Chapter:	Rules for State-Operated Programs and Facilities	**Effective Date: 11/1/26**
Subchapter:	Admission, Placement, Release, and Discharge	Page: 1 of 4
Division:	Program Completion and Release	
Rule:	**Discharge of Youth with Determinate Sentences upon Transfer to TDCJ or Expiration of Sentence**	Replaces: GAP.380.8565, 10/1/25
Statutes:	§§244.014 and §244.015, Human Resources Code	

RULE

(a) **Purpose.**

This rule establishes criteria and an approval process for:

(1) requesting court approval to transfer sentenced offenders to adult prison; and
(2) discharging sentenced offenders:

(A) whose sentences have expired; or
(B) who did not previously qualify for release or transfer by completing required programming.

(b) **Applicability.**

(1) This rule applies only to the disposition of a youth's determinate sentence(s).
(2) This rule applies only to sentenced offenders.
(3) This rule does not apply to:

(A) sentenced offenders who qualify for release or transfer to parole by completing required programming. See §380.8559 of this chapter; or

(B) sentenced offenders adjudicated for capital murder. See §380.8569 of this chapter.

(c) **General Requirements.**

(1) By law, a sentenced offender is transferred from the custody of the Texas Juvenile Justice Department (TJJD) no later than the youth's 19th birthday.

(2) The youth must serve the entire minimum period of confinement that applies to the committing offense in a high-restriction facility unless:

(A) the youth is transferred by the committing court to the Texas Department of Criminal Justice–Correctional Institutions Division (TDCJ-CID);

(B) the youth is approved by the committing court to attain parole status before completing the minimum period of confinement;

(C) the youth's sentence expires before the minimum period of confinement expires; or

(D) the executive director waives the requirement that the youth be assigned to a high-restriction facility. This subparagraph does not allow a youth to be placed on parole status.

(3) TJJD reviews each youth's progress:

(A) six months after admission to TJJD;

(B) when the minimum period of confinement is complete;

(C) when the youth becomes 16 years of age;

(D) when the youth becomes 18 years of age and again at 18 years and six months of age to determine eligibility or make a recommendation for transfer to TDCJ-CID or to the Texas Department of Criminal Justice–Parole Division (TDCJ-PD);

(E) within 45 days after revocation of parole, if applicable; and

(F) at other times as appropriate, such as after a major rule violation is proven at a Level II hearing.

(4) TJJD jurisdiction is terminated and a youth is discharged when:

(A) the youth is transferred to TDCJ; or

(B) the youth's sentence has expired, except when the youth is committed to TJJD under concurrent determinate and indeterminate commitment orders as described in §380.8525 of this chapter.

(d) **Transfer Criteria.**

(1) **Transfer to TDCJ-CID for Youth Whose Conduct Occurs While on Parole Status.**

TJJD may request a juvenile court hearing to recommend transfer of a youth to TDCJ-CID if all of the following criteria are met:

(A) the youth's parole has been revoked or the youth has been adjudicated or convicted of a felony offense occurring while on parole status;

(B) the youth is at least age 16;

(C) the youth has not completed the sentence; and

(D) the youth's conduct indicates that the welfare of the community requires the transfer.

(2) **Transfer to TDCJ-CID for Youth Whose Conduct Occurs While in a High-Restriction Facility.**

TJJD may request a juvenile court hearing to recommend transfer of a youth in a high-restriction facility to TDCJ-CID if the following criteria are met:

(A) the youth is at least age 16; and

(B) except as provided by subparagraph (D)(i) of this paragraph, the youth has spent at least six months in high-restriction facilities, which is counted as follows:

(i) if the youth received a determinate sentence for conduct that occurred in the community, the six months begins upon admission to TJJD; or

(ii) if the youth received a determinate sentence for conduct that occurred in a TJJD or contract facility, the six months begins upon the youth's initial admission to TJJD, regardless of whether the initial admission resulted from a determinate or indeterminate commitment; and

(C) the youth has not completed the sentence; and

(D) the youth meets at least one of the following behavior criteria:

(i) the youth has engaged in conduct meeting the elements of a felony or Class A misdemeanor while assigned to a residential facility; however, if the conduct meets the elements of the offense of assault of a public servant as defined in §22.01, Penal Code, subparagraph (B) of this paragraph does not apply; or

(ii) the youth has committed major rule violations as proven at a Level II due process hearing on three or more occasions; or

(iii) the youth has engaged in conduct that has resulted in at least five security program admissions or extensions in one month or ten in three months (see §380.9740 of this chapter for information on the security program); or

(iv) the youth has demonstrated an unwillingness to progress in the rehabilitation program due to persistent non-compliance with objectives; and

(E) alternative interventions have been tried without success; and

(F) the youth's conduct indicates that the welfare of the community requires the transfer.

(3) **Transfer to TDCJ-CID for Youth Engaged in Certain Conduct.**

Notwithstanding paragraphs (1) and (2) of this subsection, TJJD shall request a juvenile court hearing to recommend transfer of a youth if the youth is adjudicated for or convicted of conduct that meets the following criteria:

(A) the adjudication or conviction is classified as a first-degree felony or a second-degree felony, or is the offense of assault of a public servant under §22.01(b)(1), Penal Code;

(B) the conduct occurred while the youth was committed to TJJD custody;

(C) the youth was at least age 16 when the conduct occurred; and

(D) the youth has not completed the sentence.

(4) **Transfer to TDCJ-PD for Youth in Residential Facilities.**

A youth in a residential facility who has not met program completion criteria in §380.8559 of this chapter and who has not received court approval for transfer to TDCJ-CID must be transferred to TDCJ-PD no later than the youth's 19th birthday.

(5) **Transfer to TDCJ-PD for Youth on TJJD Parole.**

A youth on TJJD parole must be transferred to TDCJ-PD no later than the youth's 19th birthday.

(e) **Transfer Recommendation for Youth Who Will Not Complete the Minimum Period of Confinement before Age 19.**

TJJD requests a court hearing for any youth who cannot complete the minimum period of confinement by the 19th birthday. The purpose of the hearing is to determine whether the youth will be transferred to TDCJ-CID or to TDCJ-PD. Notwithstanding the criteria in subsection (d)(2) of this section, TJJD considers the following factors in forming a recommendation for the committing court:

(1) length of stay in TJJD;
(2) youth's progress in the rehabilitation program;
(3) youth's behavior while in TJJD;
(4) youth's offense/delinquent history; and
(5) any other relevant factors, such as:

(A) risk factors and protective factors the youth possesses as identified in the youth's psychological evaluation;

(B) the welfare of the community; and

(C) participation in or completion of statutorily required rehabilitation programming, including but not limited to:

(i) participation in a reading improvement program for identified youth to the extent required under §380.9155 of this chapter;

(ii) participation in a positive behavior support system to the extent required under §380.9155 of this chapter; and

(iii) completion of at least 12 hours of a gang intervention education program, if required by court order.

(f) **Discharge Criteria.**

TJJD discharges youth from its jurisdiction when one of the following occurs:

(1) expiration of the sentence imposed by the juvenile court, unless the youth is under concurrent commitment orders as described in §380.8525 of this chapter; or

(2) the youth has been transferred to TDCJ-CID under court order or transferred to TDCJ-PD.

(g) **Approval Process for Transfer to TDCJ-CID or TDCJ-PD.**

(1) Before staff submit a recommendation for transfer to TDCJ-CID or TDCJ-PD, a determinate sentence review shall be held.

(2) TJJD notifies the youth and the youth's parent/guardian of a pending determinate sentence review. The notification informs the recipients that they have the opportunity to present information in person or to submit written comments to TJJD. The notification also specifies the date by which the comments or the request to present in-person information must be received.

(3) Approval from the final decision authority is required before requesting a hearing with the committing juvenile court or initiating a transfer to TDCJ-PD.

(4) A hearing with the committing juvenile court shall be requested when a youth cannot complete the minimum period of confinement before age 19.

(5) The final decision authority ensures the youth's community reentry/transition plan adequately addresses risk factors before approving the transfer from a high-restriction facility to TDCJ-PD.

(6) A youth may not be transferred to TDCJ-CID unless the committing juvenile court orders the transfer.

(h) **Active Warrants.**

At least ten calendar days before the youth’s transfer or release, TJJD notifies any entity that has issued an active warrant for the youth.

See Case Management Standards, Chapter 2, for transfer and discharge procedures.