

BILL ANALYSIS

Senate Research Center
88R8009 CJD-D

H.B. 1819
By: Cook (Hughes)
Jurisprudence
5/8/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Research by David Wilson, Charlotte Gill, Ajima Olaghere, and Dave McClure published in Campbell Systematic Reviews indicates that juvenile curfew ordinances are an ineffective way to reduce crime and often lead to negative outcomes for youth in school and future interactions with the justice system. H.B. 1819 seeks to ensure that all young Texans have opportunities to succeed without the burden of a criminal record early in life by eliminating the authority of political subdivisions to adopt or enforce juvenile curfews.

H.B. 1819 amends current law relating to the repeal of the authority of political subdivisions to adopt or enforce juvenile curfews.

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 Article 45.045(c), Code of Criminal Procedure, to delete existing text providing that Article 45.045 (Capias Pro Fine), Code of Criminal Procedure, does not limit the authority of a court to order a child taken into custody under Article 45.059 (Children Taken Into Custody for Violation of Juvenile Curfew or Order).

SECTION 2. Amends Article 45.060(a), Code of Criminal Procedure, to prohibit an individual, except as provided by Article 45.058 (Children Taken Into Custody), rather than Articles 45.058 and 45.059, from being taken into secured custody for offenses alleged to have occurred before the individual's 17th birthday.

SECTION 3. Amends Section 51.02(15), Family Code, to redefine "status offender."

SECTION 4. Amends Section 38.003(a), Government Code, to authorize the judge of a county, justice, or municipal court, in accordance with Section 38.002 (Procedures and Eligibility), to award money from a judicial donation trust fund established under Section 38.001 (Establishment of Trust Funds) to eligible children or families who appear before the court for a truancy violation, rather than a truancy or curfew violation, or in another misdemeanor offense proceeding before the court.

SECTION 5. Amends Section 71.0352, Government Code, as follows:

Sec. 71.0352. JUVENILE DATA: JUSTICE, MUNICIPAL, AND TRUANCY COURTS. Deletes existing text providing that, as a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System, a justice court, municipal court, or truancy court is required to report the number of cases filed for a violation of a local daytime curfew ordinance adopted under Section 341.905 (Juvenile Curfew In General Law-Municipality) or 351.903 (County Juvenile Curfew), Local Government Code.

SECTION 6. Amends Chapter 370, Local Government Code, by adding Section 370.007, as follows:

Sec. 370.007. JUVENILE CURFEWS PROHIBITED. (a) Prohibits a political subdivision, notwithstanding any other law, from adopting or enforcing an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age.

(b) Provides that this section does not apply to a curfew implemented under Chapter 418 (Emergency Management), Government Code, for purposes of emergency management.

SECTION 7. Amends Section 8.07(e), Penal Code, to delete existing text providing that a person who is at least 10 years of age but younger than 15 years of age is presumed incapable of committing an offense described by certain subsections other than an offense under a juvenile curfew ordinance or order.

SECTION 8. Repealer: Article 45.059 (Children Taken Into Custody for Violation of Juvenile Curfew or Order), Code of Criminal Procedure.

Repealer: Section 341.905 (Juvenile Curfew in General Law-Municipality), Local Government Code.

Repealer: Section 351.903 (County Juvenile Curfew), Local Government Code.

Repealer: Section 370.002 (Review of Juvenile Curfew Order or Ordinances), Local Government Code.

SECTION 9. Prohibits a violation of a juvenile curfew ordinance or order from being prosecuted or adjudicated after the effective date of this Act. Provides that the action, if on the effective date of this Act a criminal or civil action is pending for a violation of a juvenile curfew ordinance or order, is dismissed on that date. Provides that a final conviction or adjudication for a violation of a juvenile curfew ordinance or order that exists on the effective date of this Act, however, is unaffected by this Act.

SECTION 10. Effective date: September 1, 2023.