

BILL ANALYSIS

C.S.H.B. 122
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that young people adjudicated in the juvenile justice system experience better outcomes than those placed into the adult criminal system and that Texas places too many 17-year-olds in the adult system. The goal of C.S.H.B. 122 is to raise the age of criminal responsibility.

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. 122 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 such a person 18 years of age or older who is considered a child is under the jurisdiction of a juvenile court.

C.S.H.B. 122 amends the Penal Code to raise from 17 years of age to 18 years of age the minimum age at which a person who commits an offense may be prosecuted or convicted, with certain exceptions.

Article 2: Offenses With Age as an Element

C.S.H.B. 122 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. 122 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. 122 amends the Code of Criminal Procedure to limit the applicability of statutory provisions governing a plea by a minor and appearance of a parent to a defendant younger than 18 years of age who has not had the disabilities of minority removed. The bill changes the first date on which a person may 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 extends the prohibition against the issuance of a *capias pro fine* for an individual convicted for an offense before the individual's 17th birthday unless certain conditions are met to an individual convicted for an offense before the individual's 18th birthday and raises from 17 years of age to 18 years of age the minimum age of the individual under those conditions. 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 may not be taken into secured custody for offenses alleged to have occurred before the individual's 17th birthday to an individual who may not be taken into secured 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. 122 amends the Education Code to extend the prohibition against the issuance of a warrant for the arrest of a person for a Class C misdemeanor under the Education Code committed when the person was younger than 17 years of age to a person who committed such an offense when the person was younger than 18 years of age.

C.S.H.B. 122 amends the Transportation Code to raise from younger than 17 years of age to younger than 18 years of age the maximum age of a person whose community service for a possession of a fictitious driver's license or personal identification certificate offense is required to be performed as if ordered by a juvenile court as a condition of probation.

Article 4: Juvenile Court Procedures

C.S.H.B. 122 amends the Family Code 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 disposition of a child's violation of a community supervision or probation condition when the violation is not timely discovered, 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 discharge of a child placed on determinate sentence 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, 2019, or is

the person's 20th birthday if the conduct for which the person was placed on probation occurred on or after September 1, 2019. The bill removes the 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. 122 amends the Health and Safety Code to extend the authorization for a child with mental illness who receives continuity of care services during parole from TJJJ 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 17 years of age to a child who is no longer eligible to receive such services when the child becomes 18 years of age.

C.S.H.B. 122 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 makes that finding from a court of competent jurisdiction to a juvenile court and specifies that the person is 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 from younger than 19 years of age to younger than 20 years of age if the individual is committed to TJJJ. 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 TJJJ of a person committed to TJJJ custody.

Article 5: Miscellaneous Laws Relating to Age of Criminal Responsibility

C.S.H.B. 122 amends the Business & Commerce Code to raise from younger than 17 years of age to younger than 18 years of age the maximum age of a person when the person engaged or allegedly engaged in conduct that resulted in the person's involvement in the criminal justice system for information about the person's involvement to be considered confidential criminal record information of a child for purposes of the regulation of the operations of a business entity engaged in publications of certain criminal or juvenile record information.

C.S.H.B. 122 amends the Family Code to raise from 17 years of age to 18 years of age the minimum age of a child excluded from a truancy court's authority to refer a child who fails to obey a truancy court order or who is in direct contempt of court to the applicable juvenile probation department as a request for truancy intervention.

C.S.H.B. 122 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 expands the information that must be included in 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 concerning persons under 17 years of age securely detained in the lockup or county jail, respectively, to include information about persons under 18 years of age so detained.

C.S.H.B. 122 amends the Transportation Code to extend the prohibition against the Department

of Public Safety (DPS) issuing a driver's license to and the requirement that DPS 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 17 years of age at the time of the offense to a person who was under 18 years of age at the time of the offense.

Article 6: Advisory Committee

Effective September 1, 2017, C.S.H.B. 122 requires the Texas Juvenile Justice Board, not later than December 1, 2018, 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, 2020.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 122 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.	SECTION 1.01. Same as introduced version.
SECTION 1.02. Section 8.07(b), Penal Code, is amended.	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 September 1, 2018. An offense committed or conduct that occurs before September 1, 2018, 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 September 1, 2018, if any element of the offense or conduct occurred before that date.	SECTION 1.03. The changes in law made by this article apply only to an offense committed or conduct that occurs on or after September 1, 2019. An offense committed or conduct that occurs before September 1, 2019, 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 September 1, 2019, if any element of the offense or conduct occurred before that date.

ARTICLE 2. OFFENSES WITH AGE AS AN ELEMENT

Same as introduced version.

SECTION 2.01. Section 15.031(e), Penal Code, is amended.

SECTION 2.01. Same as introduced version.

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

SECTION 2.02. Same as introduced version.

SECTION 2.03. Section 33.021(b), Penal Code, is amended.

SECTION 2.03. Same as introduced version.

SECTION 2.04. Section 71.028(c), Penal Code, is amended.

SECTION 2.04. Same as introduced version.

SECTION 2.05. Section 729.001(a), Transportation Code, is amended.

SECTION 2.05. Same as introduced version.

SECTION 2.06. Section 729.002, Transportation Code, is amended.

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 September 1, 2018. An offense committed before September 1, 2018, 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 September 1, 2018, if any element of the offense occurred before that date.

SECTION 2.07. The changes in law made by this article apply only to an offense committed on or after September 1, 2019. An offense committed before September 1, 2019, 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 September 1, 2019, if any element of the offense occurred before that date.

ARTICLE 3. CRIMINAL PROCEDURES

Same as introduced version.

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

SECTION 3.01. Same as introduced version.

SECTION 3.02. Article 45.0215(a), Code of Criminal Procedure, is amended.

SECTION 3.02. Same as introduced version.

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

SECTION 3.03. Same as introduced version.

SECTION 3.04. Article 45.045(b), Code of Criminal Procedure, is amended.

SECTION 3.04. Same as introduced version.

SECTION 3.05. 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 3.05. Same as introduced version.

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

SECTION 3.06. Same as introduced version.

SECTION 3.07. Articles 45.050(d), (e), and (g), Code of Criminal Procedure, are amended.

SECTION 3.07. Same as introduced version.

SECTION 3.08. Article 45.057(h), Code of Criminal Procedure, is amended.

SECTION 3.08. Same as introduced version.

SECTION 3.09. Article 45.058(h), Code of Criminal Procedure, is amended.

SECTION 3.09. Same as introduced version.

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

No equivalent provision.

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

- (1) release the person to the person's parent, guardian, or custodian;
- (2) take the person before a justice or municipal court to answer the charge; or
- (3) take the person to a place designated as a juvenile curfew processing office by the head of the law enforcement agency having custody of the person.

SECTION 3.11. Articles 45.060(a), (b), and (e), Code of Criminal Procedure, are amended.

SECTION 3.10. Same as introduced version.

SECTION 3.12. Article 62.001(6), Code of Criminal Procedure, is amended.

SECTION 3.11. Same as introduced version.

SECTION 3.13. Article 62.351(a), Code of Criminal Procedure, is amended.

SECTION 3.12. Same as introduced version.

SECTION 3.14. Article 62.352(c), Code of Criminal Procedure, is amended.

SECTION 3.13. Same as introduced version.

SECTION 3.15. Article 62.353(b), Code of Criminal Procedure, is amended.

SECTION 3.14. Same as introduced version.

SECTION 3.16. Section 37.085, Education Code, is amended.

SECTION 3.15. Same as introduced version.

SECTION 3.17. Section 521.453(i),

SECTION 3.16. Same as introduced

Transportation Code, is amended.

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 September 1, 2018. An offense committed before September 1, 2018, 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, 2018. The expunction of certain records related to an offense committed before September 1, 2018, 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 September 1, 2018, 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 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 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

version.

SECTION 3.17. (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 September 1, 2019. An offense committed before September 1, 2019, 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, 2019. The expunction of certain records related to an offense committed before September 1, 2019, 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 September 1, 2019, if any element of the offense occurred before that date.

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 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. 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.

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

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

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. 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 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 Article 42A.755(a), 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 51.041 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, 2018; or

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

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

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

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

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 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 Article 42A.755(a), 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 51.041 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, 2019; or

(3) 20th birthday, if the conduct for which the person was placed on probation occurred on or after September 1, 2019.

SECTION 4.11. Same as introduced version.

SECTION 4.12. Same as introduced version.

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.

SECTION 4.16. Same as introduced version.

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

SECTION 4.17. Same as introduced version.

SECTION 4.18. Section 55.44(a), Family Code, is amended.

SECTION 4.18. Same as introduced version.

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

No equivalent provision.

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

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

No equivalent provision.

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

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

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

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

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

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

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

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

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

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

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

SECTION 4.21. Sections 58.003(c), (c-2), (c-4), (c-6), and (c-8), Family Code, are amended.

SECTION 4.19. Same as introduced version.

SECTION 4.22. Section 58.0052(a)(2), Family Code, is amended.

SECTION 4.20. Same as introduced version.

SECTION 4.23. Section 58.0071(d), Family Code, is amended.

SECTION 4.21. Same as introduced version.

SECTION 4.24. Section 58.203(a), Family Code, is amended.

SECTION 4.22. Same as introduced version.

SECTION 4.25. Section 58.208, Family Code, is amended.

SECTION 4.23. Same as introduced version.

SECTION 4.26. Section 58.209(a), Family Code, is amended.

SECTION 4.24. Same as introduced version.

SECTION 4.27. Section 58.211(a), Family Code, is amended.

SECTION 4.25. Same as introduced version.

SECTION 4.28. Section 59.005(b), Family Code, is amended.

SECTION 4.26. Same as introduced version.

SECTION 4.29. Section 59.006(b), Family Code, is amended.

SECTION 4.27. Same as introduced version.

SECTION 4.30. Section 59.007(b), Family Code, is amended.

SECTION 4.28. Same as introduced version.

SECTION 4.31. Section 59.008(b), Family Code, is amended.

SECTION 4.29. Same as introduced version.

SECTION 4.32. Section 59.009(c), Family Code, is amended.

SECTION 4.30. Same as introduced version.

SECTION 4.33. Section 61.051(c), Family Code, is amended.

SECTION 4.31. Same as introduced version.

SECTION 4.34. Section 614.019(b), Health and Safety Code, is amended.

SECTION 4.32. Same as introduced version.

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

SECTION 4.33. Same as introduced version.

SECTION 4.36. Section 152.0015, Human Resources Code, is amended.

SECTION 4.34. Same as introduced version.

SECTION 4.37. Sections 152.0016(e) and (j), Human Resources Code, are amended.

SECTION 4.35. Same as introduced version.

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

SECTION 4.36. 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 [~~18~~] years of age who is under the

(2) "Child" means an individual:
(A) 10 years of age or older and younger than 20 [~~18~~] 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].

jurisdiction of a juvenile court; or
(B) 10 years of age or older and younger
than 20 [19] years of age who is committed
to the department under Title 3, Family
Code.

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

(a) The department may not assign a child
younger than 16 [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.

No equivalent provision.

SECTION 4.40. Section 243.051(b),
Human Resources Code, is amended.

SECTION 4.37. 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 17 [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 4.38. 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. Section 244.015, Human
Resources Code, is amended.

SECTION 4.39. Same as introduced
version.

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

SECTION 4.40. Same as introduced
version.

SECTION 4.44. Sections 245.151(d) and
(e), Human Resources Code, are amended.

SECTION 4.41. Same as introduced
version.

SECTION 4.45. (a) Except as provided by
Subsection (b) of this section, the changes in
law made by this article apply only to

SECTION 4.42. (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 **September 1, 2018**. Procedures relating to conduct that occurred before **September 1, 2018**, 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, 2018**, without regard to whether the information was compiled before, on, or after that date.

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

ARTICLE 5. MISCELLANEOUS LAWS RELATING TO AGE OF CRIMINAL RESPONSIBILITY

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

SECTION 5.02. Section 65.251(b), Family Code, is amended.

SECTION 5.03. Section 79.001(10), Government Code, is amended.

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

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

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

SECTION 5.06. Section 521.201, Transportation Code, is amended.

procedures relating to conduct that occurs on or after **September 1, 2019**. Procedures relating to conduct that occurred before **September 1, 2019**, 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, 2019**, without regard to whether the information was compiled before, on, or after that date.

(c) For purposes of this section, conduct occurred before **September 1, 2019**, if any element of the conduct occurred before that date.

Same as introduced version.

SECTION 5.01. Same as introduced version.

SECTION 5.02. Same as introduced version.

SECTION 5.03. Same as introduced version.

SECTION 5.04. Same as introduced version.

No equivalent provision.

SECTION 5.05. Same as introduced version.

SECTION 5.07. Section 521.294, Transportation Code, is amended.

SECTION 5.08. Section 109.001(5), Business & Commerce Code, and Sections 521.201 and 521.294, Transportation Code, as amended by this article, apply only to an offense committed on or after September 1, 2018. An offense committed before September 1, 2018, 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 September 1, 2018, 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, 2017, 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.
- (c) The board shall appoint to the advisory council one chief juvenile probation officer

SECTION 5.06. Same as introduced version.

SECTION 5.07. Section 109.001(5), Business & Commerce Code, and Sections 521.201 and 521.294, Transportation Code, as amended by this article, apply only to an offense committed on or after September 1, 2019. An offense committed before September 1, 2019, 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 September 1, 2019, if any element of the offense occurred before that date.

Same as introduced version.

SECTION 6.01. ADVISORY COMMITTEE ON IMPLEMENTATION.

(a) Not later than December 1, 2018, 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.
- (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, 2019.

ARTICLE 7. TRANSITION AND EFFECTIVE DATES

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

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

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

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, 2020.

Same as introduced version.

SECTION 7.01. Same as introduced version.

SECTION 7.02. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2019.

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