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Juvenile Criminal Cases

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Agenda

Activities and Scenarios:

- Tobacco Cases
- School Offense Cases
- Alcohol Cases

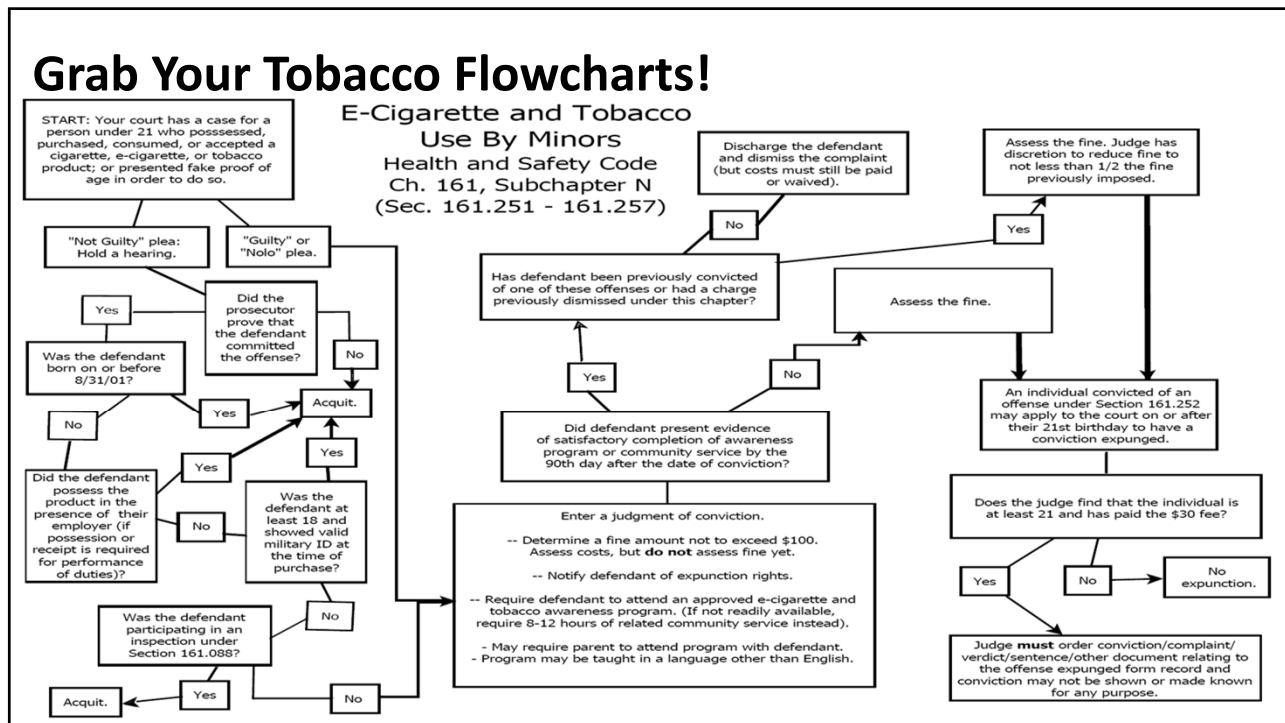
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Resources	Juvenile Deskbook <ul style="list-style-type: none"> • https://www.tjctc.org/tjctc-resources/Deskbooks.html • Step by step procedures; protections for juveniles; truancy (not criminal)
	TJCTC Website <ul style="list-style-type: none"> • www.tjctc.org • Other publications, charts, webinars, modules, legal board, etc.
	Statutes <ul style="list-style-type: none"> • https://statutes.capitol.texas.gov/ • CCP Ch. 45 • HSC Ch. 161, Subchapter N • ABC Ch. 106 • EC Ch. 37

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Tobacco Cases

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Activity: Who Should Be Convicted?

Randy was in possession of cigarettes. He was born on 7/22/01.

Amber is 19 and works at a gas station that sells cigarettes. At the end of her shift, she bought a pack for herself.

Bronson is 17 and is enlisted in the military. He showed military ID when he bought cigarettes.

Rachel is 16. She bought a pack of cigarettes while participating in an inspection under Health and Safety Code Sec. 161.088.

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Poll: Darby is 18 years old. She bought cigarettes and got arrested. Right before her appearance date, she enlisted in the military. What happens to her case?

- A. The case proceeds as normal.
- B. Darby must be acquitted.
- C. The case must be dismissed by the court.
- D. The prosecutor must file a motion to dismiss.

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Poll: It is up to the judge's discretion whether to order a tobacco awareness class when a person is convicted in a tobacco case.

A. True

B. False

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Group Discussion

Jeff is convicted of possession of tobacco. It is his second conviction of this offense. He does not do the awareness class as ordered.

- What is the fine range for Jeff's case?
- What could happen to the fine if he did complete the awareness class on time?
- What would happen if he completed the awareness class on time and it was his first conviction?

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Poll: The court must notify the defendant of their expunction rights.

A. True

B. False

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Activity: Who is Eligible for Expunction?

Thea is 20 at the time of application. She completed the tobacco awareness class as required.

Matthew is 21 at the time of application. He completed his tobacco awareness class as required.

Rick is 22 at the time of application. He didn't complete the tobacco awareness class as required.

Rebecca is 21 at the time of application. She has 3 convictions and completed the tobacco awareness class as required for all of them.

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School Offense Cases

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Poll: What is a “school offense”?

- A. Any non-traffic class C misdemeanor committed on school district property.
- B. Any non-traffic class C misdemeanor committed on school district property by a child (10 – 16 years old).
- C. Any non-traffic class C misdemeanor committed on school district property by a child (10 – 17 years old) who is enrolled in a public school.

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Poll: A citation may not be issued to a defendant for a school offense.

A. True

B. False

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Question:

So how are these cases handled instead?

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Poll: Bronson and Randy are drinking beers behind the gym at Bronson's public high school during the lunch period. Bronson is 17 and currently a senior and Randy is 20, finished with school, and doesn't have much to do. Who could be given a citation for an alcohol offense?

- A. Randy
- B. Bronson
- C. Neither
- D. Both

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Poll: When is issuing a warrant prohibited for a defendant who is under 17?

- A. For any school offense.
- B. For any Class C misdemeanor listed as an offense under the Education Code.
- C. For any traffic offense.
- D. It is never allowed.

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Question:

Anyone know any examples of Class C Education Code offenses?

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Poll: Thea is 17 and has committed the offense of disruption of classes, which is a Class C misdemeanor under the Education Code. She does not show up to court. Can the court issue an arrest warrant for Thea (after following all required procedures)?

A. Yes

B. No

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Alcohol Cases

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Grab Your Alcohol Offense Charts!

Consequences for Alcohol-Related Offenses Committed by Minors (Under 21 Years Old)
Chapter 106, Alcoholic Beverage Code (ABC)

OFFENSE	FIRST CONVICTION	SECOND CONVICTION	THIRD OR SUBSEQUENT CONVICTION
Purchase of Alcohol by Minor § 106.02, ABC	§ 106.071, ABC:	§ 106.071, ABC:	§ 106.071, ABC:
Attempt to Purchase Alcohol by Minor § 106.025, ABC	<ul style="list-style-type: none"> Fine: \$1 - \$500 (Class C Misdemeanor) Alcohol/drug awareness program pursuant to § 106.115, ABC Community service: 8-12 hours Suspend or deny issuance of license/permit for 30 days (Order to DPS; takes effect on the 11th day after conviction) 	<ul style="list-style-type: none"> Fine: \$1 - \$500 (Class C Misdemeanor) Optional for Court: Alcohol/drug awareness program pursuant to § 106.115, ABC Community service: 20-40 hours Suspend or deny issuance of license/permit for 60 days (Order to DPS; takes effect on the 11th day after conviction) 	<ul style="list-style-type: none"> Court only has jurisdiction if defendant is under age 17 Fine: \$1 - \$500 (Class C Misdemeanor) Optional for Court: Alcohol/drug awareness program pursuant to § 106.115, ABC Suspend or deny issuance of license/permit for 180 days (Order to DPS; takes effect on the 11th day after conviction)
Consumption of Alcohol by Minor § 106.04, ABC			NOT eligible for deferred disposition if offense is Consumption of Alcohol (§ 106.04, ABC)
Possession of Alcohol by Minor § 106.05, ABC			
Misrepresentation of Age by Minor § 106.07, ABC			
Public Intoxication by Minor § 49.02, Penal Code			
DUI by Minor § 106.041, ABC	<p>§ 106.041, ABC:</p> <ul style="list-style-type: none"> Fine: \$1-\$500 (Class C Misdemeanor) Alcohol/drug awareness program pursuant to § 106.115, ABC Community service: 20-40 hours (License automatically suspended upon arrest by DPS – Court does not order) 	<p>§ 106.041, ABC:</p> <ul style="list-style-type: none"> Fine: \$1-\$500 (Class C Misdemeanor) Optional for court: Alcohol/drug awareness program pursuant to § 106.115, ABC Community service: 40-60 hours (License automatically suspended upon arrest by DPS – court does not order) 	<p>§ 106.041, ABC:</p> <ul style="list-style-type: none"> Court only has jurisdiction if defendant is under age 17 Fine: \$1 - \$500 (Class C Misdemeanor) Optional for Court: Alcohol/drug awareness program pursuant to § 106.115, ABC Community service: 40-60 hours (License automatically suspended upon arrest by DPS – court does not order) <p>NOT eligible for deferred disposition</p>

NOTE: For the purpose of counting the number of convictions to determine which column applies, the following are considered "convictions;":
-A prior adjudication in juvenile court under Title 3, Family Code, that a minor engaged in this conduct.
-A prior order of deferred disposition for the offense.

Except that for the purpose of determining if the alcohol/drug awareness program is mandatory or discretionary, only "actual convictions" count.

NOTE: Community service must be related to education about or prevention of misuse of alcohol/drugs, or, if programs/services providing that education are not available, the court may order community service that it considers appropriate for rehabilitative purposes. In some cases, **additional** community service may be ordered in lieu of an awareness program, pursuant to the requirements of § 106.115.



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Group Discussion: Spot 5 Mistakes

A possession of alcohol by a minor case is filed in Judge Darby's court. The defendant, Rebecca, is 15 and has a previous conviction for purchase of alcohol by a minor. Rebecca mails in her plea of guilty, and a judgment for conviction is entered by the judge. Because it is Rebecca's first conviction of possession of alcohol by a minor, Judge Darby orders the following: \$500 fine, alcohol awareness program, 8 –12 hours of community service, and 30-day driver's license suspension. A few days after the judgment was entered, Rebecca's school contacts the court and requests a copy of the case records so they can move forward with their disciplinary proceedings at the school. Judge Darby has her clerk send the records over.

5 months later, Rebecca still hasn't done the alcohol awareness course because she feels like she already knows a lot about alcohol. Judge Darby has heard bad things about the awareness course and doesn't think it will have any impact on Rebecca anyways, so she decides to waive the course requirement. Rebecca also has still not paid her fine. Judge Darby has her clerk issue a *capias pro fine* for Rebecca.

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Poll: The defendant in a DUI by a Minor case was pulled over while speeding and it is proven at trial that they had a blood alcohol content level of .03 while driving. Are they guilty or not guilty?

- A. Guilty
- B. Not Guilty

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Poll: Laura is 20 and her husband is 21. During her trial for consumption of alcohol by a minor, she puts on evidence that she was always with her husband when she was drinking. Should she be found guilty or not guilty?

- A. Guilty
- B. Not Guilty

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Question:

Darby is 17 and has prior convictions for Consumption of alcohol by a minor and public intoxication. She now has a new case of possession of alcohol by a minor.

- Does the court have jurisdiction to hear the case?
- What if Darby were 16?
- What if the two prior convictions were both for DUI by a Minor?

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Poll: The court must report to DPS when a person is acquitted of a DUI by a Minor offense.

- A. True
- B. False

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Group Discussion

Rebecca is 16 and has just been convicted of DUI by a minor. She had one previous DUI by a minor case and two previous possession of alcohol by a minor cases that were all dismissed after successful completion of deferred disposition.

- What orders **must** be included in her Judgment of Conviction?
- What other orders **may** be included in her Judgment of Conviction?
- If she does everything as required, is she eligible to have the current conviction expunged once she turns 21?

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Questions?