

# Juvenile Criminal Law

Texas Justice Court Training Center

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# Resources

TJCTC Website ([www.tjctc.org](http://www.tjctc.org))

- Juvenile Deskbook and Other Publications
- Charts and Checklists Page
- Legal Question Board
- Forms
- Webinar Archive
- Self-Paced Modules

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# Resources

Statutes ([www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us))

- Code of Criminal Procedure (CCP) - Chapter 45
- Transportation Code (TC) – Chapter 729
- Family Code (FC) – Chapter 51
- Education Code (EC) – Chapter 37
- Health & Safety Code (HSC) – Chapter 161, Subchapter N
- Alcoholic Beverage Code (ABC) – Chapter 106

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## Topics

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Jurisdiction and Transfer to Juvenile Court

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Juvenile Criminal Protections and Procedure

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General Expunctions

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School Offenses

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Tobacco Offenses

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Distracted Driving Offenses

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Alcohol Offenses

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## Jurisdiction & Transfer to Juvenile Court

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## Fine-Only Misdemeanors Committed by Children

- Fine-only misdemeanors committed by children may be handled as criminal cases in justice court.
  - Otherwise, must be filed as “non-criminal” case in juvenile court.
- “**Child**” = a person who is at least 10 and has not yet turned 17.
  - Someone under 10 cannot be held responsible in court for their conduct, they are legally an “**infant.**”
  - If the offense occurred when the person was under 17, but they have since turned 17, they are still legally treated as a child.

FC §51.02(2), CCP Art. 45.058(h)

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## Discretionary Transfer to Juvenile Court

- Any criminal case other than a **traffic offense** *may* be transferred to juvenile court from the justice court.
- If the case **is** transferred:
  - Issue a written order to transfer.
  - Forward the criminal complaint & all other case documents to the juvenile court.
  - The juvenile court will process the referral as a CINS case.
    - (Conduct Indicating a Need for Supervision)
- If the case **is not** transferred:
  - Send notice of the complaint and a copy of the final disposition to the juvenile court.

Family Code §51.08(a), (c)

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## Mandatory Transfer to Juvenile Court

Fine-only, non-traffic misdemeanors **must** be transferred to juvenile court **if**:

- 2 or more previous fine-only, non-traffic misdemeanor convictions and the justice court does not have a **juvenile case manager**.
  - (see Chapter 9 of Juvenile Deskbook for info on JCMs)

**or**

- Any court has previously dismissed a complaint against the child on grounds of mental illness, disability, or lack of capacity under Penal Code §8.08.

Family Code §51.08

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## Juvenile Criminal Protections & Procedures

*TJCTC Juvenile Deskbook Chapters 3&8*

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## Parental Presence

- The judge **must** issue a summons to the child's parent, guardian, or managing conservator to be present during the defendant's plea and all other proceedings related to the case.
- Summons **must** direct the to appear in court with the child and include that failure to comply is a Class C misdemeanor and may result in their arrest.
- If the court is not able to secure their presence through the summons, the court may still take the child's plea in open court and proceed against the child without the child's parent present.
  - *Consider appointing an attorney or guardian ad litem.*

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## Plea

**Plea must** be in open court **unless** the defendant has not had the disabilities of minority removed

**and**

- ❖ Is younger than 17 years of age and charged with an offense other than sexting offense under PC 43.261
- ❖ Is younger than 18 years of age if they are charged with sexting offense under PC 43.261
- ❖ Plea cannot be mailed in, satisfied by payment, or given over the phone. The child must plea in front of the judge.
- ❖ Attorney cannot enter a plea for a child, without the child present.
- \* Prosecutor does not have to be present for plea

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## Mental Capacity of Child

- ❖ Issue can be raised by the defendant, parent, prosecutor or by the court on its own motion.
- ❖ If raised, the judge must determine whether probable cause exists to believe the child lacks capacity to:
  - ❖ understand the proceedings/assist in their defense,
  - ❖ appreciate the wrongfulness of their conduct,
  - ❖ or conform their conduct to legal requirements.
- ❖ If the judge determines that there is probable cause to believe the child lacks mental capacity, the judge may dismiss the complaint after providing notice to the state.

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## Mental Capacity of Child Under Age 15

- ❖ *Presumed* to lack mental capacity except for traffic offenses.
  - ❖ The prosecutor must prove that it is more likely than not that the child had sufficient capacity to understand that the conduct was wrong at the time the conduct was engaged in.
  - ❖ The prosecutor does not have to prove that the child knew the conduct was a criminal offense or the legal consequences of it.
  - ❖ The prosecutor may prove the child's capacity by alleging it in the complaint if the child pleads guilty or nolo contendere or by offering evidence at trial.

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## Interpreters and Case Records

- ❖ **Interpreter:** Not required for a parent that has been summoned to court unless they are a witness or the court considers imposing an order on the parent.
- ❖ **Case Records:** (other than traffic offenses) are confidential and may only be released to someone listed under CCP 45.0217(b).

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## Juvenile Diversion

- CCP Ch. 45, Subchapter E
- Applies only to an offense committed on or after 1/1/25.
- Each justice and municipal court shall **implement** a youth diversion plan no later than 1/1/25. (So need to start on it now!)
- Applies only to a child (under 17 at time of offense) who is alleged to have engaged in conduct that constitutes a misdemeanor punishable by fine only, other than a traffic offense.
- Must be given diversion option if eligible (can happen at various points during the case depending on the situation).
- For more information:
  - TJCTC's *Juvenile Deskbook*
  - TJCTC's *Juvenile Criminal Diversions* recorded webinar: <https://www.tjctc.org/onlinelearning/webinars.html>

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# What if the Child Never Shows Up?

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## Failure to Appear

Options for the court if the juvenile never showed up to court **to enter a plea:**

Summon the parent & order them to bring the child

Issue a *capias*/arrest warrant

Place the juvenile in Omni if the juvenile has a driver's license

Issue a Notice of Continuing Obligation to Appear **if** the juvenile is now 17

CCP Art. 45.058

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## Summoning the Parent

- **Issue a summons for the parent** that includes an order for the parent to appear at the hearing and bring the child.
  - The summons must include a warning that failure to appear may result in arrest and is a Class C misdemeanor.  
CCP Art. 45.057(e)
- If the parent fails to appear + a sworn complaint is filed charging the parent with FTA, a warrant can be issued for the parent's arrest.
  - Follow the notice provisions in CCP 45.014(e). See Chapter 3 of the Criminal Deskbook.

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## Issuing a Capias/Arrest Warrant

- Order to a peace officer to bring the defendant directly before the court.
  - Officer picks up the juvenile and brings them straight to court.
  - The juvenile is **not** taken into secured custody.
- Peace officers must follow special rules for juveniles
  - Many departments won't process warrants for children, so you may find it more effective to try another option.

CCP Art. 23.01

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## Issuing a Capias/Arrest Warrant (*continued*)

- Can be issued as long as:
  - A sworn complaint has been filed,
  - Notice has been given to the defendant that complies with CCP 45.014(e), and
  - The defendant fails to appear as required by that notice.
- **Not** an option for Class C Education Code offenses.
  - For example, Disruption of Class
  - Education Code 37.085

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## Notice of Continuing Obligation to Appear

- This is an option when the juvenile defendant turns 17 before appearing in court.
- See Chapter 2 of the Juvenile Deskbook for details.

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## Orders in Juvenile Cases

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### What if the Child is Found Guilty?

- Just like in a regular criminal case, the juvenile may not be convicted unless they plead guilty or nolo or are proven guilty beyond a reasonable doubt at trial.
- If they plead guilty or nolo, the court may allow the child to have the case dismissed through **deferred disposition, DSC dismissal, or a teen court program** (as applicable).
  - See Chapter 3 of the Juvenile Deskbook and Chapter 5 of the Criminal Deskbook for more on these options.
  - Also remember the juvenile diversion program mentioned earlier – this is a separate process.

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## Judgment

- If a child is **convicted** of a criminal offense, the court must create a written judgment, just like in an adult criminal case.
- This judgment will impose a fine and costs and may have additional orders as well, requiring the child or parent to do certain things or not do certain things.
- See “Additional Orders for Juveniles” chart on TJCTC website for options and ideas.

CCP Art. 45.057(b)

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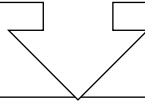
## Conviction vs. Deferred Disposition

- Be very clear in your judgment and order if you are placing the child on deferred disposition under Art. 45.051 of the CCP or issuing orders on a conviction as allowed by Art. 45.057.
  - If a **conviction order** is violated, the penalty is contempt, and there is no reward for compliance.
  - If a **deferral order** is violated, the penalty is conviction after a show cause hearing, and the reward for compliance is dismissal of the case.

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## Conviction After Failure to Comply with Deferred Disposition Order

If the child doesn't comply with the terms of the deferred disposition, the court must hold a show cause hearing. If there is no good cause for the failure to comply, the court enters a conviction.



You must create a judgment of conviction at that point, and you may place orders in that judgment of conviction, as described in the Additional Orders handout.

These orders may be the same as the ones from the deferred disposition, or different.

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## Discharge of Fines & Costs

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## Discharge: Choice by Juvenile

If diversion is not required, the judge **shall** allow a juvenile defendant to choose, at the time of conviction, to discharge the fine and costs by:

- Paying the entire fine and costs when sentence is pronounced,
- Paying the entire fine and costs at some later date,
- Paying the fine and costs pursuant to a payment plan, or
- Performing community service or receiving tutoring.

CCP Art. 45.041(b-3)

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## Discharge: Choice by Juvenile (*continued*)

- The juvenile defendant's choice **must** be:
  - In writing,
  - Signed by the juvenile defendant, and
  - Signed by a parent or guardian if one is present.
- The court **must** keep the written choice and give a copy to the juvenile defendant.

CCP Art. 45.041(b-4)

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## Alternatives to Payment of Fine and Costs

- Just like with adult defendants, the judge **must** determine at the time of sentencing (*and reconsider later if necessary*) if a child is unable to immediately pay the fine and costs.
- If they are unable to immediately pay, the court must enter an order allowing them to dispose of them via alternative methods.
  - Payment Plan
  - Community Service
  - Tutoring (only applies to juvenile cases)
  - Waiver

CCP Art. 45.041(a-1)

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## Who is Responsible for Paying Fines and Costs?

It is the juvenile defendant's responsibility to pay any fines and costs assessed against them.

The parent of a juvenile defendant does **not** have any obligation to pay the fines or costs for the juvenile.

This means that you cannot consider the assets of the parent when determining if a child can pay fines or costs!!

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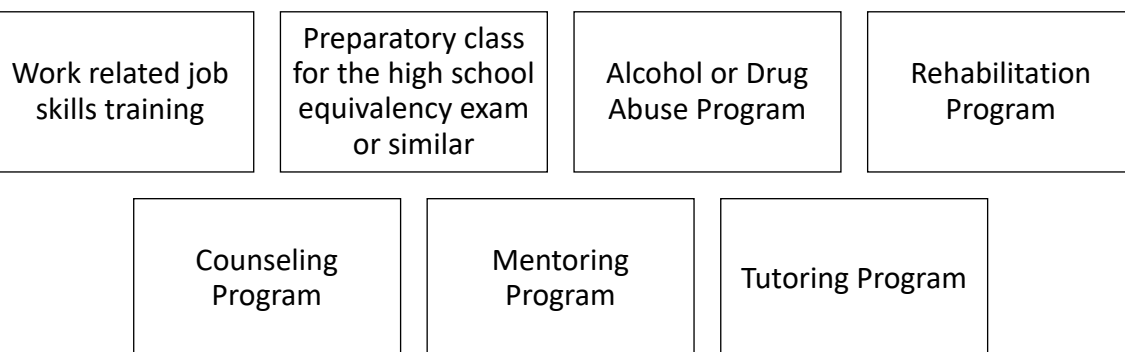


## Community Service

- Minimum of \$100 credit for every 8 hours of community service.
- No more than 16 hours per week
- Community service may be performed at:
  - Any Governmental Agency
  - Nonprofit Organization
  - Organization that provides services to the general public that enhances social welfare
  - Educational Institution

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## Examples of Community Service



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## Waiver of Fines & Costs

Costs: **may** waive all or part **if**:

- **Defendant was a child at the time of the offense; or**
- Is indigent/does not have sufficient resources to pay all or part of the amount due.

Fines: **may** waive all or part **if**:

- The above is true, **and**
- Discharging the fine through community service or a payment plan would impose an undue hardship.

CCP Art. 45.0491

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What If the Child Doesn't  
Obey the Court Order?

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## If They Don't Pay the Fines/Costs

- Can use most options that are generally available in all criminal cases (*see Criminal Deskbook Ch. 8*).
  - A person can only be entered into Omni if they currently have a driver's license, so that option will not be effective against many juvenile defendants.
  - Special rules for *capias pro fines* if offense was committed when the defendant was a juvenile (next two slides).
- Additionally, a child may be held in contempt for failure to pay (more info on contempt procedures coming up).
  - But the court **must not** hold someone in contempt for failure to pay if they are unable to pay the fine and costs. So this is a better option when the fine and costs have been converted to community service, the defendant has failed to do the community service, **and** the community service would not be an undue hardship.

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## Capias Pro Fine

- **Remember** – A *capias pro fine* is an order to a peace officer to bring a defendant before the court so the judge can:
  - Determine why the defendant hasn't paid the judgment and
  - Order alternative methods of satisfaction of the judgment.
- **A *capias pro fine* may never be issued for a person who is currently under 17.**

CCP Art. 45.045(b)

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## Capias Pro Fine

If defendant **turns 17** and still has outstanding fines, fees, or costs, a capias pro fine may only be issued if certain requirements are met.

- Some are general requirements that apply to all capias pro fines and some are requirements that are specific to juveniles who have now turned 17.

For more info on these requirements, see:

- Chapter 3 of the Juvenile Deskbook; and
- Refer to the information on capias pro fines from your previous materials.

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## Contempt - Child

- Holding a juvenile defendant in contempt of court for failing to obey a court order is allowed **after** the juvenile has been given:
  - Notice of the failure to comply and a hearing.
- What the judge **can** order:
  - A fine of up to \$500, and/or
  - Suspension or denial of issuance of the juvenile's driver's license until the juvenile complies with the order.

CCP Art. 45.050(c)

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## Contempt – Child (*continued*)

- **The judge cannot order a juvenile to serve jail time.**
- If the juvenile's driver's license is suspended:
  - Send the order to DPS, and
  - Notify DPS once the juvenile has complied so the suspension can be removed.

CCP Art. 45.050(c)

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## Referral to Juvenile Court

- If the juvenile defendant has not yet turned 17 and fails to obey court orders under circumstances that constitute contempt of court,
- The judge may, after giving notice of the violation and holding a hearing, refer the juvenile to juvenile court for delinquent conduct based on the contempt of court.
  - This is done **instead** of holding the juvenile in contempt in justice court.

CCP Art. 45.050(c)

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## Contempt - Parents

- Orders directed to parents as part of their child's case are also enforceable by contempt.
- Punishment is based on whether the contempt orders are punitive or coercive (remember this from earlier!)
  - **Punitive contempt:** fine of up to \$100, confinement in jail for up to 3 days, or both.
  - **Coercive contempt:** fine and/or jail time of up to 3 days or until the person complies.

CCP Art. 45.057(l), GC §21.002(c)

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## General Expunctions

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## General Expunctions

Juvenile-specific expunction laws are found in CCP Art. 45.0216.

These expunction laws don't apply to:

- Alcohol offenses under ABC Chapter 106
- Tobacco offenses under HSC Chapter 161

These juvenile expunction laws are separate from, and in addition to, the general expunction laws found in CCP Chapter 55.

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## Expunction of Convictions

- A juvenile defendant can't apply for **expunction of a conviction** until he/she turns 17.
- Expunction of a conviction is allowed if the juvenile has only **one** fine-only misdemeanor conviction as a juvenile.
  - Convictions for traffic, alcohol, or tobacco offenses don't count toward the number of convictions.
    - Traffic convictions can't be expunged, and alcohol and tobacco cases have their own guidelines, discussed later.
  - Cases dismissed by deferred disposition or referral to teen court don't count toward the number of convictions.

CCP Art. 45.0216(b)

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## Expunction of Acquittals & Dismissals

- **Any** case record can be expunged under CCP Art. 45.0216 **IF**:
  - The offense occurred when the defendant was under 17, and
  - The case was **dismissed** or the defendant was **acquitted (found not guilty.)**
- Includes:
  - Traffic offenses
  - Cases dismissed after successful completion of deferred disposition or teen court.
- The defendant does not have to be any certain age to request expunction under this section.

CCP Art. 45.0216(h)

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## More Information On Expunctions

- For more info on general expunctions, including procedures for getting an expunction, see Chapter 8 of the Juvenile Deskbook and Chapter 10 of the Criminal Deskbook.
- Very helpful Expunctions Chart on the ***Charts & Checklists Page***.

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# School Offenses

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## School Offenses

**“School offenses”** are:

- **Any** Class C misdemeanors (other than traffic offenses),
- Committed:
  - By a child enrolled in public school, and
  - On property that is under the control and jurisdiction of a school district.

Education Code §37.141

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## School Offenses



- Note that an offense doesn't have to have anything to do with education to be a "school offense," it just has to happen on school property.
- Some will relate to education, such as disruption of class.
- But a child charged with, for example, disorderly conduct for damaging property on school grounds will be handled under the rules for "school offenses."

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### Disruption of classes and other school activities:

- Is **not** an offense if a student engages in this conduct **at their own school** (would be if they did it at another school, for example, the school their significant other attends.)

### Truancy:

- Is **not** a school offense since it is **not a criminal offense**.
- Refer to Chapter 1 of the *Juvenile Deskbook* for information on truancy.

EC §§ 37.124, 37.126, FC Ch. 65

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## Discipline

School offenses are initially handled by the school through a system of graduated sanctions, instead of being sent to court.

- Citations may **not** be issued for school offenses.
- If the child fails to comply with or complete the graduated sanctions, **then** a complaint can be filed in justice court.
  - See Chapter 6 of the Juvenile Deskbook for a discussion of graduated sanctions.

EC §§ 37.143 & 37.144

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## Filing a Complaint

- Complaints for school offenses have specific requirements.
  - See Chapter 6 of the Juvenile Deskbook and Education Code Sec. 37.146 for more information.
- After a complaint has been filed, a **summons** may be issued for the child.
  - An arrest warrant or *capias* should only issue if the child fails to appear in response to the summons (and only if not an education code offense).
  - Instead of a warrant or *capias*, some courts issue a writ of attachment, which has the same effect of having the child picked up and brought directly to the court.

EC §37.145

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## Why Are Rules Different for a “School Offense”

- The Legislature’s goal is to decrease the number of student referrals to criminal court, and the number of youth exposed to the criminal justice system because of common misbehavior.

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## Tobacco Offenses

*TJCTC Juvenile Deskbook Ch. 5*

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## Tobacco Offenses

With some exceptions, it is an offense for a person younger than 21 years of age to:

- Possess,
  - Purchase,
  - Consume,
  - Accept, or
  - Falsely represent himself or herself to be 21 years of age or older to obtain,
  - A cigarette, e-cigarette, or tobacco product.
- 
- The offense is punishable by a fine not to exceed \$100.

HSC §161.252

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Use the  
Tobacco  
Flowchart to  
Answer:

1. Does the court have the option to ***not require*** the defendant to take a tobacco awareness course after they are found guilty?

2. What happens if the juvenile completes the class and it was a first offense?

3. What happens if the juvenile fails to complete the class?

4. What happens if the defendant joins the military a week after receiving their ticket?

5. Is a defendant eligible for an expunction if they do not complete the awareness course?

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# Distracted Driving Offenses

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## Distracted Driving Offenses

While operating a motor vehicle:

- A person under the age of 18 may not operate a motor vehicle while using a wireless communication device.

While operating a motorcycle or moped:

- A person under the age of 17 who holds a restricted motorcycle license or a moped license may not operate a motorcycle or moped while using a wireless communication device, except in an emergency.

These laws cover **more** than just texting.

- Applies to **ALL** uses of a wireless communication device **UNLESS** there is an emergency.
- **CAN'T** use Bluetooth or other “hands free” device while driving.

TC §545.424

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## Distracted Driving - Fines

- The offense of driving while using a mobile electronic device is a fine-only misdemeanor.
- Punishment:
  - 1st offense: fine of at least \$25 but not more than \$99.
  - Subsequent offenses: fine of at least \$100 but not more than \$200.

TC §545.424(g)

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## Alcohol Offenses

*TJCTC Juvenile Deskbook Ch. 4*

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### Alcoholic Beverage Code Offenses:

- Purchase of alcohol by minor – §106.02
- Attempt to purchase alcohol by minor - §106.025
- Consumption of alcohol by minor - §106.04
- Possession of alcohol by minor - §106.05
- Misrepresentation of age by minor - §106.07
  - Misrepresentation to a person selling or serving alcohol.
- DUI by minor - §106.041
  - Any detectable alcohol; does **not** require intoxication

### Penal Code Offenses:

- Public intoxication by minor - §49.02

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## Definitions – “Minor”

- A person under 21 years of age.
- Only applies to offenses under Alcoholic Beverage Code Chapter 106.

ABC §106.01

**UNDER 21**

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## When Must a Plea in an Alcohol Case be in Open Court?

- **If the defendant is under 17:**
    - **All pleas must** be made in open court for any ABC age-related offense.
    - Parental presence **is** required (just like in other juvenile cases).
  - **If the defendant is at least 17:**
    - **Guilty and nolo pleas** must be made in open court
      - Does **not** apply to public intoxication since that's a Penal Code offense.
    - **Not guilty** pleas may be accepted by mail or at the window.
    - Parental presence is **not** required.
- CCP Art. 45.0215, ABC §106.10

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## Scenario:

Charlie, who is 20 years old, receives a citation for Minor in Consumption of Alcohol. Charlie's mother calls the court before the appearance date and states: "My child received a citation and we live 3 hours away. He was only at the party because his friends forced him to go. We do not have any way to come to the court. Can I just pay this over the phone so he does not have to worry anymore?"

Questions:

1. When can the parent or child pay for the citation over the phone?
2. Can a judge in another county take the child's plea?
3. Does a parent need to be present? Charlie is 20 years old!

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## Defenses

- Defenses are issues that the defendant may raise **at trial following a plea of not guilty**. If they can prove a defense applies, they should be **acquitted** (found not guilty) of the offense.
- See Chapter 4 of the Juvenile Deskbook for **defenses** to age-related alcohol offenses.



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## If the Defendant is Found Guilty

A judgment must be entered that **will** include:

- An assessment of a fine and court costs
- Community service hours that must be completed.

Additionally, the judgment **must sometimes** include:

- An order to take an alcohol awareness class (mandatory if no previous convictions)
- An order of driver license suspension (mandatory except for conviction of DUI by a Minor)

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## What Statute Applies to Determine Punishment?

### DUI by a Minor

- Has its own punishment section – ABC §106.041

### Public Intoxication by Minor

- Punished under ABC §106.071 even though the offense is found in the Penal Code.

### Other age-related alcohol offenses

- Punished under ABC §106.071

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Use the Alcohol Offense Chart to Answer:

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Must the court order an alcohol awareness/substance misuse education program on a second conviction of MIP?

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How long does the court order DL suspension for on a first conviction of DUI by a Minor?

---

How many hours of community service must be ordered for a second conviction of DUI by a Minor?

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## What All Counts as a Conviction?

- Although they generally don't count as a criminal conviction, the following can be alleged in a complaint as a prior offense for purposes of enhancing the penalty for the offense:
  - A prior **adjudication** (determination that the child engaged in the conduct) in juvenile court for an age-related alcohol offense.
  - A prior order of deferred disposition for an age-related alcohol offense.
    - **Even if** the deferral was successfully completed, and the case dismissed.
- Except that for the purpose of determining if the alcohol awareness/substance misuse education program is mandatory or discretionary, only "actual convictions" count.

ABC §106.071(f)

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## When Don't You Have Jurisdiction?

Justice court **won't** have jurisdiction when jailtime is a possible punishment.

- Third or subsequent conviction if defendant is 17 or older.

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## If the Defendant is Placed on Deferred Disposition

- An alcohol awareness/substance misuse education program **must always** be ordered (regardless of if there are any previous convictions).
- If a minor is placed on deferred disposition for an offense **other than DUI by a Minor**, the court SHALL order the minor to perform community service (the amount of hours depends on how many prior convictions they have just like if they were convicted – see chart).
- There is **no** ordered DL suspension.

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## Additional Conditions on Deferred Disposition

- As a part of deferred disposition, the court can also order any condition listed under CCP Art. 45.051(b), or any other reasonable condition.
  - Including community service if it is not required as discussed on the previous slide.
  - Substance/alcohol-related conditions can also be included in deferred disposition orders for offenses that are not alcohol/substance offenses, **but where alcohol or substances were clearly involved.**

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## If Defendant Does Not Successfully Complete Deferred Disposition

- If defendant fails to comply with any requirement, including community service and/or alcohol awareness/substance misuse education program:
  - **Hold a show cause hearing.**
  - If the defendant doesn't appear or fails to show good cause, **enter judgment of conviction.**
    - The judgment **must** comply with the requirements shown in the chart.

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## Time to Complete the Alcohol/Substance Class Ordered on Final Conviction?

Defendant **must** provide documentation to the court **within 90 days** of the **date of the final conviction.**

- For good cause, the court may extend the compliance period for up to an additional 90 days.
- If the defendant provides evidence of completion, the court **MAY** reduce the fine by  $\frac{1}{2}$ .

ABC §106.115(c)

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## What if They Don't Take the Alcohol/Substance Class Ordered on Final Conviction?

If the defendant fails to provide evidence of completion within the required time period, the court **must** order DPS to suspend or deny issuance of defendant's driver's license.

- Up to 6 months if this is defendant's first age-related alcohol offense conviction.
- Up to 1 year if defendant has prior age-related alcohol offense convictions.
- **Note:** this is **in addition to** any suspension that occurs as a result of conviction for the current age-related alcohol offense case.
  
- The court **may** order the defendant or parent(s) to do, or refrain from doing, any act if the court determines such order will increase the likelihood the defendant will present evidence of completion.

ABC 106.115(d)

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## What if They Don't Do Community Service Ordered on Final Conviction?

- Since there is no specific penalty provided for failing to complete community service, the court would follow the **juvenile contempt** process under Art. 45.050 of the CCP that we discussed earlier in this class.

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## More Information on Alcohol/Substance Courses, Community Service, & DL Suspension

- See Chapter 4 of the Juvenile Deskbook as well as ABC Sections 106.041, 106.071, & 106.115.
- See Community Service/ Alcohol Class Options from the Charts & Checklists Page.



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## Alcohol Case Reporting Requirements

The court **must** report to **DPS**:

- Notice of conviction of a minor for any ABC age-related offense.
- Notice of deferred disposition of a minor for any ABC age-related offense.
- Notice of acquittal of a minor for a DUI by a Minor offense.
  - Since the minor's license is automatically suspended on arrest, this notice is how the suspension gets lifted.

ABC §106.117

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## Alcohol Case Reporting Requirements

- The court **must** report convictions of minors for all ABC offenses to the **Alcoholic Beverage Commission (TABC)** *upon request*.
- DPS and TABC reporting requirements **do not** apply to the offense of Public Intoxication by a Minor because it's not an ABC offense.

ABC §106.116

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## Expunction of Alcohol Cases

- **Convictions:** When a person turns 21, if they have only **one event** leading to ABC conviction(s) as a minor, the court **shall** expunge the conviction(s) upon proper application.
- **Arrests:** A defendant who was arrested on **one occasion** for ABC offense(s) while a minor and who was **not** convicted of any offense, is entitled to have their arrest record expunged upon proper application.
- This is **separate** from other expunction procedures. Any request to expunge an ABC arrest or conviction must follow these specific ABC laws and not the other, general laws.
- For more info, including the procedures for getting an expunction, see Chapter 4 of the Juvenile Deskbook.

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Questions?