

## **BILL ANALYSIS**

H.B. 1783  
By: White  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the negative mental health effects experienced by preteen children sent to juvenile and adult correctional facilities. It has been suggested that these children would be better served by being connected to community supports and services. In Texas, children under the age of 12 who break the law may be placed in probation correctional facilities, which may increase the chances of later involvement in the criminal justice system or increase the likelihood that these children experience trauma that exacerbates existing mental health conditions. To alter the trajectory of the lives of these children, there have been calls for the state to instead focus on alternatives to criminal justice system involvement when appropriate. H.B. 1783 seeks to address this issue by raising the age of a child at which a juvenile court may exercise jurisdiction over the child.

### **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**

H.B. 1783 revises provisions relating to the age of a child at which a juvenile court may exercise jurisdiction over the child and relating to the minimum age of criminal responsibility. The bill amends the Code of Criminal Procedure, Education Code, Family Code, Human Resources Code, and Penal Code to do the following:

- raise from 10 years of age to 13 years of age the minimum age at which a person is considered a child for purposes of procedures applicable when a child is taken into custody for an offense over which a justice or municipal court has jurisdiction;
- raise from 10 years of age to 13 years of age the minimum age at which a student is considered a child for purposes of the criminal procedure applicable to a school offense;
- raise from 10 years of age to 13 years of age the minimum age and from 18 years of age to 19 years of age the maximum age at which a person is considered a child under the juvenile justice code 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;
- specify that such a person 17 years of age or older and considered a child is under the jurisdiction of a juvenile court;
- raise from 10 years of age to 13 years of age a certain minimum age requirement relating to a juvenile court's waiver of jurisdiction and transfer to criminal court;

- raise from 10 years of age to 13 years of age the minimum age at which a person who has been found to have engaged in delinquent conduct is considered a juvenile for purposes of provisions governing residential facilities for certain delinquent children;
- raise from 10 years of age to 13 years of age the minimum age and from 18 years of age to 19 years of age the maximum age at which an individual is considered a child for purposes of provisions governing juvenile justice services and facilities;
- remove the alternative definition of a child for those purposes that is based on a child's commitment to the Texas Juvenile Justice Department;
- raise from younger than 10 years of age to younger than 13 years of age the maximum age of a person when the person commits a fine-only misdemeanor or a violation of a penal ordinance of a political subdivision that renders the prosecution or conviction for the offense or violation prohibited; and
- raise from 10 years of age to 13 years of age the minimum age at which a person younger than 15 years of age is presumed incapable of committing such an offense or violation other than a juvenile curfew ordinance or order.

**EFFECTIVE DATE**

September 1, 2021.