

JUVENILE CASE LAW UPDATE

SUPREME COURT ISSUES RULING ON SCHOOL SEARCH AND SEIZURE

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On June 25, 2009, the U.S. Supreme Court issued a new opinion on school searches. The case was about whether a strip search of a 13 year old girl by school officials looking for prescription drugs was constitutional. The court held that the search was not constitutional but reaffirmed that school searches only require reasonable suspicion. The court also held that the search of the child's backpack and outer clothing was constitutional. However, the strip search was excessively intrusive and that because the school was looking for prescription drugs it did not justify the intrusiveness of the search. A strip search could be justified if the school was looking for weapons or dangerous illegal drugs according to the Supreme Court.



COUNTY ATTORNEY PRESENTATIONS

CASE CITE: SAFFORD UNIFIED SCHOOL DISTRICT #1 ET. AL. V. REDDING, 557 U.S. ___ (2009)

The Juvenile division provides training and presentations to schools, community groups, and law enforcement by request. Topics include the Juvenile Justice System, Gang Violence, Drug Trafficking and Sex Crimes. If you wish to schedule a presentation please contact Division Chief Laura Christopherson at (915) 546-2082 for more information.

CO-ACTOR STATEMENTS CAN BE USED AS PROBABLE CAUSE TO ARREST AN INDIVIDUAL

The juvenile defendant was arrested in an aggravated robbery case based upon statements by a co-actor who denied he was involved in the offense. The court held that statements by the co-actor which are made against his self-interest and are therefore inherently credible can be used in making a probable case determination to arrest an individual.

CASE CITE: CHAVEZ V. STATE, NO. 01-07-00563CR, MEMORANDUM, 2008 WL 5263404 (TEX. APP.-Hous. (1st Dist.) 12/18/08)

LEGISLATIVE UPDATE

JUVENILE MISDEMEANOR TRIALS

CONTINUOUS FAMILY VIOLENCE OFFENSE

The state legislature passed HB 609 and Governor Perry signed the bill into law on May 13, 2009. The bill amends section 54.03(c) of the Texas Family Code altering the number of jurors required in a juvenile trial on a misdemeanor from 12 jurors to 6 jurors. The law takes effect on September 1, 2009 and will be implement on all misdemeanor trials regardless of the filing date of the petition.

The state legislature passed HB 2240 and Governor Perry signed the bill into law. The bill creates a new offense in the Penal Code which allows multiple acts of family violence to be charged together as a 3rd degree felony. The law takes effect on September 1, 2009 and affects all subsequent cases.

INTERESTED IN MORE LEGISLATIVE INFORMATION?