

Juvenile Law Update



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Juveniles in Municipal Courts

- In 2008, there were 321,669 juvenile cases filed in municipal courts alone
- Over 100,000 more juvenile cases were filed in justice courts
- Many of these cases are the same types that we see adult defendants for, but not all
- There are some specific differences that we have to keep in mind
 - Status offenses
 - Special handling procedures



Kids and Drinking

- Kids and Drinking don't mix
 - But that hasn't stopped some from trying



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Public Intoxication of Children

- HB 558 changes the game
- Currently, Municipal and Justice Courts have jurisdiction over quite a few alcohol-related offenses involving minors
 - Purchasing, possessing, or consuming
 - DUI
- But, no jurisdiction over the Public Intoxication of Children!
- Starting September 1, 2009, it all changes...

Public Intoxication of Children

- HB 558, continued
- Public Intoxication currently has to be referred to the juvenile court system
 - Due to heavy juvenile dockets in many counties, juveniles are sometimes never charged with a crime and suffer no consequences
- Upon passage, municipal courts will have jurisdiction over PI
- §8.07, Penal Code is changed allowing a child under 15 to be prosecuted and convicted for PI

Public Intoxication of Children

Adults Charged with PI

- May be released under Art. 14.031, CCP
 - Detention is unnecessary and individual is released to an adult who assumes responsibility (OR admission into dependency program)
- May NOT be issued a citation under Art. 14.06, CCP

Children Charged with PI

- May NOT be released under Art. 14.031, CCP
- May be released to child's parent, guardian, custodian, or other responsible adult under Art. 45.058, CCP
- May be issued a citation upon release to parent, guardian, custodian, or other responsible adult under Art. 45.058

Boating Under the Influence of Alcohol by a Minor

- SB 328
 - BUI currently not an offense for minors
 - Effective September 1, 2009 it will be an offense under §106.041, ABC (DUI... now expanded to DUI/BUI)
 - Amends Chapter 524 (dealing with DL suspensions) to include a suspension for individuals who fail a breath or blood alcohol test while operating a watercraft
 - Also clears up Chapter 524 to specify that stricter penalties apply to minor offenders even if they reach the age of 21 while awaiting trial

Dealing With Kids in the Court



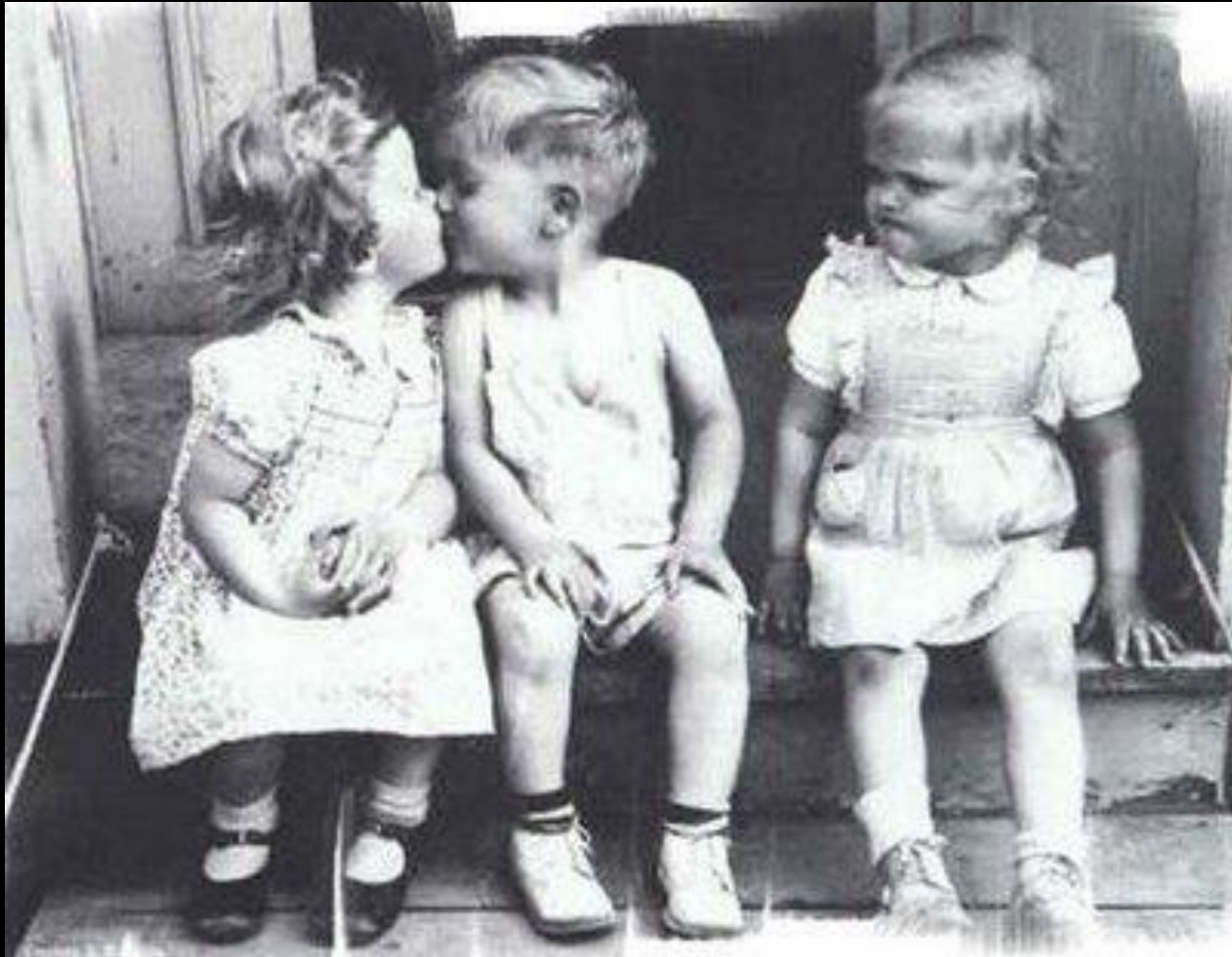
IDEA and Child Welfare Training

- HB 1793
 - Requires judges to complete instruction “related to understanding relevant issues of child welfare and the Individuals with Disabilities Education Act (IDEA)
 - 2 hours of instruction in each academic year ending in zero or 5
 - Court of Criminal Appeals (CCA) is charged with adopting rules necessary to provide the training by March 10, 2010.
 - Judges in office on effective date will not have to complete the training until 2015 academic year

IDEA and Child Welfare Training

- In order to obtain recommendations for instructional content, CCA may consult with:
 - Supreme Court
 - Professional groups and associations in the state that have expertise in the subject matter
- IDEA governs how states and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities
 - For more information see <http://idea.ed.gov/>

Don't Kiss and Tell



SB 1056: Nondisclosure Orders in Cases Involving Children



SB 1056: Nondisclosure Orders in Cases Involving Children

- Adds Subsection 411.081(f-1) to the Govt. Code, mandating that that criminal courts immediately issue a nondisclosure order on the conviction of a child for a misdemeanor offense punishable by fine only
- Only pertains to conviction of “child” under §51.02, FC
 - At least 10, younger than 17
 - It won't apply to alcohol status offenses committed by 17-20 year olds
 - Doesn't apply to a child who successfully completes a form of probation

SB 1056: Nondisclosure Orders in Cases Involving Children

- Why?
 - Intended to provide parity to children in the juvenile justice system
 - Records of a child in juvenile court are already confidential
 - This bill extends confidentiality to criminal court records
- A criminal justice agency can still access and disclose protected information to listed agencies and entities in §411.081(j), GC

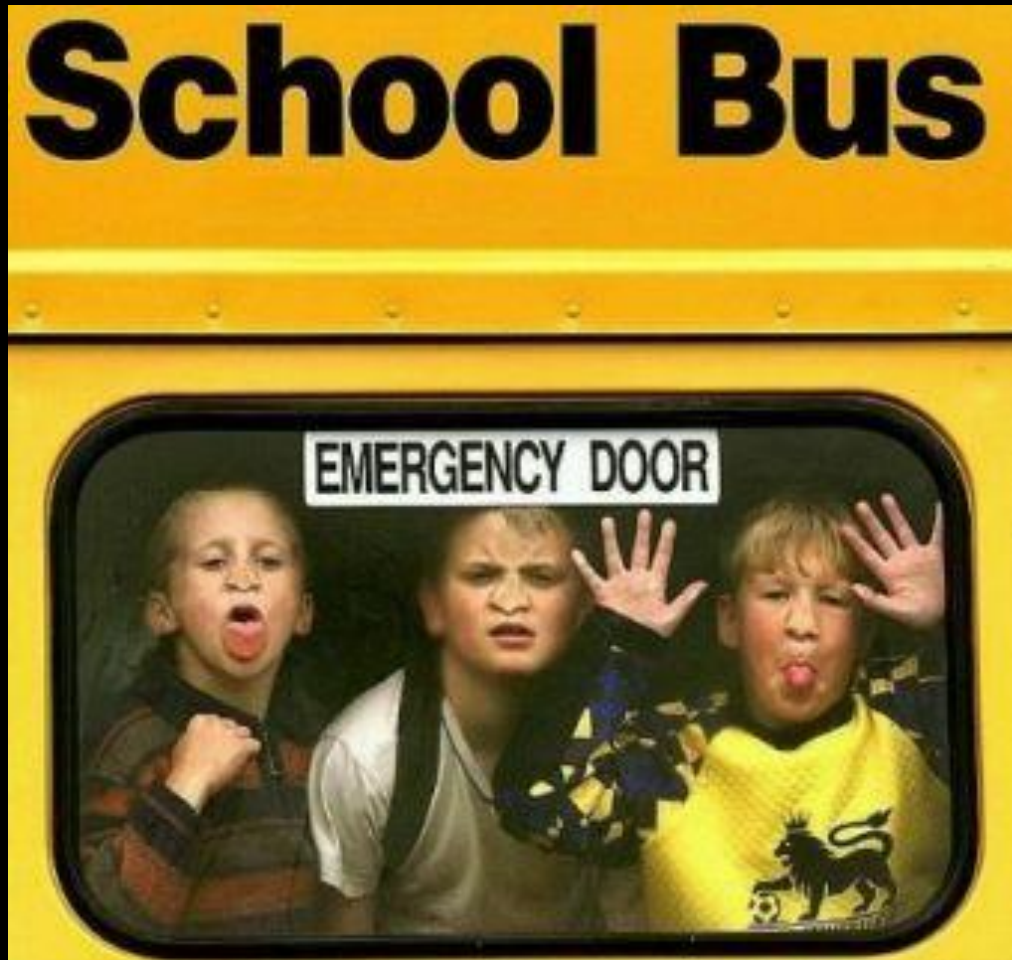
SB 1056: Nondisclosure Orders in Cases Involving Children

- So what does this mean?
 - More work for municipal and justice courts
 - Some courts have already consulted software providers so that automatic nondisclosure orders are created
- Does this apply to everything?
 - Arguments have been made that it doesn't apply to traffic convictions
- *Note: The bill also provides that a child convicted of a fine-only misdemeanor before the effective date may still petition the court for a nondisclosure order, and court shall issue

SB 1056: Nondisclosure Orders in Cases Involving Children



School Days



Flexible School Day Programs

- Under current law, students failing to meet attendance requirements may be required to repeat an entire course or school year
 - Grade repeaters have a higher risk of dropping out
- HB 1297 allows school districts to offer a flexible school day option and not lose out on state funding
 - Effective immediately
 - Keeps students on a path toward graduation
- A student can salvage credit in one of these programs by making up only the number of days needed to satisfy minimum attendance requirements

Part-Time “Truancy” Magistrates

- Truancy magistrate courts were made available for use to counties (of 2 million or more) in 2003
- Dallas is the only county that uses these courts
- The law only authorized the use of full-time magistrates
- SB 407 grants county judges the authority to appoint part-time magistrates as needed (§54.1172, GC)
- Counties will now have more flexibility in appointing magistrates for the purpose of hearing nonattendance cases



Firearms in School-Sponsored Programs

- The Education Code requires the expulsion of a student from school for the student's use, exhibition, or possession of a firearm on school property or at school-sponsored activity
- HB 1020 (effective immediately) amends §37.007 and prohibits the expulsion if this occurred at a school-sponsored shooting sports competition or educational activity sponsored or supported by the Texas Parks & Wildlife Department

Yeehaw!



- Any Questions?
- Thank you for your time!