

By: Dutton

H.B. No. 344

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, 2020. An offense committed or conduct that occurs
6 before September 1, 2020, 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, 2020, 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, 2020. An
22 offense committed before September 1, 2020, 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, 2020, if any
26 element of the offense occurred before that date.

27 ARTICLE 3. CRIMINAL PROCEDURES

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

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

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

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

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

21 ~~[(1) charged with an offense other than an offense~~
22 ~~under Section 43.261, Penal Code, if the defendant is younger than~~
23 ~~17 years of age, or~~

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

26 SECTION 3.03. Articles 45.0216(b) and (h), Code of Criminal
27 Procedure, are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

26 (C) the reasonable likelihood of bringing about
27 the discharge of the judgment through the use of procedures and

1 services currently available to the court; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (2) charged with or convicted of an offense that a

1 justice or municipal court has jurisdiction of under Article 4.11
2 or 4.14.

3 SECTION 3.10. Articles 45.060(a), (b), and (e), Code of
4 Criminal Procedure, are amended to read as follows:

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

9 (b) On or after an individual's 18th [~~17th~~] birthday, if the
10 court has used all available procedures under this chapter to
11 secure the individual's appearance to answer allegations made
12 before the individual's 18th [~~17th~~] birthday, the court may issue a
13 notice of continuing obligation to appear by personal service or by
14 mail to the last known address and residence of the individual. The
15 notice must order the individual to appear at a designated time,
16 place, and date to answer the allegations detailed in the notice.

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

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

27 SECTION 3.11. Article 62.001(6), Code of Criminal

1 Procedure, is amended to read as follows:

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

5 (A) an offense under Section 21.02 (Continuous
6 sexual abuse of young child or children), 21.11(a)(1) (Indecency
7 with a child), 22.011 (Sexual assault), or 22.021 (Aggravated
8 sexual assault), Penal Code;

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

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

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

19 (E) an offense under the laws of another state,
20 federal law, the laws of a foreign country, or the Uniform Code of
21 Military Justice if the offense contains elements that are
22 substantially similar to the elements of an offense listed under
23 Paragraph (A), (B), (C), or (D).

24 SECTION 3.12. Article 62.351(a), Code of Criminal
25 Procedure, is amended to read as follows:

26 (a) During or after disposition of a case under Section
27 54.04, Family Code, for adjudication of an offense for which

1 registration is required under this chapter, the juvenile court on
2 motion of the respondent shall conduct a hearing to determine
3 whether the interests of the public require registration under this
4 chapter. The motion may be filed and the hearing held regardless of
5 whether the respondent is under 19 [~~18~~] years of age. Notice of the
6 motion and hearing shall be provided to the prosecuting attorney.

7 SECTION 3.13. Article 62.352(c), Code of Criminal
8 Procedure, is amended to read as follows:

9 (c) If the court enters an order described by Subsection
10 (b)(1), the court retains discretion and jurisdiction to require,
11 or exempt the respondent from, registration under this chapter at
12 any time during the treatment or on the successful or unsuccessful
13 completion of treatment, except that during the period of deferral,
14 registration may not be required. Following successful completion
15 of treatment, the respondent is exempted from registration under
16 this chapter unless a hearing under this subchapter is held on
17 motion of the prosecuting attorney, regardless of whether the
18 respondent is 19 [~~18~~] years of age or older, and the court
19 determines the interests of the public require registration. Not
20 later than the 10th day after the date of the respondent's
21 successful completion of treatment, the treatment provider shall
22 notify the juvenile court and prosecuting attorney of the
23 completion.

24 SECTION 3.14. Article 62.353(b), Code of Criminal
25 Procedure, is amended to read as follows:

26 (b) The person may file a motion under Subsection (a) in the
27 original juvenile case regardless of whether the person, at the

1 time of filing the motion, is 19 [~~18~~] years of age or older. Notice
2 of the motion shall be provided to the prosecuting attorney. A
3 hearing on the motion shall be provided as in other cases under this
4 subchapter.

5 SECTION 3.15. Section 37.085, Education Code, is amended to
6 read as follows:

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

12 SECTION 3.16. Section 521.453(i), Transportation Code, is
13 amended to read as follows:

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

19 SECTION 3.17. (a) Except as provided by Subsection (b) of
20 this section, the changes in law made by this article apply only to
21 an offense committed on or after September 1, 2020. An offense
22 committed before September 1, 2020, is governed by the law in effect
23 on the date the offense was committed, and the former law is
24 continued in effect for that purpose.

25 (b) Articles 45.0216(b) and (h), Code of Criminal
26 Procedure, as amended by this article, apply only to the expunction
27 of certain records related to an offense committed on or after

1 September 1, 2019. The expunction of certain records related to an
2 offense committed before September 1, 2020, is governed by the law
3 in effect on the date the offense was committed, and the former law
4 is continued in effect for that purpose.

5 (c) For purposes of this section, an offense was committed
6 before September 1, 2020, if any element of the offense occurred
7 before that date.

8 ARTICLE 4. JUVENILE COURT PROCEDURES

9 SECTION 4.01. Section 51.041, Family Code, is amended to
10 read as follows:

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

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

23 (1) order the respondent released from custody;
24 (2) order the respondent detained in a juvenile
25 detention facility; or

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

1 SECTION 4.02. Section 51.0412, Family Code, is amended to
2 read as follows:

3 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.

4 The court retains jurisdiction over a person, without regard to the
5 age of the person, who is a respondent in an adjudication
6 proceeding, a disposition proceeding, a proceeding to modify
7 disposition, a proceeding for waiver of jurisdiction and transfer
8 to criminal court under Section 54.02(a), or a motion for transfer
9 of determinate sentence probation to an appropriate district court
10 if:

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

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

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

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

23 (f) A child detained in a building that contains a jail,
24 lockup, or other place of secure confinement, including an alcohol
25 or other drug treatment facility, shall be separated by sight and
26 sound from adults detained in the same building. Children and
27 adults are separated by sight and sound only if they are unable to

1 see each other and conversation between them is not possible. The
2 separation must extend to all areas of the facility, including
3 sally ports and passageways, and those areas used for admission,
4 counseling, sleeping, toileting, showering, dining, recreational,
5 educational, or vocational activities, and health care. The
6 separation may be accomplished through architectural design. A
7 person who has been transferred for prosecution in criminal court
8 under Section 54.02 and is under 18 [~~17~~] years of age is considered
9 a child for the purposes of this subsection.

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

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

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

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

18 (B) violated a condition of release under
19 supervision of the department.

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

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

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

26 (2) the person was:

27 (A) 10 years of age or older and under 18 [~~17~~]

1 years of age at the time the person is alleged to have committed a
2 capital felony or an offense under Section 19.02, Penal Code;

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

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

10 (3) no adjudication concerning the alleged offense has
11 been made or no adjudication hearing concerning the offense has
12 been conducted;

13 (4) the juvenile court finds from a preponderance of
14 the evidence that:

15 (A) for a reason beyond the control of the state
16 it was not practicable to proceed in juvenile court before the 19th
17 [~~18th~~] birthday of the person; or

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

21 (i) the state did not have probable cause to
22 proceed in juvenile court and new evidence has been found since the
23 19th [~~18th~~] birthday of the person;

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

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

27 (5) the juvenile court determines that there is

1 probable cause to believe that the child before the court committed
2 the offense alleged.

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

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

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

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

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

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

21 (l) Except as provided by Subsection (q), a court or jury
22 may place a child on probation under Subsection (d)(1) for any
23 period, except that probation may not continue on or after the
24 child's 19th [~~18th~~] birthday. Except as provided by Subsection (q),
25 the court may, before the period of probation ends, extend the
26 probation for any period, except that the probation may not extend
27 to or after the child's 19th [~~18th~~] birthday.

1 (q) If a court or jury sentences a child to commitment in the
2 Texas Juvenile Justice Department or a post-adjudication secure
3 correctional facility under Subsection (d)(3) for a term of not
4 more than 10 years, the court or jury may place the child on
5 probation under Subsection (d)(1) as an alternative to making the
6 disposition under Subsection (d)(3). The court shall prescribe the
7 period of probation ordered under this subsection for a term of not
8 more than 10 years. The court may, before the sentence of probation
9 expires, extend the probationary period under Section 54.05, except
10 that the sentence of probation and any extension may not exceed 10
11 years. The court may, before the child's 20th [~~19th~~] birthday,
12 discharge the child from the sentence of probation. If a sentence of
13 probation ordered under this subsection and any extension of
14 probation ordered under Section 54.05 will continue after the
15 child's 20th [~~19th~~] birthday, the court shall discharge the child
16 from the sentence of probation on the child's 20th [~~19th~~] birthday
17 unless the court transfers the child to an appropriate district
18 court under Section 54.051.

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

21 (i) A court that requires as a condition of probation that a
22 child attend psychological counseling under Subsection (a) may,
23 before the date the probation period ends, extend the probation for
24 any additional period necessary to complete the required counseling
25 as determined by the treatment provider, except that the probation
26 may not be extended to a date after the date of the child's 19th
27 [~~18th~~] birthday, or 20th [~~19th~~] birthday if the child is placed on

1 determinate sentence probation under Section 54.04(q).

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

4 (b) If a child is found to have engaged in delinquent
5 conduct or conduct indicating a need for supervision arising from
6 the commission of an offense in which property damage or loss or
7 personal injury occurred, the juvenile court, on notice to all
8 persons affected and on hearing, may order the child or a parent to
9 make full or partial restitution to the victim of the offense. The
10 program of restitution must promote the rehabilitation of the
11 child, be appropriate to the age and physical, emotional, and
12 mental abilities of the child, and not conflict with the child's
13 schooling. When practicable and subject to court supervision, the
14 court may approve a restitution program based on a settlement
15 between the child and the victim of the offense. An order under this
16 subsection may provide for periodic payments by the child or a
17 parent of the child for the period specified in the order but except
18 as provided by Subsection (h), that period may not extend past the
19 date of the 19th [~~18th~~] birthday of the child or past the date the
20 child is no longer enrolled in an accredited secondary school in a
21 program leading toward a high school diploma, whichever date is
22 later.

23 (h) If the juvenile court places the child on probation in a
24 determinate sentence proceeding initiated under Section 53.045 and
25 transfers supervision on the child's 20th [~~19th~~] birthday to a
26 district court for placement on community supervision, the district
27 court shall require the payment of any unpaid restitution as a

1 condition of the community supervision. The liability of the
2 child's parent for restitution may not be extended by transfer to a
3 district court for supervision.

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

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

10 (1) the child reaches:

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

12 (B) the child's 20th [~~19th~~] birthday, if the
13 child was placed on determinate sentence probation under Section
14 54.04(q); or

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

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

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

25 (a) On motion of the state concerning a child who is placed
26 on probation under Section 54.04(q) for a period, including any
27 extension ordered under Section 54.05, that will continue after the

1 child's applicable [~~19th~~] birthday, the juvenile court shall hold a
2 hearing to determine whether to transfer the child to an
3 appropriate district court or discharge the child from the sentence
4 of probation.

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

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

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

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

1 (i) If the juvenile court exercises jurisdiction over a
2 person on or after the person's [~~who is 18 or 19 years of age or~~
3 ~~elder, as~~] applicable birthday, under Section 51.041 or 51.0412,
4 the court or jury may, if the person is otherwise eligible, place
5 the person on probation under Section 54.04(q). The juvenile court
6 shall set the conditions of probation and immediately transfer
7 supervision of the person to the appropriate court exercising
8 criminal jurisdiction under Subsection (e).

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

11 (1) 18th birthday, if the conduct for which the person
12 was placed on probation occurred before September 1, 2011;

13 (2) 19th birthday, if the conduct for which the person
14 was placed on probation occurred on or after September 1, 2011, but
15 before September 1, 2020; or

16 (3) 20th birthday, if the conduct for which the person
17 was placed on probation occurred on or after September 1, 2020.

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

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

27 SECTION 4.12. Section 55.15, Family Code, is amended to

1 read as follows:

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

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

11 (2) the administrator of a mental health facility
12 shall notify, in writing, by certified mail, return receipt
13 requested, the juvenile court that ordered mental health services
14 or the juvenile court that referred the case to a court that ordered
15 the mental health services of the intent to discharge the child at
16 least 10 days prior to discharge.

17 SECTION 4.13. Section 55.18, Family Code, is amended to
18 read as follows:

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

23 (1) dismiss the juvenile court proceedings with
24 prejudice; or

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

27 SECTION 4.14. The heading to Section 55.19, Family Code, is

1 amended to read as follows:

2 Sec. 55.19. TRANSFER TO CRIMINAL COURT ON 19TH [~~18TH~~]
3 BIRTHDAY.

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

6 (a) The juvenile court shall transfer all pending
7 proceedings from the juvenile court to a criminal court on the 19th
8 [~~18th~~] birthday of a child for whom the juvenile court or a court to
9 which the child's case is referred under Section 55.12(2) has
10 ordered inpatient mental health services if:

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

14 (2) the child is alleged to have engaged in delinquent
15 conduct that included a violation of a penal law listed in Section
16 53.045 and no adjudication concerning the alleged conduct has been
17 made.

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

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

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

24 (2) the child:

25 (A) is not:

26 (i) ordered by a court to receive inpatient
27 mental health services;

1 (ii) committed by a court to a residential
2 care facility; or

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

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

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

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

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

14 (a) The juvenile court shall transfer all pending
15 proceedings from the juvenile court to a criminal court on the 19th
16 [~~18th~~] birthday of a child for whom the juvenile court or a court to
17 which the child's case is referred has ordered inpatient mental
18 health services or residential care for persons with an
19 intellectual disability if:

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

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

26 SECTION 4.19. Sections 58.003(c), (c-2), (c-4), (c-6), and
27 (c-8), Family Code, are amended to read as follows:

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

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

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

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

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

13 (c-2) If the court orders the sealing of a child's records
14 under Subsection (c-1), a prosecuting attorney or juvenile
15 probation department may maintain until the child's 19th [~~17th~~]
16 birthday a separate record of the child's name and date of birth and
17 the date the child successfully completed the drug court program.
18 The prosecuting attorney or juvenile probation department, as
19 applicable, shall send the record to the court as soon as
20 practicable after the child's 19th [~~17th~~] birthday to be added to
21 the child's other sealed records.

22 (c-4) A prosecuting attorney or juvenile probation
23 department may maintain until a child's 19th [~~17th~~] birthday a
24 separate record of the child's name and date of birth and the date
25 on which the child's records are sealed, if the child's records are
26 sealed under Subsection (c-3). The prosecuting attorney or juvenile
27 probation department, as applicable, shall send the record to the

1 court as soon as practicable after the child's 19th [~~17th~~] birthday
2 to be added to the child's other sealed records.

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

12 (c-8) If the court orders the sealing of a child's records
13 under Subsection (c-7), a prosecuting attorney or juvenile
14 probation department may maintain until the child's 19th [~~18th~~]
15 birthday a separate record of the child's name and date of birth and
16 the date the child successfully completed the trafficked persons
17 program. The prosecuting attorney or juvenile probation
18 department, as applicable, shall send the record to the court as
19 soon as practicable after the child's 19th [~~18th~~] birthday to be
20 added to the child's other sealed records.

21 SECTION 4.20. Section [58.0052](#)(a)(2), Family Code, is
22 amended to read as follows:

- 23 (2) "Multi-system youth" means a person who:
24 (A) is younger than 20 [~~19~~] years of age; and
25 (B) has received services from two or more
26 juvenile service providers.

27 SECTION 4.21. Section [58.0071](#)(d), Family Code, is amended

1 to read as follows:

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

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

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

7 (B) the most serious allegation was conduct
8 indicating a need for supervision and there was not an
9 adjudication; or

10 (C) the referral or information did not relate to
11 conduct indicating a need for supervision or delinquent conduct and
12 the juvenile court or the court's staff did not take action on the
13 referral or information for that reason;

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

15 (A) the most serious allegation adjudicated was
16 delinquent conduct that violated a penal law of the grade of
17 misdemeanor; or

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

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

24 SECTION 4.22. Section 58.203(a), Family Code, is amended to
25 read as follows:

26 (a) The department shall certify to the juvenile probation
27 department to which a referral was made that resulted in

1 information being submitted to the juvenile justice information
2 system that the records relating to a person's juvenile case are
3 subject to automatic restriction of access if:

- 4 (1) the person is at least 19 [~~17~~] years of age;
- 5 (2) the juvenile case did not include conduct
6 resulting in determinate sentence proceedings in the juvenile court
7 under Section 53.045; and
- 8 (3) the juvenile case was not certified for trial in
9 criminal court under Section 54.02.

10 SECTION 4.23. Section 58.208, Family Code, is amended to
11 read as follows:

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

- 16 (1) a written explanation of how automatic restricted
17 access under this subchapter works;
- 18 (2) a copy of this subchapter; and
- 19 (3) a statement that if the child wishes to receive
20 notification of an action restricting access to the child's records
21 under Section 58.207(a), the child must before the child's 19th
22 [~~17th~~] birthday provide the juvenile probation department with a
23 current address where the child can receive notification.

24 SECTION 4.24. Section 58.209(a), Family Code, is amended to
25 read as follows:

- 26 (a) When a child is placed on probation for an offense that
27 may be eligible for automatic restricted access at age 19 [~~17~~] or

1 when a child is received by the Texas Juvenile Justice Department on
2 an indeterminate commitment, a probation officer or an official at
3 the Texas Juvenile Justice Department reception center, as soon as
4 practicable, shall explain the substance of the following
5 information to the child:

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

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

14 (3) that the child's juvenile record, other than
15 treatment records made confidential by law, can be accessed by
16 police, sheriff's officers, prosecutors, probation officers,
17 correctional officers, and other criminal and juvenile justice
18 officials in this state and elsewhere;

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

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

1 (6) that restricted access does not require any action
2 by the child or the child's family, including the filing of a
3 petition or hiring of a lawyer, but occurs automatically at age 19
4 [~~17~~]; and

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

10 SECTION 4.25. Section 58.211(a), Family Code, is amended to
11 read as follows:

12 (a) If the department has notified a juvenile probation
13 department that a record has been placed on restricted access and
14 the department later receives information in the department's
15 criminal history system that the subject of the records has been
16 convicted of or placed on deferred adjudication for a felony or a
17 misdemeanor punishable by confinement in jail for an offense
18 committed after the person reached the age of 18 [~~17~~], the person's
19 juvenile records are no longer subject to restricted access. The
20 department shall notify the appropriate local juvenile probation
21 departments in the manner described by Section 58.203 that the
22 person's records are no longer subject to restricted access.

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

25 (b) The juvenile court or the probation department shall
26 discharge the child from the custody of the probation department on
27 the date the provisions of this section are met or on the child's

1 19th [~~18th~~] birthday, whichever is earlier.

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

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

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

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

14 SECTION 4.29. Section 59.008(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 59.009(c), Family Code, is amended to
21 read as follows:

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

27 SECTION 4.31. Section 61.051(c), Family Code, is amended to

1 read as follows:

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

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

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

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

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

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

21 (B) is under the jurisdiction of the juvenile
22 court [~~of competent jurisdiction~~].

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

25 Sec. 152.0015. PRETRIAL DETENTION POLICY FOR CERTAIN
26 JUVENILES. A juvenile board shall establish a policy that
27 specifies whether a person who has been transferred for criminal

1 prosecution under Section 54.02, Family Code, and is younger than
2 18 [~~17~~] years of age may be detained in a juvenile facility pending
3 trial as provided by Section 51.12, Family Code.

4 SECTION 4.35. Sections 152.0016(e) and (j), Human Resources
5 Code, are amended to read as follows:

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

12 (j) After a child committed to a post-adjudication secure
13 correctional facility with a determinate sentence under Section
14 54.04011(c)(2), Family Code, becomes 16 years of age but before the
15 child becomes 20 [~~19~~] years of age, the juvenile board or local
16 juvenile probation department operating or contracting for the
17 operation of the facility may refer the child to the juvenile court
18 that entered the order of commitment for approval of the child's
19 transfer to the Texas Department of Criminal Justice for
20 confinement if the child has not completed the sentence and:

21 (1) the child's conduct, regardless of whether the
22 child was released under supervision through a program established
23 by the board or department, indicates that the welfare of the
24 community requires the transfer; or

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

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

1 (B) a criminal court convicted the child of a
2 felony offense; or

3 (C) the child's release under supervision was
4 revoked.

5 SECTION 4.36. Section 201.001(a)(2), Human Resources Code,
6 is amended to read as follows:

7 (2) "Child" means an individual:

8 (A) 10 years of age or older and younger than 20
9 [~~18~~] years of age who is under the jurisdiction of a juvenile court;
10 or

11 (B) 10 years of age or older and younger than 20
12 [~~19~~] years of age who is committed to the department under Title 3,
13 Family Code.

14 SECTION 4.37. Section 243.051(b), Human Resources Code, is
15 amended to read as follows:

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

21 SECTION 4.38. Section 244.014(a), Human Resources Code, is
22 amended to read as follows:

23 (a) After a child sentenced to commitment under Section
24 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 16 years
25 of age but before the child becomes 20 [~~19~~] years of age, the
26 department may refer the child to the juvenile court that entered
27 the order of commitment for approval of the child's transfer to the

1 Texas Department of Criminal Justice for confinement if:

2 (1) the child has not completed the sentence; and

3 (2) the child's conduct, regardless of whether the
4 child was released under supervision under Section 245.051,
5 indicates that the welfare of the community requires the transfer.

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

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

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

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

23 (i) If the department requires as a condition of release
24 that a child attend psychological counseling under Subsection (a),
25 the department may, before the date the period of release ends,
26 petition the appropriate court to request the court to extend the
27 period of release for an additional period necessary to complete

1 the required counseling as determined by the treatment provider,
2 except that the release period may not be extended to a date after
3 the date of the child's 19th [~~18th~~] birthday.

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

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

9 (e) The department shall transfer a person who has been
10 sentenced under a determinate sentence to commitment under Section
11 [54.04](#)(d)(3), [54.04](#)(m), or [54.05](#)(f), Family Code, or who has been
12 returned to the department under Section [54.11](#)(i)(1), Family Code,
13 to the custody of the Texas Department of Criminal Justice on the
14 person's 20th [~~19th~~] birthday, if the person has not already been
15 discharged or transferred, to serve the remainder of the person's
16 sentence on parole as provided by Section [508.156](#), Government Code.

17 SECTION 4.42. (a) Except as provided by Subsection (b) of
18 this section, the changes in law made by this article apply only to
19 procedures relating to conduct that occurs on or after September 1,
20 2020. Procedures relating to conduct that occurred before
21 September 1, 2020, are governed by the law in effect on the date the
22 conduct occurred, and the former law is continued in effect for that
23 purpose.

24 (b) The change in law made by this article to Section
25 [58.0052](#), Family Code, applies to the sharing of information on or
26 after September 1, 2020, without regard to whether the information
27 was compiled before, on, or after that date.

1 (c) For purposes of this section, conduct occurred before
2 September 1, 2020, if any element of the conduct occurred before
3 that date.

4 ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL
5 RESPONSIBILITY

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

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

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

17 (B) information relating to a traffic offense.

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

20 (b) If a child fails to obey an order issued by a truancy
21 court under Section 65.103(a) or a child is in direct contempt of
22 court and the child has failed to obey an order or has been found in
23 direct contempt of court on two or more previous occasions, the
24 truancy court, after providing notice and an opportunity for a
25 hearing, may refer the child to the juvenile probation department
26 as a request for truancy intervention, unless the child failed to
27 obey the truancy court order or was in direct contempt of court

1 while 18 [~~17~~] years of age or older.

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

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

6 (A) a misdemeanor punishable by confinement; or

7 (B) a felony.

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

12 (a) The commission shall:

13 (1) adopt reasonable rules and procedures
14 establishing minimum standards for the construction, equipment,
15 maintenance, and operation of county jails;

16 (2) adopt reasonable rules and procedures
17 establishing minimum standards for the custody, care, and treatment
18 of prisoners;

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

22 (4) adopt reasonable rules and procedures
23 establishing minimum requirements for programs of rehabilitation,
24 education, and recreation in county jails;

25 (5) revise, amend, or change rules and procedures if
26 necessary;

27 (6) provide to local government officials

1 consultation on and technical assistance for county jails;

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

4 (8) require that the sheriff and commissioners of each
5 county submit to the commission, on a form prescribed by the
6 commission, an annual report on the conditions in each county jail
7 within their jurisdiction, including all information necessary to
8 determine compliance with state law, commission orders, and the
9 rules adopted under this chapter;

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

14 (10) adopt a classification system to assist sheriffs
15 and judges in determining which defendants are low-risk and
16 consequently suitable participants in a county jail work release
17 program under Article 42.034, Code of Criminal Procedure;

18 (11) adopt rules relating to requirements for
19 segregation of classes of inmates and to capacities for county
20 jails;

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

27 (13) at least annually determine whether each county

1 jail is in compliance with the rules and procedures adopted under
2 this chapter;

3 (14) require that the sheriff and commissioners court
4 of each county submit to the commission, on a form prescribed by the
5 commission, an annual report of persons under 18 [~~17~~] years of age
6 securely detained in the county jail, including all information
7 necessary to determine compliance with state law concerning secure
8 confinement of children in county jails;

9 (15) schedule announced and unannounced inspections
10 of jails under the commission's jurisdiction using the risk
11 assessment plan established under Section [511.0085](#) to guide the
12 inspections process;

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

15 (A) common issues concerning jail
16 administration;

17 (B) examples of successful strategies for
18 maintaining compliance with state law and the rules, standards, and
19 procedures of the commission; and

20 (C) solutions to operational challenges for
21 jails;

22 (17) report to the Texas Correctional Office on
23 Offenders with Medical or Mental Impairments on a jail's compliance
24 with Article [16.22](#), Code of Criminal Procedure;

25 (18) adopt reasonable rules and procedures
26 establishing minimum requirements for jails to:

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

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

6 (19) provide guidelines to sheriffs regarding
7 contracts between a sheriff and another entity for the provision of
8 food services to or the operation of a commissary in a jail under
9 the commission's jurisdiction, including specific provisions
10 regarding conflicts of interest and avoiding the appearance of
11 impropriety; ~~and~~

12 (20) adopt reasonable rules and procedures
13 establishing minimum standards for prisoner visitation that
14 provide each prisoner at a county jail with a minimum of two
15 in-person, noncontact visitation periods per week of at least 20
16 minutes duration each;

17 (21) ~~[(20)]~~ require the sheriff of each county to:

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

22 (B) use the data described by Paragraph (A) to
23 assist prisoners who are veterans in applying for federal benefits
24 or compensation for which the prisoners may be eligible under a
25 program administered by the United States Department of Veterans
26 Affairs; and

27 (22) ~~[(20)]~~ adopt reasonable rules and procedures

1 regarding visitation of a prisoner at a county jail by a guardian,
2 as defined by Section 1002.012, Estates Code, that:

3 (A) allow visitation by a guardian to the same
4 extent as the prisoner's next of kin, including placing the
5 guardian on the prisoner's approved visitors list on the guardian's
6 request and providing the guardian access to the prisoner during a
7 facility's standard visitation hours if the prisoner is otherwise
8 eligible to receive visitors; and

9 (B) require the guardian to provide the sheriff
10 with letters of guardianship issued as provided by Section
11 1106.001, Estates Code, before being allowed to visit the prisoner.

12 SECTION 5.05. Section 521.201, Transportation Code, is
13 amended to read as follows:

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

16 (1) is under 15 years of age;

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

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

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

25 (5) has been determined by a judgment of a court to be
26 totally incapacitated or incapacitated to act as the operator of a
27 motor vehicle unless the person has, by the date of the license

1 application, been:

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

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

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

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

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

24 SECTION 5.06. Section [521.294](#), Transportation Code, is
25 amended to read as follows:

26 Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE
27 REVOCATION. The department shall revoke the person's license if

1 the department determines that the person:

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

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

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

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

12 (5) has been reported by a court under Section
13 [521.3452](#) for failure to appear unless the court files an additional
14 report on final disposition of the case;

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

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

26 SECTION 5.07. Section [109.001](#)(5), Business & Commerce Code,
27 and Sections [521.201](#) and [521.294](#), Transportation Code, as amended

1 by this article, apply only to an offense committed on or after
2 September 1, 2020. An offense committed before September 1, 2020,
3 is governed by the law in effect on the date the offense was
4 committed, and the former law is continued in effect for that
5 purpose. For purposes of this section, an offense was committed
6 before September 1, 2020, if any element of the offense 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, 2019, 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 council 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, 2022.

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 86th Legislature, Regular Session,
10 2019, 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, 2020.

14 (b) Article 6 of this Act takes effect September 1, 2019.