

BILL ANALYSIS

Senate Research Center
87R1617 JCG-F

H.B. 1062
By: Bell, Cecil; Guillen (Taylor)
Veteran Affairs & Border Security
5/17/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been noted that, while 17-year-old individuals are authorized to join the United States armed forces under certain circumstances, state law does not allow for these individuals to serve in the Texas State Guard. H.B. 1062 seeks to align state law with federal law and allow an otherwise eligible 17-year-old individual to serve in the Texas State Guard if they are emancipated or have received appropriate written consent.

H.B. 1062 amends the Government Code to make a person who is 17 years of age eligible to serve as a member of the Texas State Guard if the person is otherwise eligible to serve and either is emancipated by marriage, court order, or other operation of law or provides to the adjutant general written consent of each appropriate parent, legal guardian, or legal representative.

H.B. 1062 amends current law relating to the eligibility of certain 17-year-old persons to serve as members of the Texas State Guard.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 437.302, Government Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Provides that to serve in the Texas State Guard, a person:

(1) and (2) makes no changes to these subdivisions;

(3) subject to Subsections (c) (relating to authorizing the adjutant general to adopt a policy regarding waiver of a certain maximum age requirement) and (d), rather than Subsection (c), is required to be at least 17, rather than 18, years of age and not older than 70 years of age;

(4) - (6) makes no changes to these subdivisions.

(d) Authorizes a person who is at least 17 years of age but younger than 18 years of age to serve in the Texas State Guard if the person:

(1) is emancipated by marriage, court order, or other operation of law; or

(2) provides to the adjutant general, in a form and manner prescribed by the adjutant general, the written consent of:

(A) each of the person's parents or legal guardians, other than a parent or legal guardian who is deceased, determined by a court to be incapacitated, absent at an unknown location for an indefinite period, or confined in jail

or prison serving a term of punishment that will result in the parent or guardian being released after the person's 18th birthday; or

(B) for a person who is in the managing conservatorship of the Department of Family and Protective Services (DFPS) or another legal entity, a representative of DFPS or the other legal entity.

SECTION 2. Effective date: September 1, 2021.