

Texas Legislature Online Actions

Bill: HB 1819**Legislative Session:** 88(R)**Author:** Cook**Actions:** (descending date order)

Viewing Votes: Most Recent House Vote | Most Recent Senate Vote

	Description	Comment	Date ▼	Time	Journal Page
E	Effective on 9/1/23		06/09/2023		
E	Signed by the Governor		06/09/2023		6500
E	Sent to the Governor		05/22/2023		5153
S	Signed in the Senate		05/21/2023		2306
H	Signed in the House		05/19/2023		4836
H	Reported enrolled		05/18/2023	02:28 PM	4845
H	Senate passage reported		05/17/2023		4567
S	Record vote		05/17/2023		1994
S	Passed		05/17/2023		1994
S	Read 3rd time		05/17/2023		1994
S	Record vote		05/17/2023		1994
S	Three day rule suspended		05/17/2023		1994
S	Vote recorded in Journal		05/17/2023		1994
S	Read 2nd time & passed to 3rd reading		05/17/2023		1994
S	Laid before the Senate		05/17/2023		1994
S	Placed on local & uncontested calendar		05/17/2023		
S	Committee report printed and distributed		05/10/2023	08:07 PM	
S	Recommended for local & uncontested calendar		05/10/2023		
S	Reported favorably w/o amendments		05/10/2023		1748
S	Vote taken in committee		05/10/2023		
S	Testimony taken in committee		05/10/2023		
S	Considered in public hearing		05/10/2023		
S	Scheduled for public hearing on . . .		05/10/2023		
S	Referred to Jurisprudence		05/08/2023		1649
S	Read first time		05/08/2023		1649
S	Received from the House		05/05/2023		1604
H	Reported engrossed		05/04/2023	04:32 PM	3221
H	Statement(s) of vote recorded in Journal		05/04/2023		2973
H	Record vote	RV#1028	05/04/2023		2972
H	Passed		05/04/2023		2972
H	Read 3rd time		05/04/2023		2972
H	Passed to engrossment		05/03/2023		2899
H	Read 2nd time		05/03/2023		2899
H	Placed on General State Calendar		05/03/2023		
H	Considered in Calendars		05/01/2023		
H	Committee report sent to Calendars		04/12/2023		
H	Committee report distributed		04/11/2023	06:35 PM	
H	Comte report filed with Committee Coordinator		04/11/2023		1396
H	Reported favorably w/o amendment(s)		04/04/2023		
H	Considered in formal meeting		04/04/2023		
H	Left pending in committee		03/27/2023		
H	Testimony taken/registration(s) recorded in committee		03/27/2023		
H	Considered in public hearing		03/27/2023		
H	Scheduled for public hearing on . . .		03/27/2023		
H	Referred to Youth Health & Safety, Select		03/07/2023	12:31 PM	506
H	Read first time		03/07/2023		506
H	Filed		02/03/2023		

AN ACT

relating to the repeal of the authority of political subdivisions to adopt or enforce juvenile curfews.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 45.045(c), Code of Criminal Procedure, is amended to read as follows:

(c) This article does not limit the authority of a court to order a child taken into custody under Article 45.058 [~~or 45.059~~].

SECTION 2. Article 45.060(a), Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Article [~~Articles~~] 45.058 [~~and 45.059~~], an individual may not be taken into secured custody for offenses alleged to have occurred before the individual's 17th birthday.

SECTION 3. Section 51.02(15), Family Code, is amended to read as follows:

(15) "Status offender" means a child who is accused, adjudicated, or convicted for conduct that would not, under state law, be a crime if committed by an adult, including:

(A) running away from home under Section 51.03(b)(2);

(B) a fineable only offense under Section 51.03(b)(1) transferred to the juvenile court under Section 51.08(b), but only if the conduct constituting the offense would

1 not have been criminal if engaged in by an adult;

2 (C) a violation of standards of student conduct
3 as described by Section 51.03(b)(4);

4 (D) [~~a violation of a juvenile curfew ordinance~~
5 ~~or order,~~

6 [~~(E)~~] a violation of a provision of the Alcoholic
7 Beverage Code applicable to minors only; or

8 (E) [~~(F)~~] a violation of any other fineable only
9 offense under Section 8.07(a)(4) or (5), Penal Code, but only if the
10 conduct constituting the offense would not have been criminal if
11 engaged in by an adult.

12 SECTION 4. Section 38.003(a), Government Code, is amended
13 to read as follows:

14 (a) The judge of a county, justice, or municipal court, in
15 accordance with Section 38.002, may award money from a judicial
16 donation trust fund established under Section 38.001 to eligible
17 children or families who appear before the court for a truancy [~~or~~
18 ~~curfew~~] violation or in another misdemeanor offense proceeding
19 before the court.

20 SECTION 5. Section 71.0352, Government Code, is amended to
21 read as follows:

22 Sec. 71.0352. JUVENILE DATA: JUSTICE, MUNICIPAL, AND
23 TRUANCY COURTS. As a component of the official monthly report
24 submitted to the Office of Court Administration of the Texas
25 Judicial System:

26 (1) a justice court, municipal court, or truancy court
27 shall report the number of cases filed for:

1 (A) truant conduct under Section 65.003(a),
2 Family Code; and

3 (B) the offense of parent contributing to
4 nonattendance under Section 25.093, Education Code; and

5 [~~(C) a violation of a local daytime curfew
6 ordinance adopted under Section 341.905 or 351.903, Local
7 Government Code; and~~]

8 (2) in cases in which a child fails to obey an order of
9 a justice court, municipal court, or truancy court under
10 circumstances that would constitute contempt of court, the justice
11 court, municipal court, or truancy court shall report the number of
12 incidents in which the child is:

13 (A) referred to the appropriate juvenile court
14 for delinquent conduct as provided by Article 45.050(c)(1), Code of
15 Criminal Procedure, or Section 65.251, Family Code; or

16 (B) held in contempt, fined, or denied driving
17 privileges as provided by Article 45.050(c)(2), Code of Criminal
18 Procedure, or Section 65.251, Family Code.

19 SECTION 6. Chapter 370, Local Government Code, is amended
20 by adding Section 370.007 to read as follows:

21 Sec. 370.007. JUVENILE CURFEWS PROHIBITED. (a)
22 Notwithstanding any other law, a political subdivision may not
23 adopt or enforce an order, ordinance, or other measure that imposes
24 a curfew to regulate the movements or actions of persons younger
25 than 18 years of age.

26 (b) This section does not apply to a curfew implemented
27 under Chapter 418, Government Code, for purposes of emergency

1 management.

2 SECTION 7. Section 8.07(e), Penal Code, is amended to read
3 as follows:

4 (e) A person who is at least 10 years of age but younger than
5 15 years of age is presumed incapable of committing an offense
6 described by Subsection (a)(4) or (5) [~~other than an offense under~~
7 ~~a juvenile curfew ordinance or order~~]. This presumption may be
8 refuted if the prosecution proves to the court by a preponderance of
9 the evidence that the actor had sufficient capacity to understand
10 that the conduct engaged in was wrong at the time the conduct was
11 engaged in. The prosecution is not required to prove that the actor
12 at the time of engaging in the conduct knew that the act was a
13 criminal offense or knew the legal consequences of the offense.

14 SECTION 8. The following provisions are repealed:

- 15 (1) Article 45.059, Code of Criminal Procedure;
16 (2) Section 341.905, Local Government Code;
17 (3) Section 351.903, Local Government Code; and
18 (4) Section 370.002, Local Government Code.

19 SECTION 9. A violation of a juvenile curfew ordinance or
20 order may not be prosecuted or adjudicated after the effective date
21 of this Act. If on the effective date of this Act a criminal or
22 civil action is pending for a violation of a juvenile curfew
23 ordinance or order, the action is dismissed on that date. However,
24 a final conviction or adjudication for a violation of a juvenile
25 curfew ordinance or order that exists on the effective date of this
26 Act is unaffected by this Act.

27 SECTION 10. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 1819 was passed by the House on May 4, 2023, by the following vote: Yeas 114, Nays 28, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1819 was passed by the Senate on May 17, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor