

BILL ANALYSIS

C.S.H.B. 1205
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that most people generally understand adulthood to begin when a person turns 18 years of age but that in the Texas criminal justice system, a 17-year-old is considered an adult. A 17-year-old defendant, regardless of actual maturity or the nature of the offense, is considered mature enough to take responsibility for the offense and suffer the consequences of the adult justice system, while at the same age, the defendant would be considered too immature to serve on the jury that hears the case.

Recent research shows that a juvenile offender faces physical and psychological risks when placed in an adult prison and that a juvenile adjudicated in the juvenile justice system experiences better outcomes than juveniles prosecuted in the adult system. Additionally, developments in neuroscience confirm the original rationale for a separate justice system for juveniles, that the human brain continually develops beyond the age of 17 and, as a result, a juvenile offender is more impressionable and less culpable than an adult offender. While significant attention has been paid in recent years to the incarceration of juveniles as young as 13 years of age in adult prisons for convictions of serious crimes, according to some criminal justice experts, the lives of many more juveniles have been disrupted by low-level misdemeanors and violations. Advocates say that a juvenile conviction, especially for a juvenile from a low-income family or a black or Latino neighborhood, can lead to lasting and devastating adult consequences. C.S.H.B. 1205 seeks to address these issues.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Article 1: Age of Criminal Responsibility

C.S.H.B. 1205 amends the Family Code to raise the maximum age at which a person is considered a child under the juvenile justice code from under 17 years of age or from 17 years of age or older and under 18 years of age if the person is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age to under 18 years of age or to 18 years of age or older and under 20 years of age if the person is alleged or found to have engaged in such conduct as a result of acts committed before becoming 18 years of age. The bill specifies that for a person 18 years of age or older to be considered a child, the person must be under the jurisdiction of a

juvenile court.

C.S.H.B. 1205 amends the Penal Code to raise from 17 years of age to 18 years of age the minimum age at which a person commits an offense for which the person may be prosecuted or convicted, with certain exceptions.

Article 2: Offenses With Age as an Element

C.S.H.B. 1205 amends the Penal Code to raise from 17 years of age to 18 years of age the minimum age at which an actor is considered to commit the offenses of criminal solicitation of a minor by a member of a criminal street gang, continuous sexual abuse of a child or children, online solicitation of a minor, and certain offenses committed in a gang-free zone.

C.S.H.B. 1205 amends the Transportation Code to raise from younger than 17 years of age to younger than 18 years of age the maximum age at which an actor is considered to commit the offenses of operation of a motor vehicle by a minor in violation of a traffic law and operation of a motor vehicle by a minor without a license.

Article 3: Criminal Procedures

C.S.H.B. 1205 amends the Code of Criminal Procedure to raise from younger than 17 years of age to younger than 18 years of age the maximum age at which a witness can be ordered by a court to be detained in a certified juvenile detention facility and to raise from 17 years of age to 18 years of age the minimum age at which a witness can be ordered by a court to be detained without bond in an appropriate adult county detention facility. The bill limits the applicability of statutory provisions governing a plea by a minor and accompanying appearance of a parent to a defendant younger than 18 years of age who has not had the disabilities of minority removed and who has been charged with an offense other than the offense of electronic transmission of certain visual material depicting a minor. The bill changes, effective September 1, 2015, the first date on which a person is authorized to apply, under certain conditions, to a court for an expunction of certain conviction records from the person's 17th birthday to the person's 18th birthday. The bill prohibits the issuance of a *capias pro fine* for an individual convicted for an offense committed before the individual's 18th birthday, rather than before the individual's 17th birthday, unless the individual is 18 years of age or older, rather than 17 years of age or older, and the court finds the fine justified and proceeds in a specified manner. The bill raises from younger than 17 years of age to younger than 18 years of age the maximum age at which a juvenile defendant is eligible for performing community service or attending a tutoring program in satisfaction of a fine or costs assessed for a Class C misdemeanor. The bill raises from younger than 17 years of age to younger than 18 years of age the maximum age at which a person is considered a child for purposes of statutory provisions relating to a child taken into custody for an offense over which a justice or municipal court has jurisdiction. The bill extends the applicability of court procedures for an individual who has not been taken into custody for offenses alleged to have occurred before the individual's 17th birthday to include an individual who has not been taken into custody for offenses alleged to have occurred before the individual's 18th birthday. The bill raises from 17 years of age to 18 years of age the minimum age at which a person who commits a certain sexual offense is considered to have committed a sexually violent offense under the sex offender registration program and reflects that raised age in related statutory provisions governing motions and hearings generally, exemption orders generally, and motions, hearings, and orders concerning a person already registered.

C.S.H.B. 1205 amends the Education Code to prohibit the issuance of a warrant for the arrest of a person for a Class C misdemeanor committed when the person was younger than 18 years of age, rather than when the person was younger than 17 years of age.

C.S.H.B. 1205 amends the Transportation Code to require the community service of a person younger than 18 years of age, rather than 17 years of age, who commits a possession of a fictitious

driver's license or personal identification certificate offense to be performed as if ordered by a juvenile court as a condition of probation.

Article 4: Juvenile Court Procedures

C.S.H.B. 1205 amends the Family Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to reflect the raised maximum age of a child under the juvenile justice code by raising by one year or two years, as applicable, certain age requirements relating to a juvenile court's jurisdiction, the place and conditions of a child's detention, the deferral of adjudication proceedings and dismissal of certain cases on completion of a trafficked persons program, the disposition of a child or orders affecting a child's parent following a juvenile justice proceeding, the transfer of a child committed to the Texas Juvenile Justice Department (TJJD), a child receiving mental health services, the treatment of a child's records, certain information with which a child must be provided on discharge or when placed on probation, and the discharge of a child from the custody of a probation department or other applicable entity. The bill changes the birthday of a child that triggers the applicability of statutory provisions governing the transfer or release of a child placed on probation by establishing that a person's applicable birthday is the person's 18th birthday if the conduct for which the person was placed on probation occurred before September 1, 2011, is the person's 19th birthday if the conduct for which the person was placed on probation occurred on or after September 1, 2011, but before September 1, 2016, or is the person's 20th birthday if the conduct for which the person was placed on probation occurred on or after September 1, 2016. The bill removes the statutory requirement for a hearing regarding the transfer or discharge of a child who is placed on determinate sentence probation to be held before the child's 18th birthday if the offense for which the child was placed on probation occurred before September 1, 2011.

C.S.H.B. 1205 includes an order transferring a child from a juvenile court to a district or criminal court for prosecution as an adult among the juvenile court orders for which an appeal by or on behalf of a child is authorized, with certain exceptions. The bill includes an order denying the transfer of a child from a juvenile court to criminal court for prosecution as an adult among the juvenile court orders the state is entitled to appeal.

C.S.H.B. 1205 amends the Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to authorize a child with mental illness who receives continuity of care services during parole from TJJD to continue to receive the services from the Texas Correctional Office on Offenders with Medical or Mental Impairments until the child completes the parole, even if the child is no longer eligible to receive services from a local mental health authority when the child becomes 18 years of age, rather than when the child becomes 17 years of age.

C.S.H.B. 1205 amends the Human Resources Code to raise from 18 years of age to 20 years of age the maximum age at which a person who has been found to have engaged in delinquent conduct is considered a juvenile for purposes of statutory provisions relating to residential facilities for certain delinquent children. The bill changes the type of court that must make that finding from a court of competent jurisdiction to a juvenile court and specifies that the person must be under the jurisdiction of the juvenile court. The bill raises the maximum age at which an individual is considered a child for purposes of statutory provisions relating to juvenile justice services and facilities from younger than 18 years of age to younger than 20 years of age if the individual is under the jurisdiction of a juvenile court and removes the alternative definition of a child for those purposes that is based on a child's commitment to TJJD. The bill reflects that raised maximum age of a child and the raised maximum age of a child under the juvenile justice code by raising by one year certain age requirements relating to the duties of a juvenile board and a local juvenile probation department, the detainment of a child who escapes custody or violates a release condition, the referral of a child serving a determinate sentence for transfer, the evaluation of whether a child serving a determinate sentence needs additional services, counseling for a child required to register as a sex offender, and termination of control by TJJD

of a person committed to TJJD custody.

C.S.H.B. 1205 makes its provisions relating to the sealing of certain records effective September 1, 2015. The bill's provisions relating to the interagency sharing of certain noneducational records apply to the sharing of information on or after September 1, 2015.

Article 5: Miscellaneous Laws Relating to Age of Criminal Responsibility

C.S.H.B. 1205 amends the Government Code to raise from younger than 17 years of age to younger than 18 years of age the maximum age at which a person who commits conduct that constitutes a misdemeanor punishable by confinement or a felony is considered to have committed a juvenile offense for purposes of statutory provisions relating to the Texas Indigent Defense Commission. The bill requires the annual report sent by the chief jailer of each municipal lockup and the sheriff and commissioners court of each county to the Commission on Jail Standards to include the applicable information on persons under 18 years of age, rather than persons under 17 years of age, securely detained in the lockup or county jail, respectively.

C.S.H.B. 1205 amends the Transportation Code to prohibit the Department of Public Safety (DPS) from issuing a driver's license to and to require DPS to revoke the driver's license of, with certain exceptions, a person who has been reported by a court for failure to appear or default in payment of a fine for certain fine-only misdemeanors if the person was under 18 years of age, rather than under 17 years of age, at the time of the offense.

Article 6: Advisory Committee

Effective September 1, 2015, C.S.H.B. 1205 requires the Texas Juvenile Justice Board, not later than December 1, 2015, to appoint an advisory committee to monitor and evaluate implementation of the bill's provisions and sets out requirements relating to the board's appointments to the committee and the designation by the board of the committee's presiding officer. The bill requires the advisory committee to assist TJJD in evaluating and monitoring the implementation of the bill's provisions, including determining the needs and problems of county juvenile boards and probation departments, and to offer recommendations to meet identified needs and problems. The bill establishes that members of the advisory committee serve without compensation and are not entitled to reimbursement for expenses. The bill exempts the advisory committee from statutory provisions governing state agency advisory committees. The bill's provisions relating to the committee expire and the committee is abolished on June 1, 2017.

EFFECTIVE DATE

Except as otherwise provided, January 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1205 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
ARTICLE 1. AGE OF CRIMINAL RESPONSIBILITY	Same as introduced version.
SECTION 1.01. Section 51.02(2), Family Code, is amended to read as follows: (2) "Child" means a person who is:	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 19 [18] years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 18 [17] years of age.

SECTION 1.02. Section 8.07(b), Penal Code, is amended.

SECTION 1.03. The changes in law made by this article apply only to an offense committed or conduct violating a penal law that occurs on or after the effective date of this Act.

An offense committed or conduct that occurs before the effective date of this Act is governed by the law in effect on the date the offense was committed or the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed or conduct violating a penal law occurred before the effective date of this Act if any element of the offense or conduct occurred before that date.

ARTICLE 2. OFFENSES WITH AGE AS AN ELEMENT

SECTION 2.01. Sections 15.031(e) and (f), Penal Code, are amended to read as follows:

(e) An offense under this section is one category lower than the solicited offense, except that an offense under this section is the same category as the solicited offense if it is shown on the trial of the offense that the actor:

(1) was at the time of the offense 18 [17] years of age or older and a member of a criminal street gang, as defined by Section 71.01; and

(2) committed the offense with the intent to:
(A) further the criminal activities of the criminal street gang; or

(B) avoid detection as a member of a criminal street gang.

(f) In this section, "minor" means an

(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. Same as introduced version.

SECTION 1.03. The changes in law made by this article apply only to an offense committed or conduct that occurs on or after January 1, 2017.

An offense committed or conduct that occurs before January 1, 2017, is governed by the law in effect on the date the offense was committed or the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed or conduct occurred before January 1, 2017, if any element of the offense or conduct occurred before that date.

Same as introduced version.

SECTION 2.01. Section 15.031(e), Penal Code, is amended to read as follows:

(e) An offense under this section is one category lower than the solicited offense, except that an offense under this section is the same category as the solicited offense if it is shown on the trial of the offense that the actor:

(1) was at the time of the offense 18 [17] years of age or older and a member of a criminal street gang, as defined by Section 71.01; and

(2) committed the offense with the intent to:
(A) further the criminal activities of the criminal street gang; or

(B) avoid detection as a member of a criminal street gang.

individual younger than 18 [~~17~~] years of age.

SECTION 2.02. Section 21.02(b), Penal Code, is amended.

SECTION 2.03. Section 33.021(a)(1), Penal Code, is amended to read as follows:
(1) "Minor" means:
(A) an individual who represents himself or herself to be younger than 18 [~~17~~] years of age; or
(B) an individual whom the actor believes to be younger than 18 [~~17~~] years of age.

SECTION 2.04. Section 33.021(b), Penal Code, is amended.

SECTION 2.05. Section 71.022(d)(1), Penal Code, is amended to read as follows:
(1) "Child" means an individual younger than 18 [~~17~~] years of age.

SECTION 2.06. Section 71.028(c), Penal Code, is amended.

SECTION 2.07. Section 729.001(a), Transportation Code, is amended.

SECTION 2.08. Section 729.002, Transportation Code, is amended.

SECTION 2.09. The changes in law made by this article apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

ARTICLE 3. CRIMINAL PROCEDURES

SECTION 3.01. Article 4.19, Code of Criminal Procedure, is amended.

SECTION 2.02. Same as introduced version.

No equivalent provision.

SECTION 2.03. Same as introduced version.

No equivalent provision.

SECTION 2.04. Same as introduced version.

SECTION 2.05. Same as introduced version.

SECTION 2.06. Same as introduced version.

SECTION 2.07. The changes in law made by this article apply only to an offense committed on or after January 1, 2017. An offense committed before January 1, 2017, is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before January 1, 2017, if any element of the offense occurred before that date.

Same as introduced version.

SECTION 3.01. Same as introduced version.

No equivalent provision.

SECTION 3.02. Articles 24.011(d) and (d-1), Code of Criminal Procedure, are amended to read as follows:

(d) The court may order that the person who is the witness be detained in a certified juvenile detention facility if the person is younger than 18 [~~17~~] years of age. If the person is at least 18 [~~17~~] years of age, the court may order that the person be detained without bond in an appropriate county facility for the detention of adults accused of criminal offenses.

(d-1) A witness younger than 18 [~~17~~] years of age held in custody under this article may be placed in a certified juvenile detention facility for a period not to exceed 30 days. The length of placement may be extended in increments of 30 days by the court that issued the original bench warrant. If the placement is not extended, the period under this article expires and the witness may be returned as provided by Subsection (c).

No equivalent provision.

SECTION 3.03. 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 18 [~~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 3.02. Articles 45.0216(b) and (h), Code of Criminal Procedure, are amended.

SECTION 3.04. Same as introduced version.

SECTION 3.03. Article 45.045(b), Code of Criminal Procedure, is amended.

SECTION 3.05. Same as introduced version.

SECTION 3.04. Article 45.0492(a), Code of Criminal Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, is amended.

SECTION 3.06. Same as introduced version.

SECTION 3.05. Article 45.0492(a), Code of Criminal Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd

SECTION 3.07. Same as introduced version.

Legislature, Regular Session, 2011, is amended.

SECTION 3.06. Articles 45.050(d), (e), and (g), Code of Criminal Procedure, are amended.

SECTION 3.07. Article 45.057(h), Code of Criminal Procedure, is amended.

SECTION 3.08. Article 45.058(h), Code of Criminal Procedure, is amended.

SECTION 3.09. Articles 45.060(a), (b), and (e), Code of Criminal Procedure, are amended.

SECTION 3.10. Article 62.001(6), Code of Criminal Procedure, is amended.

No equivalent provision.

No equivalent provision.

SECTION 3.08. Same as introduced version.

SECTION 3.09. Same as introduced version.

SECTION 3.10. Same as introduced version.

SECTION 3.11. Same as introduced version.

SECTION 3.12. Same as introduced version.

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

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

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

(c) If the court enters an order described by Subsection (b)(1), the court retains discretion and jurisdiction to require, or exempt the respondent from, registration under this chapter at any time during the treatment or on the successful or unsuccessful completion of treatment, except that during the period of deferral, registration may not be required. Following successful completion of treatment, the respondent is exempted from registration under this chapter unless a hearing under this subchapter is held on motion of the prosecuting attorney, regardless of whether

the respondent is 19 [~~18~~] years of age or older, and the court determines the interests of the public require registration. Not later than the 10th day after the date of the respondent's successful completion of treatment, the treatment provider shall notify the juvenile court and prosecuting attorney of the completion.

No equivalent provision.

SECTION 3.15. Article 62.353(b), Code of Criminal Procedure, is amended to read as follows:

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

SECTION 3.11. Section 37.085, Education Code, is amended.

SECTION 3.16. Same as introduced version.

SECTION 3.12. Section 521.453(i), Transportation Code, is amended.

SECTION 3.17. Same as introduced version.

SECTION 3.13. (a) Except as provided by Subsection (b) of this section, the changes in law made by this article apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

SECTION 3.18. (a) Except as provided by Subsection (b) of this section, the changes in law made by this article apply only to an offense committed on or after January 1, 2017. An offense committed before January 1, 2017, is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

(b) Articles 45.0216(b) and (h), Code of Criminal Procedure, as amended by this article, apply only to the expunction of certain records related to an offense committed on or after the effective date of this Act. The expunction of certain records related to an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

(b) Articles 45.0216(b) and (h), Code of Criminal Procedure, as amended by this article, apply only to the expunction of certain records related to an offense committed on or after September 1, 2015. The expunction of certain records related to an offense committed before September 1, 2015, is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

(c) For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(c) For purposes of this section, an offense was committed before a specified date if any element of the offense occurred before that date.

ARTICLE 4. JUVENILE COURT PROCEDURES

SECTION 4.01. Section 51.041, Family Code, is amended to read as follows:
Sec. 51.041. JURISDICTION AFTER APPEAL. (a) The court retains jurisdiction over a person, without regard to the age of the person, for conduct engaged in by the person before becoming 18 [~~17~~] years of age if, as a result of an appeal by the person or the state under Chapter 56 or by the person under Article 44.47, Code of Criminal Procedure, of an order of the court, the order is reversed or modified and the case remanded to the court by the appellate court. (b) If the respondent is at least 19 [~~18~~] years of age when the order of remand from the appellate court is received by the juvenile court, the juvenile court shall proceed as provided by Sections 54.02(o)-(r) for the detention of a person at least 18 years of age in discretionary transfer proceedings. Pending retrial of the adjudication or transfer proceeding, the juvenile court may: (1) order the respondent released from custody; (2) order the respondent detained in a juvenile detention facility; or (3) set bond and order the respondent detained in a county adult facility if bond is not made.

SECTION 4.02. Section 51.0412, Family Code, is amended.

SECTION 4.03. Sections 51.12(f) and (h), Family Code, are amended.

SECTION 4.04. Section 54.02(j), Family Code, is amended.

SECTION 4.05. Section 54.0326(b), Family Code, is amended.

SECTION 4.06. Sections 54.04(e), (l), and (q), Family Code, are amended.

SECTION 4.07. Section 54.0405(i), Family Code, is amended.

SECTION 4.08. Sections 54.041(b) and (h), Family Code, are amended.

Same as introduced version.

SECTION 4.01. Section 51.041, Family Code, is amended to read as follows:
Sec. 51.041. JURISDICTION AFTER APPEAL. (a) The court retains jurisdiction over a person, without regard to the age of the person, for conduct engaged in by the person before becoming 18 [~~17~~] years of age if, as a result of an appeal by the person or the state under Chapter 56 or by the person under Article 44.47, Code of Criminal Procedure, of an order of the court, the order is reversed or modified and the case remanded to the court by the appellate court. (b) If the respondent is at least 19 [~~18~~] years of age when the order of remand from the appellate court is received by the juvenile court, the juvenile court shall proceed as provided by Sections 54.02(o)-(r) for the detention of a person at least 19 [~~18~~] years of age in discretionary transfer proceedings. Pending retrial of the adjudication or transfer proceeding, the juvenile court may: (1) order the respondent released from custody; (2) order the respondent detained in a juvenile detention facility; or (3) set bond and order the respondent detained in a county adult facility if bond is not made.

SECTION 4.02. Same as introduced version.

SECTION 4.03. Same as introduced version.

SECTION 4.04. Same as introduced version.

SECTION 4.05. Same as introduced version.

SECTION 4.06. Same as introduced version.

SECTION 4.07. Same as introduced version.

SECTION 4.08. Same as introduced version.

SECTION 4.09. Sections 54.05(a) and (b), Family Code, are amended.

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

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

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

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

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

(e-2) If a person who is placed on community supervision under this section violates a condition of that supervision or if the person violated a condition of probation ordered under Section 54.04(q) and that probation violation was not discovered by the state before the person's 20th [19th] birthday, the district court shall dispose of the violation of community supervision or probation, as appropriate, in the same manner as if the court had originally exercised jurisdiction over the case. If the judge revokes community supervision, the judge may reduce the prison sentence to any length without regard to the minimum term imposed by Section 23(a), Article 42.12, Code of Criminal Procedure.

(i) If the juvenile court exercises jurisdiction over a person who is 19 or 20 [18 or 19] years of age or older, as applicable, under Section 51.041 or

SECTION 4.09. Same as introduced version.

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

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

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

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

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

(e-2) If a person who is placed on community supervision under this section violates a condition of that supervision or if the person violated a condition of probation ordered under Section 54.04(q) and that probation violation was not discovered by the state before the person's applicable [19th] birthday, the district court shall dispose of the violation of community supervision or probation, as appropriate, in the same manner as if the court had originally exercised jurisdiction over the case. If the judge revokes community supervision, the judge may reduce the prison sentence to any length without regard to the minimum term imposed by Section 23(a), Article 42.12, Code of Criminal Procedure.

(i) If the juvenile court exercises jurisdiction over a person on or after the person's [who is 18 or 19 years of age or older, as] applicable birthday, under Section

51.0412, the court or jury may, if the person is otherwise eligible, place the person on probation under Section 54.04(q). The juvenile court shall set the conditions of probation and immediately transfer supervision of the person to the appropriate court exercising criminal jurisdiction under Subsection (e).

51.041 or 51.0412, the court or jury may, if the person is otherwise eligible, place the person on probation under Section 54.04(q). The juvenile court shall set the conditions of probation and immediately transfer supervision of the person to the appropriate court exercising criminal jurisdiction under Subsection (e).

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

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

(2) 19th birthday, if the conduct for which the person was placed on probation occurred on or after September 1, 2011, but before September 1, 2016; or

(3) 20th birthday, if the conduct for which the person was placed on probation occurred on or after September 1, 2016.

SECTION 4.11. Section 54.11(l), Family Code, is amended.

SECTION 4.11. Same as introduced version.

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

SECTION 4.12. Same as introduced version.

SECTION 4.13. Section 55.18, Family Code, is amended.

SECTION 4.13. Same as introduced version.

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

SECTION 4.14. Same as introduced version.

SECTION 4.15. Section 55.19(a), Family Code, is amended.

SECTION 4.15. Same as introduced version.

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

SECTION 4.16. Section 55.43(a), Family Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

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

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

(1) the child is found unfit to proceed as a result of mental illness or intellectual disability [~~mental retardation~~]; and

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

(2) the child:

(2) the child:

(A) is not:

(A) is not:

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

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

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

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

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

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

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

SECTION 4.17. The heading to Section 55.44, Family Code, is amended.

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

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

- (1) the child is not discharged or currently on furlough from the facility before reaching 19 [~~18~~] years of age; and
- (2) the child is alleged to have engaged in delinquent conduct that included a violation of a penal law listed in Section 53.045 and no adjudication concerning the alleged conduct has been made.

SECTION 4.19. Section 56.01(c), Family Code, is amended.

SECTION 4.20. The heading to Section 56.03, Family Code, is amended.

SECTION 4.21. Section 56.03(b), Family Code, is amended.

SECTION 4.22. Sections 58.003(c), (c-2), (c-4), (c-6), and (c-8), Family Code, are amended to read as follows:

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

- (1) the person is 20 [~~19~~] years of age or older;
- (2) the person was not transferred by a juvenile court under Section 54.02 to a criminal court for prosecution;
- (3) the records have not been used as

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

SECTION 4.17. Same as introduced version.

SECTION 4.18. Section 55.44(a), Family Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

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

- (1) the child is not discharged or currently on furlough from the facility before reaching 19 [~~18~~] years of age; and
- (2) the child is alleged to have engaged in delinquent conduct that included a violation of a penal law listed in Section 53.045 and no adjudication concerning the alleged conduct has been made.

SECTION 4.19. Same as introduced version.

SECTION 4.20. Same as introduced version.

SECTION 4.21. Same as introduced version.

SECTION 4.22. Sections 58.003(c), (c-2), (c-4), (c-6), and (c-8), Family Code, are amended to read as follows:

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

- (1) the person is 19 years of age or older;
- (2) the person was not transferred by a juvenile court under Section 54.02 to a criminal court for prosecution;
- (3) the records have not been used as

evidence in the punishment phase of a criminal proceeding under Section 3(a), Article 37.07, Code of Criminal Procedure; and

(4) the person has not been convicted of a penal law of the grade of felony after becoming age 18 [47].

(c-2) If the court orders the sealing of a child's records under Subsection (c-1), a prosecuting attorney or juvenile probation department may maintain until the child's 18th [47th] birthday a separate record of the child's name and date of birth and the date the child successfully completed the drug court program. The prosecuting attorney or juvenile probation department, as applicable, shall send the record to the court as soon as practicable after the child's 18th [47th] birthday to be added to the child's other sealed records.

(c-4) A prosecuting attorney or juvenile probation department may maintain until a child's 18th [47th] birthday a separate record of the child's name and date of birth and the date on which the child's records are sealed, if the child's records are sealed under Subsection (c-3). The prosecuting attorney or juvenile probation department, as applicable, shall send the record to the court as soon as practicable after the child's 18th [47th] birthday to be added to the child's other sealed records.

(c-6) A prosecuting attorney or juvenile probation department may maintain until a child's 18th [47th] birthday a separate record of the child's name and date of birth and the date on which the child successfully completed the educational program, if the child's records are sealed under Subsection (c-5). The prosecuting attorney or juvenile probation department, as applicable, shall send the record to the court as soon as practicable after the child's 18th [47th] birthday to be added to the child's other sealed records.

(c-8) If the court orders the sealing of a child's records under Subsection (c-7), a prosecuting attorney or juvenile probation department may maintain until the child's 19th [48th] birthday a separate record of the child's name and date of birth and the date the child successfully completed the trafficked persons program. The prosecuting attorney or juvenile probation department, as applicable, shall send the

evidence in the punishment phase of a criminal proceeding under Section 3(a), Article 37.07, Code of Criminal Procedure; and

(4) the person has not been convicted of a penal law of the grade of felony after becoming age 18 [47].

(c-2) If the court orders the sealing of a child's records under Subsection (c-1), a prosecuting attorney or juvenile probation department may maintain until the child's 19th [47th] birthday a separate record of the child's name and date of birth and the date the child successfully completed the drug court program. The prosecuting attorney or juvenile probation department, as applicable, shall send the record to the court as soon as practicable after the child's 19th [47th] birthday to be added to the child's other sealed records.

(c-4) A prosecuting attorney or juvenile probation department may maintain until a child's 19th [47th] birthday a separate record of the child's name and date of birth and the date on which the child's records are sealed, if the child's records are sealed under Subsection (c-3). The prosecuting attorney or juvenile probation department, as applicable, shall send the record to the court as soon as practicable after the child's 19th [47th] birthday to be added to the child's other sealed records.

(c-6) A prosecuting attorney or juvenile probation department may maintain until a child's 19th [47th] birthday a separate record of the child's name and date of birth and the date on which the child successfully completed the educational program, if the child's records are sealed under Subsection (c-5). The prosecuting attorney or juvenile probation department, as applicable, shall send the record to the court as soon as practicable after the child's 19th [47th] birthday to be added to the child's other sealed records.

(c-8) If the court orders the sealing of a child's records under Subsection (c-7), a prosecuting attorney or juvenile probation department may maintain until the child's 19th [48th] birthday a separate record of the child's name and date of birth and the date the child successfully completed the trafficked persons program. The prosecuting attorney or juvenile probation department, as applicable, shall send the

record to the court as soon as practicable after the child's 19th [~~18th~~] birthday to be added to the child's other sealed records.

SECTION 4.23. Section 58.0052(a)(2), Family Code, is amended.

SECTION 4.24. Section 58.0071(d), Family Code, is amended.

SECTION 4.25. Section 58.203(a), Family Code, is amended to read as follows:

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

- (1) the person is at least 18 [~~17~~] years of age;
- (2) the juvenile case did not include conduct resulting in determinate sentence proceedings in the juvenile court under Section 53.045; and
- (3) the juvenile case was not certified for trial in criminal court under Section 54.02.

SECTION 4.26. Section 58.208, Family Code, is amended to read as follows:

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

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

SECTION 4.27. Section 58.209(a), Family Code, is amended to read as follows:

(a) When a child is placed on probation for an offense that may be eligible for automatic

record to the court as soon as practicable after the child's 19th [~~18th~~] birthday to be added to the child's other sealed records.

SECTION 4.23. Same as introduced version.

SECTION 4.24. Same as introduced version.

SECTION 4.25. Section 58.203(a), Family Code, is amended to read as follows:

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

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

SECTION 4.26. Section 58.208, Family Code, is amended to read as follows:

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

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

SECTION 4.27. Section 58.209(a), Family Code, is amended to read as follows:

(a) When a child is placed on probation for an offense that may be eligible for automatic

restricted access at age 18 [17] or when a child is received by the Texas Juvenile Justice Department on an indeterminate commitment, a probation officer or an official at the Texas Juvenile Justice Department reception center, as soon as practicable, shall explain the substance of the following information to the child:

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

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

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

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

(5) if the child's juvenile record is placed on restricted access when the child becomes 18 [17] years of age, that access will be denied to employers, educational institutions, and others except for criminal justice agencies;

(6) that restricted access does not require any action by the child or the child's family, including the filing of a petition or hiring of a lawyer, but occurs automatically at age 18 [17]; and

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

SECTION 4.28. Section 58.211(a), Family Code, is amended.

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restricted access at age 19 [17] or when a child is received by the Texas Juvenile Justice Department on an indeterminate commitment, a probation officer or an official at the Texas Juvenile Justice Department reception center, as soon as practicable, shall explain the substance of the following information to the child:

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

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

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

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

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

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

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

SECTION 4.28. Same as introduced version.

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SECTION 4.29. Section 59.005(b), Family Code, is amended.

SECTION 4.30. Section 59.006(b), Family Code, is amended.

SECTION 4.31. Section 59.007(b), Family Code, is amended.

SECTION 4.32. Section 59.008(b), Family Code, is amended.

SECTION 4.33. Section 59.009(c), Family Code, is amended.

SECTION 4.34. Section 61.051(c), Family Code, is amended.

SECTION 4.35. Section 614.019(b), Health and Safety Code, is amended to read as follows:

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

SECTION 4.36. Section 63.001(1), Human Resources Code, is amended to read as follows:

(1) "Juvenile" means a person from the age of 10 to 19 [~~18~~] years who has been found to have engaged in delinquent conduct by a court of competent jurisdiction.

SECTION 4.37. Section 152.0015, Human Resources Code, is amended.

SECTION 4.38. Sections 152.0016(e) and (j), Human Resources Code, as added by Chapter 1323 (S.B. 511), Acts of the 83rd Legislature, Regular Session, 2013, are

SECTION 4.29. Same as introduced version.

SECTION 4.30. Same as introduced version.

SECTION 4.31. Same as introduced version.

SECTION 4.32. Same as introduced version.

SECTION 4.33. Same as introduced version.

SECTION 4.34. Same as introduced version.

SECTION 4.35. Section 614.019(b), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

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

SECTION 4.36. Section 63.001(1), Human Resources Code, is amended to read as follows:

(1) "Juvenile" means a person from the age of 10 to 20 [~~18~~] years who: (A) has been found to have engaged in delinquent conduct by a juvenile court; and (B) is under the jurisdiction of the juvenile court [~~of competent jurisdiction~~].

SECTION 4.37. Same as introduced version.

SECTION 4.38. Sections 152.0016(e) and (j), Human Resources Code, as added by Chapter 1323 (S.B. 511), Acts of the 83rd Legislature, Regular Session, 2013, are

amended to read as follows:

(e) A juvenile board or a local juvenile probation department shall accept a person properly committed to it by a juvenile court under Section 54.04011, Family Code, in the same manner in which the Texas Juvenile Justice Department accepts a person under Section 54.04(e), Family Code, even though the person may be 18 [47] years of age or older at the time of the commitment.

(j) After a child committed to a post-adjudication secure correctional facility with a determinate sentence under Section 54.04011(c)(2), Family Code, becomes 17 [46] years of age but before the child becomes 20 [49] years of age, the juvenile board or local juvenile probation department operating or contracting for the operation of the facility may refer the child to the juvenile court that entered the order of commitment for approval of the child's transfer to the Texas Department of Criminal Justice for confinement if the child has not completed the sentence and:

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

(2) while the child was released under supervision:

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

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

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

SECTION 4.39. Section 201.001(a)(2), Human Resources Code, is amended to read as follows:

(2) "Child" means an individual:

(A) 10 years of age or older and younger than 19 [48] years of age who is under the jurisdiction of a juvenile court; or

(B) 10 years of age or older and younger than 20 [49] years of age who is committed to the department under Title 3, Family Code.

amended to read as follows:

(e) A juvenile board or a local juvenile probation department shall accept a person properly committed to it by a juvenile court under Section 54.04011, Family Code, in the same manner in which the Texas Juvenile Justice Department accepts a person under Section 54.04(e), Family Code, even though the person may be 18 [47] years of age or older at the time of the commitment.

(j) After a child committed to a post-adjudication secure correctional facility with a determinate sentence under Section 54.04011(c)(2), Family Code, becomes 16 years of age but before the child becomes 20 [49] years of age, the juvenile board or local juvenile probation department operating or contracting for the operation of the facility may refer the child to the juvenile court that entered the order of commitment for approval of the child's transfer to the Texas Department of Criminal Justice for confinement if the child has not completed the sentence and:

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

(2) while the child was released under supervision:

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

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

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

SECTION 4.39. Section 201.001(a)(2), Human Resources Code, is amended to read as follows:

(2) "Child" means an individual[~~;~~

~~[(A)] 10 years of age or older and younger than 20 [48] years of age who is under the jurisdiction of a juvenile court[~~;~~ or~~

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

SECTION 4.40. Section 243.001(a), Human Resources Code, is amended to read as follows:

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

SECTION 4.41. Section 243.051(b), Human Resources Code, is amended.

No equivalent provision.

SECTION 4.42. Section 244.015, Human Resources Code, is amended.

SECTION 4.43. Section 245.053(i), Human Resources Code, is amended.

No equivalent provision.

No equivalent provision.

SECTION 4.40. Same as introduced version.

SECTION 4.41. Section 244.014(a), Human Resources Code, is amended to read as follows:

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

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

SECTION 4.42. Same as introduced version.

SECTION 4.43. Same as introduced version.

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

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

(e) The department shall transfer a person who has been sentenced under a determinate sentence to commitment under Section

54.04(d)(3), 54.04(m), or 54.05(f), Family Code, or who has been returned to the department under Section 54.11(i)(1), Family Code, to the custody of the Texas Department of Criminal Justice on the person's 20th [~~19th~~] birthday, if the person has not already been discharged or transferred, to serve the remainder of the person's sentence on parole as provided by Section 508.156, Government Code.

SECTION 4.44. (a) Except as provided by Subsection (b) or (c) of this section, the changes in law made by this article apply only to procedures relating to conduct violating a penal law that occurs on or after the effective date of this Act. Procedures relating to conduct that occurred before the effective date of this Act are governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

(b) If the conduct violating a penal law for which a person was placed on probation occurred before September 1, 2011, the hearing required by Section 54.051, Family Code, must be conducted before the person's 18th birthday and is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

(c) The change in law made by this article to Section 58.0052, Family Code, applies to the sharing of information on or after the effective date of this Act, without regard to whether the information was compiled before, on, or after that date.

(d) For purposes of this section, conduct violating a penal law occurred before a certain date if any element of the conduct occurred before that date.

SECTION 4.45. (a) Except as provided by Subsection (b) of this section, the changes in law made by this article apply only to procedures relating to conduct that occurs on or after January 1, 2017. Procedures relating to conduct that occurred before January 1, 2017, are governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

(b) The change in law made by this article to Section 58.0052, Family Code, applies to the sharing of information on or after September 1, 2015, without regard to whether the information was compiled before, on, or after that date.

(c) For purposes of this section, conduct occurred before January 1, 2017, if any element of the conduct occurred before that date.

ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL RESPONSIBILITY

SECTION 5.01. Section 79.001(10), Government Code, is amended.

SECTION 5.02. Section 511.009(a), Government Code, is amended.

SECTION 5.03. Section 521.201,

Same as introduced version.

SECTION 5.01. Same as introduced version.

SECTION 5.02. Same as introduced version.

SECTION 5.03. Same as introduced

Transportation Code, is amended.

SECTION 5.04. Section 521.294, Transportation Code, is amended.

SECTION 5.05. Section 521.294(6), Transportation Code, as amended by this article, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

No equivalent provision.

No equivalent provision.

version.

SECTION 5.04. Same as introduced version.

SECTION 5.05. Section 521.294(6), Transportation Code, as amended by this article, applies only to an offense committed on or after January 1, 2017. An offense committed before January 1, 2017, is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of the section, an offense was committed before January 1, 2017 if any element of the offense occurred before that date.

ARTICLE 6. ADVISORY COMMITTEE

SECTION 6.01. ADVISORY COMMITTEE ON IMPLEMENTATION.

(a) Not later than December 1, 2015, the Texas Juvenile Justice Board shall appoint an advisory committee to monitor and evaluate implementation of this Act.

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

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

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

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

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

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

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

(7) juvenile prosecutors;

(8) juvenile defense attorneys;

(9) juvenile justice advocates; and

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

(b-1) In addition to the members appointed by the board, the advisory council shall include:

(1) a member from the house of representatives, appointed by the speaker of the house; and

(2) a member from the senate, appointed by the lieutenant governor.

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

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

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

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

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

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

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

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

(h) The advisory committee is abolished and this article expires June 1, 2017.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. This Act takes effect

ARTICLE 7. EFFECTIVE DATES

SECTION 7.01. (a) Except as provided by

September 1, 2015.

Subsection (b) of this section, this Act takes effect January 1, 2017.

(b) The following provisions of this Act take effect September 1, 2015:

(1) Section 3.04;

(2) Section 4.22; and

(3) Article 6.