



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

March 18, 1957

**WILL WILSON
ATTORNEY GENERAL**

See WW-39

Honorable ^{J.} A. E. Winfree, Chairman
Committee on Criminal Jurisprudence
House of Representatives
Austin, Texas

Opinion No. WW-65

Re: Constitutionality
of House Bill 72
amending juvenile
statutes, as redrafted.

Dear Mr. Winfree:

Your inquiry concerning the constitutionality of House Bill 72 after redraft or amendment by striking out paragraphs 2, 3 and 4 in Sec. 3 beginning with the words "If a child" and ending with the words "an adult", inserting in lieu thereof the following:

"If a child 16 years of age or older is charged with the offense of murder, rape, robbery with a dangerous weapon, castration, maiming, disfigurement, or assault with intent to commit any of the above enumerated offenses the court shall certify such child for proper criminal proceedings in any court which would have jurisdiction of the offense, if committed by an adult; but no child under sixteen (16) years of age shall be so certified.

"Upon certification to the District Judge having jurisdiction under the provisions of this Act, the child will be subject to the action of the Grand Jury as if the child were an adult. The District Judge may grant or deny bail on the same basis as bail is granted or denied in all other criminal cases.

"If the Grand Jury returns an indictment, the child shall be subject to the penal laws of this state and tried in accordance with the Penal Code and the Code of Criminal Procedure as if the child were an adult.

Honorable H. E. Winfree, Chairman, page 2, WW-65

"If the first Grand Jury empanelled after a child has been certified to the District Judge having jurisdiction fails to return an indictment such child shall thereafter be dealt with as a juvenile except in cases where the child may thereafter stand accused of one or more of the crimes heretofore enumerated in this section of this Act."

has been received.

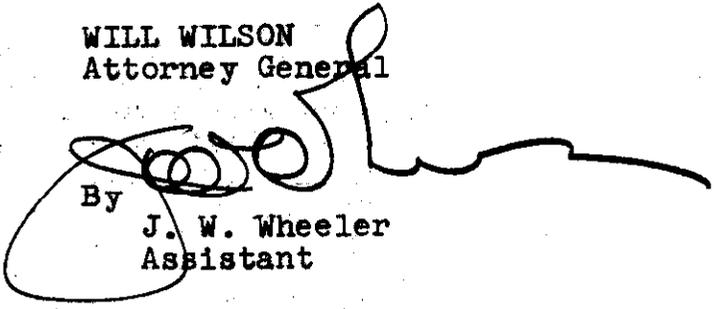
It is our opinion that the objections to House Bill 72, as set out in Opinion No. WW-39, have been cured by the suggested amendment and that as amended, or redrafted, House Bill 72 is not subject to constitutional objections.

SUMMARY

House Bill 72, as amended or redrafted as hereinabove set forth, is constitutional.

Yours very truly,

WILL WILSON
Attorney General

By 
J. W. Wheeler
Assistant

JWW:kh

APPROVED:

OPINION COMMITTEE
H. Grady Chandler
Chairman