate
14 implementation of this Act.

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

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

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

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

23 (4) one representative of county commissioners courts
24 appointed by the board;

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

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

- 1 (7) juvenile prosecutors;
- 2 (8) juvenile defense attorneys;
- 3 (9) juvenile justice advocates; and
- 4 (10) individuals who were adjudicated for juvenile
- 5 offenses in this state or who were prosecuted as adults for offenses
- 6 committed when they were 17 years old, or their family members.

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

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

16 (2) one chief juvenile probation officer of a juvenile
17 probation department serving a county with a population that
18 includes at least 7,500 but fewer than 80,000 persons younger than
19 18 years of age; and

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

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

25 (e) The advisory committee shall assist the Texas Juvenile
26 Justice Department in evaluating and monitoring the implementation
27 of this Act, which includes determining the needs and problems of

1 county juvenile boards and probation departments, and offer
2 recommendations to meet identified needs and problems.

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

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

7 (h) The advisory committee is abolished and this article
8 expires June 1, 2019.

9 ARTICLE 7. TRANSITION AND EFFECTIVE DATES

10 SECTION 7.01. To the extent of any conflict, this Act
11 prevails over another Act of the 85th Legislature, Regular Session,
12 2017, relating to nonsubstantive additions to and corrections in
13 enacted codes.

14 SECTION 7.02. (a) Except as provided by Subsection (b) of
15 this section, this Act takes effect September 1, 2018.

16 (b) Article 6 of this Act takes effect September 1, 2017.