

## **BILL ANALYSIS**

Senate Research Center

S.B. 62  
By: Patterson  
Criminal Justice  
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As Filed

### **DIGEST**

Currently, a juvenile 14 years of age or older who commits a felony offense with a firearm or other deadly weapon may be certified for trial as an adult only if the prosecutor seeks adult certification and the judge agrees. The increase in violent offenses committed by Texas youth has raised concerns that juveniles who commit serious crimes can escape serious punishment because they are juveniles. This legislation requires that a juvenile court automatically waive its jurisdiction for any juvenile 14 or older alleged to have violated a penal law of the grade of felony involving a firearm, knife, or prohibited weapon; and that the case be transferred to the appropriate district or criminal court for criminal proceeding.

### **PURPOSE**

As proposed, S.B. 62 establishes the waiver of juvenile court jurisdiction over certain children.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 51.09(b), Family Code, to establish the conditions by which the statement of a child is admissible in evidence in any future proceeding concerning the matter about which the statement was given if the statement shows that the child has at some time prior to the making thereof received a warning from a magistrate that a juvenile court may waive its jurisdiction and the child may be tried as an adult, except that the juvenile court is required to waive its jurisdiction and the child can be tried as an adult if the child is alleged to have violated a penal law of the grade of felony; was 14 years of age or older at the time the child is alleged to have committed the offense; and used or exhibited a firearm, knife, or prohibited weapon during the commission of the offense. Makes conforming changes.

SECTION 2. Amends Section 54.02, Family Code, by amending Subsection (m) and adding Subsection (o), to require a juvenile court to waive its original jurisdiction and transfer a child to the appropriate district or criminal court for criminal proceedings if the child is alleged to have violated a penal law of the grade of felony; was 14 years of age or older at the time the child is alleged to have committed the offense; and used or exhibited a firearm, knife, or prohibited weapon during the commission of the conduct. Defines "firearm," "knife," and "prohibited weapon." Makes conforming changes.

SECTION 3. Amends Section 8.07(a), Penal Code, to make conforming and standard recodification changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.