

- SUBJECT:** Raising the minimum age of a child under juvenile court jurisdiction
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 9 ayes — Neave, Swanson, Cook, Frank, Leach, Ramos, Talarico, Vasut, Wu
0 nays
- WITNESSES:** For — Elizabeth Henneke, Lone Star Justice Alliance; Deborah Fowler, Texas Appleseed; Temi Banjo and Alycia Castillo, Texas Criminal Justice Coalition; Michelle Gagnon; Elizabeth Rodriguez; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Aaryce Hayes, Disability Rights Texas; Scott Henson, Just Liberty; Angel Carroll, MEASURE; Matthew Lovitt, National Alliance on Mental Illness (NAMI) Texas; Alison Mohr Boleware, National Association of Social Workers-Texas Chapter; Lori Henning, Texas Association of Goodwills; Sarah Crockett, Texas CASA; Shea Place, Texas Criminal Defense Lawyers Association; Amelia Casas, Texas Fair Defense Project; Suzi Kennon, Texas PTA; Jennifer Allmon, The Texas Catholic Conference of Bishops; Molly Weiner, United Ways of Texas; Linda De Sosa; Jose Flores; Jasmine Rodriguez)
- Against — None
- On — Adam Haynes, Conference of Urban Counties; Preston Streufert, Texas Juvenile Justice Department; (*Registered, but did not testify*: Michele Deitch)
- BACKGROUND:** Code of Criminal Procedure art. 45.058(h), which governs children taken into custody, defines a child to mean a person who is at least 10 years of age and younger than 17 years of age who is charged with or convicted of an offense over which a justice or municipal court has jurisdiction.

It has been suggested that preteen children who commit certain types of

offenses would be better served by receiving community supports and services than by being sent to juvenile and adult correctional facilities where they may experience trauma that could increase the likelihood that these children will be involved in the criminal justice system later in life.

DIGEST:

HB 1783 would raise from 10 years old to 13 years old the age at which a juvenile court could exercise jurisdiction over a child and the minimum age of criminal responsibility. The bill would amend the Code of Criminal Procedure, Education Code, Family Code, Human Resources Code, and Penal Code to make the following changes:

- raise from 10 years of age to 13 the minimum age at which a person was considered a child when charged with or convicted of an offense over which a justice or municipal court had jurisdiction;
- raise from 10 to 13 the minimum age at which a student was considered a child for the purposes of the criminal procedure that applied to a school offense;
- raise from 10 to 13 the minimum age and from 18 years of age to 19 the maximum age at which a person was considered a child under the jurisdiction of a juvenile court if the person was alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before turning 17 years old; and specify that such a person 17 years of age or older and considered a child was under the jurisdiction of a juvenile court;
- raise from 10 to 13 a minimum age requirement relating to a juvenile court's waiver of exclusive original jurisdiction and transfer to the appropriate district court or criminal district court for criminal proceedings;
- raise from 10 to 13 the minimum age at which a person who has been found to have engaged in delinquent conduct was considered a juvenile for purposes of provisions governing residential facilities for certain delinquent children;
- raise from 10 to 13 the minimum age and from 18 years of age to 19 years of age the maximum age at which an individual was considered a child for purposes of provisions governing juvenile

- justice services and facilities;
- remove the alternative definition of a child for the purpose of a child's commitment to the Texas Juvenile Justice Department;
 - raise from younger than 10 to younger than 13 the maximum age of a person when the person committed a fine-only misdemeanor or a violation of a penal ordinance of a political subdivision that made the prosecution or conviction for the offense or violation prohibited; and
 - raise from 10 to 13 the minimum age at which a person younger than 15 was presumed incapable of committing such an offense or violation other than an offense under a juvenile curfew ordinance or order.

The bill would take effect September 1, 2021, and would apply only to an offense committed or conduct that occurred on or after the effective date.

NOTES:

According to the Legislative Budget Board, the bill would have a positive impact of about \$10.7 million in general revenue related funds through fiscal 2023, with a similar impact in subsequent biennia.