

JUVENILE CASE LAW UPDATE

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SPICE OUTLAWED BY TEXAS LEGISLATURE

Effective September 1, 2011, the Texas Legislature outlawed approximately 147 chemical variations of Spice (ie. Synthetic Marijuana). The bill tracks the penalty levels for regular marijuana possession.

LEGISLATION CITE: SB 331



NEW PROTECTIONS FOR CHILD WITNESSES

The Texas Legislature has added new protections for children who have to testify in court. Their testimony can now be limited to the hours that they would normally be in school and they have the right to be accompanied by a support person. The court can rephrase any question asked by an attorney in order to prevent the child from being intimidated or harassed.

LEGISLATION CITE: SB 578

**INTERESTED IN A
PRESENTATION ?
Contact the
El Paso County Attorney
Juvenile Division at
(915) 546-2082**

NEW SEXTING LEGISLATION

It is now possible to charge Sexting as a class C Misdemeanor. A prior conviction can raise the offense level to a Class B Misdemeanor and two convictions raise the offense level to a Class A Misdemeanor. However, this conduct can still be charged under any appropriate section of the Texas Penal Code as well. If you are handling a sexting case, please contact the County Attorney's Office for additional guidance and assistance in determining the appropriate charge.

LEGISLATION CITE: SB 407

A CHILD MAY CONSENT TO THE SEARCH OF A HOME BY POLICE

The court held that a thirteen year old child has apparent authority to consent to the search of a home by the police even though it was late at night. However, a child may not have authority to allow the police to search anything beyond the common areas or to permit a more extensive search of the home by law enforcement.

CASE LAW CITE: Limon v. State, 2011 Tex. Crim. App. LEXIS 830 (Tex.Ct. Crim. App, 06/15/11)

IF A CHILD IS IN CUSTODY, THE AGE OF THE CHILD MUST BE CONSIDERED IN GIVING MIRANDA WARNINGS

The court held that if a child is in custody and not free to leave when giving a statement, then the age of the child must be considered in deciding whether Miranda warnings are required. However, the court did not determine that the juvenile in this case was in custody when he was interviewed at school by law enforcement in the presence of his school principal.

CASE LAW CITE: J.D.B. v. North Carolina, 564 U.S. ___ (2011)