

- SUBJECT:** Expediting challenges to discretionary juvenile transfer decisions
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 7 ayes — Dutton, Riddle, Hughes, Peña, Rose, Sanford, J. White  
0 nays
- WITNESSES:** For — Scott Ehlers, Harris Co. Public Defender's Office; Patricia Cummings, Texas Criminal Defense Lawyers Association; Christene Wood; (*Registered, but did not testify*: Ron Quiros, Guadalupe County Juvenile Services; Thomas Ratliff, Harris/Ft. Bend County Criminal Lawyers' Association; Mary Mergler, Texas Appleseed; Elizabeth Henneke, Texas Criminal Justice Coalition; Rebecca Bernhardt, Texas Fair Defense Project; Yannis Banks, Texas NAACP; Lisa Tomlinson, Texas Probation Association; Conrad John, Travis County Commissioners Court)  
  
Against — None  
  
On — Michele Deitch; (*Registered, but did not testify*: Jill Mata, Texas Juvenile Justice Department)
- BACKGROUND:** Under the Family Code, sec. 54.02, a juvenile court may in certain circumstances waive its exclusive original jurisdiction over a case and transfer the juvenile in the case to a district or criminal district court for a criminal proceeding.
- Juveniles wishing to appeal these discretionary transfers must wait until they have been convicted of the offense for which they were transferred in order to submit their appeal under Code of Criminal Procedure, art. 44.47. The appeal is handled as a criminal matter and is subject to the Texas Rules of Appellate Procedure. Often, the conviction at trial and subsequent appeals process for juveniles seeking to challenge their transfer can take several years, resulting in a long delay before juveniles can have the original transfer reversed.

**DIGEST:** CSHB 725 would enable juveniles or someone on behalf of a juvenile to challenge certain discretionary transfers to criminal court. The bill would amend Family Code, sec. 56.01 to allow these appeals under a provision giving the appeals precedence over all other cases. CSHB 725 also would require the Texas Supreme Court to adopt rules to ensure that these cases were decided quickly by both the appellate court and the Supreme Court.

The bill would repeal the appellate procedure for discretionary juvenile transfer cases under the Code of Criminal Procedure.

CSHB 725 would take effect September 1, 2015, and would apply only to orders of a juvenile court waiving jurisdiction and transferring a child to criminal court that were issued on or after that date.