

2025 Post-Legislative Conference

BILLS THAT DID NOT PASS



Detention Hearings

- Detention hearings required every 5 days, rather than 10 or 15



Incomplete Proceeding - Jurisdiction

- For jurisdiction over post-18 certification, added that court retains jurisdiction upon finding that proceeding was delayed through no fault of the state
- Separate from due diligence finding (both not required to be found)



Sealing Eligibility

- DS probationer who was not transferred to adult probation eligible to apply for sealing
- If transferred or committed to TJJD, not eligible



Sealing Resources

- Probation dept must provide list of local resources, including attorneys who provide no or low cost sealing services, to each juvenile when provides explanation; also provide oral explanation and answer questions
- TJJD to do the same at discharge
- TJJD to publish brochure describing sealing process and provide list of resources to assist in sealing
- State Bar to create and maintain directory of attorneys that provide no or low-cost sealing and publish on its website



Expunction

- Added expunction of juvenile records for misdemeanor adjudications
- TJJD to establish the process by rule



Juvenile Curfews

- Restored the Class C misdemeanor juvenile curfews that were removed last session



Study on Housing Needs

- Required Texas Interagency Council for the Homeless to conduct a study to examine the housing needs of youth transitioning from foster care of the juvenile justice system to independent living



JJAEP Minutes

- Required 43,200 *instructional* minutes rather than 7 hours per day for 180 days *operational* time



JJAEP Operation

- Made all JJAEPs discretionary to operate



JJAEP Population

- Upped the population that is not required to have a JJAEP from 125,000 to 200,000



School Re-enrollment

- Limited school ability to refuse to enroll a student based on criminal, juvenile, or disciplinary history or standing
- Modified procedures for transition back from AEP



Truant Conduct

- Remove truancy prevention measures
- Remove prosecutorial discretion for filing charges
- Recriminalize truant conduct
- Fine child; increase fines for parents
- Cap fine for parents
- Reduce SNAP benefits for parent convictions
- Require attendance policy with parent meetings



Class C Misd. Related

- Would have repealed changes made since 2011
 - Repealed prohibition on citations in schools
 - Repealed graduation sanctions before referring school Class C to court
 - Repealed waiver of fines for children
 - Removed references to first offender program for Class C
 - Removed rebuttable presumptions that children under 15 cannot commit Class C misdemeanors
 - Removed process for determining mental illness, lack of capacity, or disability dismissal for Class C
- Removed age 10 as lower age to be able to commit a Class C



Runaway and Status Offenses

- Made it so runaway no longer CINS and instead missing child
- Made it so that child accused of only status offense may be detained only in juvenile processing office or place of nonsecure custody or nonsecure correctional facility
- Created detention hearing if not released within 6 hours from juvenile processing office/place of nonsecure custody and 24 hours if not released from nonsecure correctional facility



Diverting Foster Youth

- Added foster youth residing in a general residential operation to the CRCG diversion referral used for children under 12
- No age limit
- Required juvenile board policy to be modified to include that and required data tracking by juvenile board



Ch. 12 Penal Code Enhancement

- Removes ability to enhance adult punishment based on conduct that resulted in commitment to TJJD



Remote Proceedings

- Allowed for remote conduct of juvenile proceedings
- Note: This is currently allowed under TRCP Rule 21d



Office of Youth Health and Safety

- Created within HHSC's Office of Forensic Coordination
- Composed of certain HHSC staff, a judge, JCMH member, UTSA medical school faculty member, youth counselor, civil rights attorney, 2 juvenile justice advocates, mental health advocate, child welfare advocate 2 youth advocates, 2 formerly committed persons, and a mitigation specialist
- Did not include prosecutor, juvenile probation, or TJJD



Office of Youth Health and Safety

- Purpose was to create a plan to improve the juvenile justice system under the authority of this newly created office, to include:
 - ending commitments to TJJD
 - Reducing population of TJJD
 - Establish infrastructure in each county to provide alternative services for delinquency prevention and intervention
 - Increase local delinquency responses and interventions in communities and schools
 - End racial and disability disparities in JJ system
 - Study closing TJJD facilities



Second Look Act

- Changed earliest possible parole date for people in prison for conduct occurring before age 18, with some exceptions



Raise Upper Age

- Raise the age of criminal responsibility from 17 to 18



Raise Lower Age

- Redefine child for Class C in JP/muni to be 13 and not yet 17
- Redefine child for JJ to be 10-12 and charged with certain serious offenses, then 13 to not yet 17 for other conduct
 - Sex assault/Agg Sex assault
 - Agg Assault; Agg Kidnapping; Agg Robbery
 - Arson
 - Murder/Capital Murder/Attempted; Manslaughter; Criminally Negligent Homicide
 - Indecency with child
 - Continuous Sexual Abuse of Young Child or Disabled Individual*



Raise Lower Age

- Require court to have hearing on every petition filed for 10-12 year old and, before adjudication, consider whether court intervention is warranted, it is in child's best interest for court to intervene, and less restrictive interventions are sufficient; if so, "waives jurisdiction" (i.e. dismisses charges)



Raise Lower Age

- Redefine child for Class C in JP/muni to be 12 and not yet 17
- Redefine child for JJ to be 10-18 and alleged or found to have engaged in felony conduct before age 12; 12 to 17 for everything else
- Allows any party to request a jurisdictional hearing for child younger than 12; held before detention hearing if detained and immediately before adjudication hearing if not detained
- Considers similar factors and can waive jurisdiction (i.e. dismiss case)



Mandatory Certification

- Requires court to certify as an adult if
 - 1st degree felony
 - Child 14 or older
 - Child used or exhibited a firearm during commission of alleged offense
- Creates special expunction provision at age 25 if certain factors exist



Use of Force

- Prohibited use of OC spray in juvenile facility
- Required TJJD to annually audit use of force incidents in all juvenile facilities in the state to identify patterns, deficiencies, and noncompliance with de-escalation protocols and prohibition on OC spray



Solitary Confinement

- Prohibited solitary confinement in all juvenile facilities, defined as involuntary separation in area or room from which child prevented from leaving, unless
 - Child poses immediate risk of harm to self or other
 - Placement in solitary does not violate trauma-informed care principles or interfere with de-escalation strategies
 - All other less restrictive methods have been exhausted
 - Time does not exceed the shortest period permitted for solitary set by a state or federal law, including an administrative rule



Certification as Adult

- Age 14 – capital felony only (removes first degree and agg controlled substance)
- Age 15 – murder, aggravated sexual assault, habitual felony conduct
- Gave child right to decline to participate in the study, social evaluation, or investigation ordered by the court
- Created presumption that it is in best interest of child and justice for the juvenile court to retain jurisdiction and put burden on prosecutor to overcome



Commitment to TJJD

- Indeterminate commitment only for "serious felony conduct"
 - Murder, capital murder
 - Kidnapping, agg kidnapping
 - Continuous trafficking of persons
 - Continuous sexual abuse of young child or disabled individual*
 - Indecency with Child, Sexual Assault, Aggravated Sexual Assault
 - Aggravated Assault, Aggravated Robbery
 - Injury to Child, Elderly, Disabled Individual
 - Deadly weapon used or exhibited
 - Habitual Felony Conduct



Modification & Commitment to TJJD

- Adds special commitment finding requirement to 54.05 for modification hearings that result in TJJD commitment



Limitations on Adult Probation

- Person not eligible for probation for felony committed while at least 17 and:
 - While committed to TJJD
 - While in TJJD halfway house
 - While in pre- or post-adjudication secure correctional facility



Determinate Sentence

- Habitual felony conduct on second felony rather than third
- Assault of a public servant while committed to TJJD, in TJJD HWH, or in pre- or post-adjudication secure facility added as DS-eligible conduct



Determinate Sentence Probation Violations at age 18

- Created new options to address D.S. Probation Violation at age 18
 - Have 54.11 type transfer hearing without need to commit to TJJD first, allowing juvenile court to send to prison as modification of probation or to send to adult district court for placement on probation before age 19
 - Find PC of probation violation and transfer to adult district court to address probation violation
- Kept ability to modify probation and keep in juvenile and ability to commit to TJJD



DSO Credit for Time in Detention

- Reverted to pre-2007 law, which provides that credit for time in detention before DSO commitment to TJJD is given on sentence but not on MPC
- Codified that credit is given to MPC for time spent after commitment and before admission to TJJD



DSO Transfer Hearing

- Changed earliest age of request for transfer hearing from age 16 to age 15



TJJD Parole

- TJJD prohibited from releasing child under supervision or discharging if alleged by pending petition or under indictment for felony conduct committed during commitment to TJJD
- TJJD Release Review Panel burden of proof changed from clear and convincing to beyond a reasonable doubt



Electronic Monitor

- Expanded 38.112, Penal Code re: electronic monitor tampering or disabling to apply to juveniles on probation, parole, or in a TJJD halfway house



TJJD Parole Revocation Hearings

- Authorized SPU, at request of TJJD, to participate in parole revocation hearing in any role other than defense attorney for the child



Juvenile Records

- Would have allowed managed assigned counsel programs to have access to juvenile records, to include unredacted victim PII, facility records, and probation, prosecutor, and court records



Juvenile Warrants

- Added language to make juvenile warrants confidential and not available to the public



THC and Cannabinoids

- Made fully illegal in all consumable forms

