

## **BILL ANALYSIS**

Senate Research Center  
87R1507 LHC-D

S.B. 1486  
By: Hughes  
Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Local Government and the Criminal Code allows cities to create juvenile curfew ordinances that allow police to charge youth with a Class C misdemeanor for a curfew violation. The data shows that these curfew ordinances disproportionately affect Black and Latino youth. Interested parties assert that this leads to negative outcomes in school and future interactions with the justice system. Research has also shown that curfews are an ineffective means of reducing crime.

S.B. 1486 eliminates juvenile curfew ordinances statewide and ensures that all Texas youth have opportunities to succeed without the burden of a criminal record early in life. S.B. 1486 does not prevent police from interacting with youth or from intervening if a crime is occurring.

As proposed, S.B. 1486 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 provide that this article does not limit the authority of a court to order a child taken into custody under Article 45.058 (Children Taken Into Custody), rather than under Article 45.058 or 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, rather than by 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. Provides that as a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System:

(1) a justice court, municipal court, or truancy court is required to report the number of cases filed for:

(A) and (B) makes a nonsubstantive change; and

(2) Makes no changes to this subdivision.

Deletes existing text requiring certain courts 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, as follows:

(e) Deletes existing text providing that other than an offense under a juvenile curfew ordinance or order, a person who is at least 10 years of age but younger than 15 years of age is presumed incapable of committing certain offenses.

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 Ordinance), 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 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, the action 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 is unaffected by this Act.

SECTION 10. Effective date: September 1, 2021.