

YOUR FUTURE, YOUR CHOICE

A guide to what every teen should know about the law

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The Challenge

In the legal community, there is a saying: “Ignorance is no defense.” This means that if you commit a crime or delinquent act you can’t get off the hook by saying “I didn’t know I was breaking the law.” Actions have consequences—even when you are a minor. To avoid getting in trouble, it’s important to know what can get you into trouble. In this handbook, we attempt to:

1. simplify the language of the law,
2. identify some delinquent acts for which minors are often charged or arrested,
3. provide examples to fully illustrate the type of behavior that could result in a minor being arrested for and/or charged with a delinquent act and
4. highlight the consequences that could result if a minor is adjudicated (found to be) guilty of a delinquent act.

The choices that you make in life can have some significant consequences. In developing this guide we hope to provide you with the knowledge that you need to make informed decisions as it relates to decisions that could land you in the juvenile justice system—the system designed to deal with minors who break the law. A minor who enters the juvenile justice system has to deal with legal consequences, in addition, to consequences that could interfere with or delay future goals.

A common myth, that we want to correct, is the belief that once a person turns 18 their record is wiped clean and the things that they did as a minor are all behind them. Unfortunately, encounters with the juvenile justice system can have a huge impact on your future goals, especially educational and career goals. If your future matters to you, we challenge you to read this handbook and make a commitment to choose the path that leads towards success. It’s your future and your choice.

BE AWARE

- ▶ Assault and battery are the most common juvenile offenses.
- ▶ Burglary is the most common juvenile felony.
- ▶ In 2011–2012, 3,690 juveniles were committed to residential commitment facilities in Florida.
- ▶ There were 2,063 juveniles transferred to adult court in Florida in 2012.
- ▶ In every 1,000 juveniles, 52 are arrested for delinquency acts.

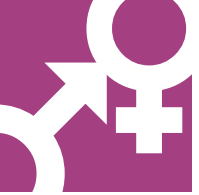
~<http://www.djj.state.fl.us/Research/Trends.html>

The Quiz *How much do you know?*

True or False

To find the answers, look for the **Q** on the pages listed in the parenthesis.

1. If Dominique is taken into custody, the officer cannot question Dominique unless her parent or guardian is present. (p9)
2. If Julie goes into Friedman Jewelers and leaves the store without paying for a bracelet that costs \$349.00, she can be charged with grand theft. (p14)
3. Katelyn can be arrested for driving her parent's car without their permission. (p14)
4. When Tierra turned 16, her parents bought her a convertible. So excited, she couldn't wait to show it off to her friends. While driving to her friend Jolene's house, Tierra's cell phone rang. Tierra went to get her cell phone out of her purse when all of a sudden she heard a strange noise and saw that she ran a red light and hit and killed a pedestrian. Because Tierra is a juvenile, she cannot be tried in adult court. (p16)
5. Adam got into a lot of trouble with the law when he was a juvenile. As a result, he has a lengthy juvenile record. When Adam turns 18, his juvenile record is automatically expunged. (p22)
6. Jorge was arrested for possession of marijuana. Because Jorge is a juvenile, he does not have the right to be represented by an attorney. (p21)
7. Jeff and Eric go to the same school. Jeff likes to annoy Eric and make fun of him. One day during lunch, Eric couldn't take it anymore. Eric began cursing loudly at Jeff. Dean Jones tries to calm Eric down. Eric continues to yell and refuses to listen to Dean Jones. Eric could be charged with disrupting a school function. (p12)
8. Maritza was arrested for underage drinking and giving a false name to the police. When Maritza is arrested, the police do not have to read her Miranda Rights because she is a juvenile. (p21)



Sexual Conduct

Sexual Conduct includes actual or simulated (imitated) intercourse, masturbation (stimulating sex organs), showing genitals, actual physical contact with a person's clothed or unclothed genitals, buttocks, or female breast with the intent to sexually arouse (excite) either party. (§827.071(1)(h))

Sexual Intercourse & Touching

It is illegal...

- ▶ to force or coerce a person to have sex. This is known as sexual battery or rape. (§794.011 and §800.04(4)(b))
- ▶ to engage in sexual intercourse with a person under the age of 16 even if the other person consents or is willing. It is not an excuse that the person did not know the other person's age. (§800.04(3), (4)(a) &(4)(b))
- ▶ to touch, on purpose, the private parts of a person under the age of 16 in a lewd or lascivious (inappropriate or sexual) manner. (§800.04(5)&(6))
- ▶ to encourage a person under the age of 16 to touch you in lewd or lascivious (inappropriate or sexual) manner. (§800.04(5))
- ▶ to show or flash private parts to a person under 16 years old, in public or on another person's private property. (§800.04(7) and §800.03)
- ▶ for a person 24 or older to have sexual intercourse with any person under the age of 18. (§794.05(1))
- ▶ to use an Internet service, like MySpace or Facebook, to seduce or lure, or even to attempt to lure, a person under the age of 18, to engage in sexual intercourse. (§847.0135(3)(a))

BE AWARE:

- ▶ As of 2007, a juvenile 14 years old or older who has been found guilty of certain sexual crimes may be ordered to register as a sex offender on the Florida Sex Offender Registry website, where their name, address, photo, and other personal information will be made public and easily accessible to anyone. (§985.481, §985.4815)
- ▶ If a juvenile is arrested for a sex offense, they can be transferred to adult court and face adult consequences even as severe as life in prison.
- ▶ The criminal history record of a minor adjudicated delinquent for committing certain sex offences, after July 1, 2007, may not be destroyed and must be kept as part of the minor's adult record. (§943.0515(3))

Pornography

It is illegal...

- ▶ to take a photograph, make a movie, or make other images (drawings) that a person knows has sexual conduct of a person under 18 years old. (§827.071(3))
- ▶ to possess a photograph, movie, or other images (drawings) that a person knows has sexual conduct of a person under 18 years old. (§827.071(5))
- ▶ to buy, sell, receive, collect, or send photographs on the computer or internet of a person under the age of 18 engaged in sexual conduct. (§847.0135(2), §847.0137)
- ▶ to loan, give away, sell, or show any obscene material to a person under the age of 18. Material may include a book, magazine, card, picture, drawing, photograph, image and videotape/DVD. (§847.0133(1))

Do you know?

A minor **MUST** provide a DNA sample if found delinquent or arrested for *any* felony or found delinquent of *certain* misdemeanors. (§943.325(2)(g))

The DNA sample will be placed in a national database and may be used by law enforcement to identify suspects in a police investigation *at any point in the future*.

Some examples of **felony offenses** are: sexual battery, lewd and lascivious acts, aggravated battery, robbery, burglary, battery on school official, grand theft, and dealing in stolen property.

Some examples of misdemeanor offenses that will require a DNA sample are: stalking (§784.048(2)), voyeurism (having an indecent intent while secretly observing someone) (§810.14), exposing minors to motion pictures that show nudity or sexual activity (§847.013), and committing a crime to further the interest of a criminal gang (§874.04).



Alcohol, Drugs & Tobacco

Alcohol

It is illegal...

- ▶ to purchase or attempt to purchase any alcoholic beverage, if you are under the age of 21. (§562.11(2))
- ▶ to have an alcoholic beverage in your possession even if the container is sealed, if you are under the age of 21. (§562.111)
- ▶ to drive a vehicle while under the influence of an alcoholic beverage. (§316.193)
- ▶ to sell, give, serve or permit the serving of an alcoholic beverage to any person under the age of 21. (§562.11)

What If...

Cody, 15, and Matt, 16, are drinking alcohol under the bleachers at their high school. The school resource officer finds them. *Cody and Matt may be charged with (1) underage drinking and (2) possession of alcohol on school grounds.*

Drugs

It is illegal...

- ▶ to have, sell, give away, offer, make, or arrange to sell any illegal drugs. (§893.13 (1)(a) & (2)(a))
- ▶ to drive on the road or be in a car while under the influence of drugs or any prescription medication that may cause dizziness, mental impairment, or confusion. (§316.193(1)(a)-(c))
- ▶ to have or use drug paraphernalia (equipment intended for use in growing, making, packaging, hiding, transporting, injecting, ingesting, and inhaling drugs) (§893.147 and §893.145). *Illegal paraphernalia may include: bongs, certain pipes, smoking masks, marijuana grow kits, and scales and baggies used for distributing drugs.* (§893.145)
- ▶ to make, plant, grow, produce, pack, store or conceal any illegal drugs. (§893.147)
- ▶ to inhale, ingest, sniff, or possess with the intent to breathe any chemical substance such as inhalants (whippets), glue, or cement with the purpose of intoxication or distorting the senses. (§877.111)

Illegal drugs include: *LSD* (acid, electric kool aid, mellow yellow), *Cocaine* (rock, C, coke, crack), *PCP* (angel dust), *Marijuana* (pot, weed, chronic), *Heroin* (Big H, chiba, china white, smack), *Oxycontin* (hillbilly heroin, Ox), *MDMA* (ecstasy), *Methamphetamine* (crystal meth, speed), *Steroids* (gym candy), *Psilocybin/psilocin* (shrooms, magic mushrooms).

What if...

Ray is stopped by police while driving on 1-75 after taking a few hits of marijuana from his bong in his car. The officer finds the bong and a baggie with marijuana residue on the floorboard of the car. *Ray may be charged with 1) Driving while Under the Influence of Drugs (marijuana) and 2) Possession Drug Paraphernalia (the bong and the baggie).*

Jamie is a soccer player and recently had ACL repair surgery. Her doctor prescribed Percocet (which is a powerful painkiller). Jamie takes the Percocet as prescribed prior to driving to school. *Jamie may be charged with driving under the influence if the Percocet impairs her driving ability.*

BE AWARE

A minor driving under the influence of alcohol or drugs may be issued a citation for Driving under the Influence (DUI). Some of the consequences for minors are the same as those faced by adults and some of the consequences are different:

For a first time violation, an offender may be fined up to \$1000 and/or be ordered to stay in detention for up to 5 days and have their driver's license suspended until their 18th birthday. The court may order additional sanctions, including: traffic school, community service and/or curfew. PLUS, a conviction for DUI will go on the minor's adult criminal history record. (§316.193(2)(a)1, §318.143)

Alcohol and drugs can include cough syrup, anti-histamines, prescribed medication, or mouth wash, if these substances impair driving ability.

Tobacco (Cigarettes or Chewing Tobacco)

It is illegal...

- ▶ to possess tobacco if you are under the age of 18. (§569.11(1))
- ▶ to lie about or misrepresent your age, if you are under 18, in order to purchase or attempt to purchase tobacco from a person or vending machine. (§569.11(2))



Violence

Assault

It is illegal...

- ▶ to threaten another person, on purpose, by word or violent act and cause the other person to be in fear if you have the clear ability to do so. (§784.011)
- ▶ to use a deadly weapon while threatening another person. A person could be charged with aggravated assault with a deadly weapon for displaying an object, like a rock, shoe, or book bag in a threatening manner even if they did not mean to hurt anyone. (§784.021(1)(a))

What if...

Johnny and Jackson are playing baseball. Johnny gets upset. While swinging his bat, Johnny says to Jackson, "I'm going to kill you!" *If Jackson believes Johnny and is afraid of being harmed, Johnny may be charged with aggravated assault with a deadly weapon.*

Battery

It is illegal...

- ▶ to touch someone on purpose without his or her permission. Battery may include hitting, pushing, and even spitting. (§784.03)
- ▶ A person can be charged with aggravated battery if they:
 - ▷ cause great bodily harm to another person
 - ▷ use a deadly weapon while committing a battery or
 - ▷ hit someone who is pregnant. (§784.045)

What if...

Rodney makes a mean comment to Jessica during class. Jessica gets upset and runs out of the classroom. While running out of the room, she pushes past the teacher to get to the door. Because of the way she touched the teacher, *Jessica may be charged with battery on a school board employee.*

Q1

Do you know?

An officer can question a minor outside the presence of his or her parent. However, if a minor is arrested the officer must try to contact the minor's parent and tell them where and why the minor is being held. (§985.101). The minor also has a right to remain silent.

Fighting

It is illegal...

- ▶ for two or more people to fight in a public place. The legal term for this is affray (§870.01). Some examples of public places are parks, schools, sporting events, the mall and restaurants.

What if...

Dante and Marcus go to rival high schools. One weekend, they are at a football game between their high school teams. After a heated argument about the game, they go to the parking lot and fight it out. A big crowd gathers around them. When the police arrive, they cannot figure out who started the fight. *Both Dante and Marcus may be charged with affray.*

Bullying

It is illegal...

- ▶ to bully or harass another student or school employee on school grounds, at a school function, on a school bus, or at a bus stop. Bullying may include: repeated teasing, social exclusion, threatening, stalking, physical violence, theft or destruction of property, and humiliation or harassment about race, sex, or religion. (§1006.147(3)(a))

What if...

Zoe just got a new iphone. She thinks it would be hysterical to embarrass Hanna by taking a picture of her while using the bathroom. From the next stall, Zoe snaps a picture of Hanna on the toilet and posts it on a school blog. *Zoe could be disciplined for bullying and harassment. (§1006.147(2)(a)-(c))*

Violence, cont'd

Hazing and Secret Societies

It is illegal...

- ▶ to organize or join a secret society made up of students that is not authorized by school authorities. (§1006.14)
- ▶ to haze a student by endangering their mental or physical health, even if the organization is authorized by school officials. Hazing may include pressuring a student to break the law, consumption of drugs or alcohol, sleep deprivation, beatings, or embarrassment. (§1006.135(1))

What if...

Michael is a freshman on the high school varsity baseball team. In the locker room on the first day of practice, Raul and Carlos, who are seniors, put “icy hot” in Michael’s jockstrap as a varsity initiation ritual. Coach finds out and alerts the school resource officer. *Raul and Carlos may be charged with hazing.*

Bombs

It is illegal...

- ▶ to make, attempt to make, possess, or set off any destructive device, such as a bomb. (§790.161)
- ▶ to threaten to set off a destructive device, like a bomb, or even a fake bomb. (§790.162; §790.165)
- ▶ to make a false report about a bomb. (§790.164)

What if...

Alex is in his front yard with his friends and they decide to blow up the mailbox with the bomb they made. *Alex and his friends could be charged with (1) making a bomb and (2) destroying a mailbox.*

Fire

It is illegal...

- ▶ to set fire to or burn property such as woods or field (unlawful burning). (§590.28)
- ▶ to set fire to a home, business or anyplace where people are present (arson). (§806.01)
- ▶ to play with a fire alarm. (§806.101).

What if...

Ian and Justin threw firecrackers into a dry farm field located on a road near Ian's house to scare the cows. As a result, the field caught on fire and was completely destroyed. Luckily, none of the cows were injured. *Ian and Justin could be charged with unlawful burning.*

Firearms (Guns)

It is illegal...

- ▶ for a person under the age of 18 to have a firearm. Certain exceptions may apply if the minor is engaged in hunting or marksmanship activities. (§790.22(3))
- ▶ for a person under the age of 16 to use, for any purpose, a BB gun, unless supervised and in the presence of an adult. (§790.22(1))

Weapons

It is illegal...

- ▶ to carry or have any kind of knife, razor blade, or other weapon while on school grounds, the school bus or at the school bus stop. (§790.115(2)(a))

What if...

David brings a nunchuck that he bought over the internet to school to show his friends. *David could be charged with having a weapon on school grounds.*

Do you know?

It is illegal for a minor to have his or her BODY PIERCED or TATTOOED without the written notarized consent of a parent or guardian. (§381.0075(7), §381.00787(2)) A person under the age of 16 must be accompanied by a parent or guardian when having his or her body pierced. (§381.0075(7)) Ear piercing is excluded from this law. (§381.0075(2)(a))



Bad Behavior

Animals

It is illegal...

- ▶ to abandon, be cruel to, neglect, or fail to give enough food, water or exercise to an animal. (§828.12) (§828.13)
- ▶ to capture or take a wild animal as a pet without a permit. (§379.303)

Curfew

It is illegal...

- ▶ for persons under the age of 18 to be in a public place, like a park, between the hours of 11:00 pm and 5:00 am of the following day Sunday through Thursday and 12:01 am and 6:00 am on Saturday and Sunday, and on legal holidays. (§877.22)
- ▶ for a person under the age of 18 who has been suspended or expelled from school to be or remain in a public place, in an establishment, or within 1,000 feet of a school during the hours of 9:00 a.m. to 2:00 p.m. during any school day. (§877.22)

Q7 Disruption of School Function

It is illegal...

- ▶ to interrupt or disturb any school function. (§871.01)

Disturbing the Peace

It is illegal...

- ▶ to make loud noise and act rowdy, such as playing loud music at a party at night, so that it bothers the neighbors. (§877.03)

Fake ID's

It is illegal...

- ▶ to borrow or lend a driver's license or ID. (§322.051(6)(b))
- ▶ to change or alter an ID. (§322.051(6)(a))
- ▶ for a person to display an ID card not issued to the person. (§322.051(6)(c))

What if...

Lauren, 16, uses her 21-year-old sister's driver's license to get into a club. When the police check Lauren's ID she shows them her sister's license and tells them her name is "Jenna." *Lauren could be charged with (1) possessing another persons ID and (2) giving a false name to law enforcement.*

Responding to Law Enforcement Officers (Police)

It is illegal...

- ▶ to refuse to disperse (break up a group) when asked by a police officer. (§870.04)
- ▶ to resist arrest, delay, or obstruct a police officer. (§843.02)
- ▶ to give a false name or ID to a police officer. (§901.36)

What if...

Jamal is riding his bike home from the basketball court when a police officer in a marked police car pulls behind him and turns on the lights and sirens. Unsure why the officer is signaling him to stop, Jamal jumps off his bike and begins to run. *Jamal could be charged with resisting arrest.*

Running Away from Home

It is illegal...

- ▶ to shelter a runaway minor for more than 24 hours without permission from the minor's guardian. (§985.731)
- ▶ Although running away is not a crime in Florida, if police suspect that a minor is a runaway, they may take the minor into protective custody.

Street Racing

It is illegal...

- ▶ to drive or knowingly ride as a passenger in a motor vehicle or motorcycle in a street or drag race. (§316.191)



Property

Theft (Stealing)

It is illegal...

- ▶ to force someone, with threats or actions, to give you their personal belongings. (§812.13(1))
- ▶ to buy or possess something that you knew or should have known was stolen. (§812.022(2) & (3))
- ▶ to take someone else's property, either temporarily or permanently, without getting permission from the owner. (§812.014(1)(a)-(b))

Q₃

Petit Theft is when the item stolen is valued under \$300. (§812.014(2)(e) & (3)(a))

Q₂

Grand Theft is when an item is valued at or over \$300. (§812.014(2)(c))

Burglary (Breaking and Entering)

It is illegal...

- ▶ to enter into a business, house or car with the intent to commit a crime. (§810.02(1)(b))

What if...

Ana and Emily decide to steal Makayla's laptop. Makayla accidentally left her laptop in her locker before her volleyball team left for their game at Rival High. Ana and Emily decide to steal the laptop. The girls enter the locker room through a window. Once inside, they trigger a motion sensor and the police arrive. *Ana and Emily may be charged with burglary (breaking and entering with intent to commit theft), even though they never removed the laptop from the locker.*

Computer Crimes

It is illegal...

- ▶ to hack into, modify, destroy or damage any public data, agency systems, computer or computer network. (§815.04(1) & (2); §815.06)

What If...

Jason is sure he is going to fail physics. Instead of studying, he hacks into the school's computer system to change his grade. The next day, a school administrator finds the security breach and traces the I.P. address to Jason. The school notifies the police. *Jason may be charged with hacking into and altering the school's database.*

Trespassing

It is illegal...

- ▶ to enter or remain in any building or on any property, such as a house, car, or business, without permission. (§810.08)
- ▶ to enter or remain upon school property if the person does not have legitimate business on the campus or the person is currently under suspension or expulsion. (§810.097)

What If...

Jesse has been suspended from school for one week due to disciplinary problems in the classroom. Jesse wants to go to the big basketball game against Rival High on Wednesday night. He goes to the school to watch the basketball game, even though he is suspended. *Jesse may be charged with trespassing for entering school property while he is suspended.*

Criminal Mischief

It is illegal...

- ▶ to damage or injure a building or personal property with graffiti or by other acts of vandalism (destruction of property). (§806.13(1)(a))

What If...

Peter “keys” Coach Brown’s new BMW in the school parking lot, scratching the doors and hood. He also eggs the car and lets it eat through the paint. A school camera catches Peter in the act. *Peter could be charged with criminal mischief.*

Mailboxes

It is illegal...

- ▶ to destroy or tamper (play) with mailboxes or mail. A juvenile who participates in these acts can be charged with criminal mischief. (§806.13(1)(a))
- ▶ to steal property of the US Postal Service.



Consequences

Consequences can come from the judicial system, the school system and elsewhere.

Judicial System

When a juvenile is arrested a Judge must decide where the juvenile should be placed before the next court hearing. This is called detention. The judge will look at a risk assessment instrument, a document which addresses many factors, including prior offenses and probation status, in order to decide where the juvenile should be placed. Two different kinds of detention are:

Secure Detention

This is a locked facility where a minor, who has been arrested for committing a delinquent act, can be held temporarily. The facility is managed by the Department of Juvenile Justice. Minors held in secure detention are physically restricted from leaving the premises and can be held while awaiting trial or placement in a commitment program.

Before a trial even begins, a juvenile can be held in secure detention at a juvenile detention center for 21 days or 30 days if the juvenile is charged with a serious felony offense (§985.26).

A juvenile may be held in secure detention at a juvenile detention center while charges are pending, if the judge finds the juvenile to be at great risk for not returning to future hearing or a great risk to the community (§985.24(1)(a)-(b))

Home Detention

When a minor is arrested for committing a delinquent act he or she may be released to the custody of his or her parents/guardians and required to remain at home under certain conditions, while awaiting trial or placement in a commitment facility. If the minor does not obey the rules he or she may be placed in secure detention.

BE AWARE

Juvenile cases can be TRANSFERRED TO ADULT COURT depending on the seriousness of the crime and the age of the juvenile. This means a juvenile could be “charged as an adult” and face the same consequences as those faced by an adult. (§985.557)

The following are consequences if a minor is sentenced in adult court:

- | | |
|------------------------|------------------------------------|
| 2nd degree misdemeanor | → up to 60 days in jail |
| 1st degree misdemeanor | → up to 1 year in jail |
| 3rd degree felony | → up to 5 years in prison |
| 2nd degree felony | → up to 15 years in prison |
| 1st degree felony | → up to 30 years or life in prison |
| Capital offense | → life in prison (§775.082) |

What If...

Alycia, 17 years old, decides to confront Erica at the school bus stop two days after Erica beat her up. When Erica gets off the bus, Alycia runs towards Erica, pulls out a switch blade and cuts Erica on the neck.

Because Alycia is 17 and she committed a serious, violent offense, Alycia can be charged as an adult and sent to adult prison.

When a juvenile is adjudicated delinquent, (which means the judge has determined the juvenile committed the crime), there are different consequences the judge can require:

Commitment Program

The law says...

- ▶ That juveniles that have been adjudicated delinquent can be committed (or sent to) a Department of Juvenile Justice program or facility. (§985.441)
- ▶ The seriousness and type of offense will determine where and for how long the juvenile will be committed. (§985.441)

Different Kinds Of Commitment Programs:

Minimum-Risk Nonresidential Juveniles stay at home and participate at least 5 days per week in a day treatment program. Juveniles have access to the community.

Low-Risk Residential Juveniles do not stay at home and live in someplace like a host home, group treatment home, and short-term outdoor expedition programs. Depending on their behavior, the programs may allow juveniles to have either supervised or unsupervised access to the community.

Moderate-Risk Residential Juveniles do not stay at home and are placed in secure facilities with 24-hour supervision. Depending on the juvenile's behavior and the court's approval, the juveniles may have supervised or unsupervised access to the community.

High-Risk Residential Juveniles do not live at home and are placed in fenced, locked facilities with 24-hour supervision. Juveniles are restricted from going out in the community – except for necessary activities, like court-appearances and doctor appointments.

Maximum-Risk Residential Juveniles do not live at home and are placed in maximum security facilities with close 24-hour supervision. The minimum stay is 18 months. Juveniles are kept in single cells and their access to the community is supervised and limited to necessary activities.

<http://www.djj.state.fl.us/Residential/restrictiveness.html>

Consequences, cont'd

Probation

The law says... That juveniles that have been adjudicated delinquent can be ordered to complete probation. (§985.435). Probation may include:

- ▶ Payment of restitution (money to compensate the victim)
- ▶ Completion of community service
- ▶ Following a curfew
- ▶ Revocation or suspension of driver's license or
- ▶ Completion of a rehabilitation program, including substance abuse treatment (§985.435(2)(a)-(d) and (3))

BE AWARE

If a juvenile does not comply with their probation, the judge can order new consequences, including commitment to a Department of Juvenile Justice program or facility. (§985.439)

School System

Consequences at school include:

Detention

The law says... That the school may detain (or keep) a student after school for violating school rules or committing a criminal act. (§1003.31)

Suspension

The law says...

- ▶ That the school may suspend a student from school for violating school rules or committing a criminal act. (§1006.09(1)(b))
- ▶ Suspension usually means the student is removed from all classes and school sponsored activities for a period of up to 10 days.

Expulsion

The law says...

- ▶ That the school may expel a student from school for violating school rules or committing a serious criminal act. (§1006.09(1)(c))
- ▶ Expulsion usually means the student is removed from school and school sponsored activities for up to the rest of the school year and one year afterwards.

Transfer School

The law says... That the school may transfer the student to an alternative school or center (a school that provides different teaching methods and curriculum for students with disciplinary problems) if the student has been formally charged with a felony, even for an incident which occurred off school property. (§1003.53)

What If...

Mark was arrested for breaking into neighborhood cars and stealing stereos, a felony. While waiting for his trial, *Mark can be moved from his current school and transferred to an alternative school.*

BE AWARE

If the victim or siblings of the victim attend the same school as the offender, the judge can issue a “no-contact” order, which means the juvenile offender cannot have any contact with the victim or their siblings at school. This could mean the juvenile offender could have to attend a different school or be prohibited from riding the same bus as the victim. (§985.455(2))

Exclusion from extra-curricular activities

The law says...

- ▶ The school may exclude a student from extracurricular activities, either as a participant or spectator, for the rest of the school year if the student violates school rules or the law. (§1006.15(3)(a)4)
- ▶ If a student is found to have committed a felony offense, the student may not be eligible to participate in interscholastic extra-curricular activities as established by district school board policy. (§1006.15(3)(a)4)

Consequences, cont'd

What If...

Antwan was a star wrestler at his high school. Antwan was adjudicated delinquent of a felony battery. As a consequence, *he was excluded from extra-curricular activities. Antwan could not go to football games for the rest of the year and could not participate in wrestling for one year from the date he was adjudicated delinquent.*

BE AWARE

Some schools, including the **University of Florida**, will deny admission to an otherwise qualified person if they do not have a “record of good conduct with school or other officials.” <http://www.admissions.ufl.edu/ugrad/frqualify.html>

Other schools, including the **School of Education at the University of South Florida**, require that juvenile records be disclosed; including juvenile arrests, dismissed charges and sealed records.
www.coedu.usf.edu/main/sas/documents/COEDUMiddleGradesTampaApplication.pdf

Some community colleges require documentation regarding arrests and convictions, including:

GED program AND adult education programs at Florida Community College at Jacksonville. Applicants 16 or 17 years old must submit confirmation from all high schools attended that the individual has not committed the following offenses:

- ▶ Distribution of drugs
- ▶ Simple battery upon school employees or agents
- ▶ Robbery
- ▶ Extortion
- ▶ Burglary of school property
- ▶ Criminal mischief or vandalism
- ▶ Possession of weapons or dangerous objects
- ▶ Indecent public conduct
- ▶ Battery upon another student resulting in bodily harm
- ▶ Inciting or participating in a major student disorder
- ▶ Commission of any felony

For a degree seeking student, **Sante Fe College** requests documentation of the following:

- a.) a copy of your arrest record or incident report
- b.) a copy of the official document verifying you have completed, or are in compliance with, the court ordered sanctions (Criminal History Report).
- c.) a copy of your information (charging document)

Q₈

Do you know your MIRANDA RIGHTS?

- ▶ You have the right to know the charges against you.
- ▶ You have the right to remain silent (you don't have to say anything after you have given your name and address to the police.)

Q₆

- ▶ You have the right to have a lawyer present when you are questioned.
- ▶ The court will appoint a lawyer if you cannot afford one.
- ▶ Anything you say can be used against you in court.

Elsewhere

There can be other consequences as well, including:

Disclosure on College Application

The law says... That depending on whether your record is sealed (closed) or expunged (erased), you may have to disclose your juvenile criminal history record on applications that ask for criminal records. (§943.0582; §943.0585)

Denial of Bright Futures Scholarship

The law says... That a student may be denied the Bright Futures Scholarship if they have been convicted as an adult for a felony offense. (§1009.531(1)(e))

Exclusion from Employment

The law says... That regardless of whether a juvenile record has been sealed (closed) or expunged (erased), it **MUST** be disclosed and may be a barrier to many different jobs, including:

- ▶ Police officer
- ▶ Lawyer
- ▶ Child Care Worker
- ▶ Teacher
- ▶ Juvenile Probation Officer
- ▶ Social Worker

(§397.451, §985.644, §985.045)

Consequences, cont'd

Do you know?

A person could be denied employment in the Army if he or she is adjudicated delinquent and not given a waiver. (Army Regulation 601-210, chapter 4) (2013)

Exclusion from Housing

The law says... A juvenile may not be able to live with someone who lives in public housing or Section 8 housing, if he or she is school aged and does not attend school regularly or has been found truant from school. (§420.633(3))

BE AWARE

- ▶ The housing authority has the discretion to evict a family living in public housing or Section 8 housing if a member of the household, including a juvenile, is arrested, charged or convicted of a crime.
- ▶ If a person is registered as a sex offender, for a crime committed on a person younger than 16 years old, the registered sex offender cannot live within 1000 feet of a school, daycare, park or playground. (§775.215)

Juvenile Criminal History Record

The law says...

- Q₅**
- ▶ With the exception of some sex offenses, a juvenile criminal history record will automatically be expunged (erased) when a juvenile turns 24 or 26 years old if they are not arrested or convicted or adjudication withheld of a felony as an adult. (§943.0515) ***This means the juvenile's criminal history record does not automatically disappear when a juvenile turns 18.***
 - ▶ Even when a juvenile's criminal history record is sealed (closed) or expunged (erased), criminal justice agencies like the FBI and the court system keep copies of juvenile records for future criminal cases and employment background checks in government work, child care, the military and law enforcement. (§943.0585) ***This means that a juvenile's criminal history record is not entirely private or confidential.***

Prohibition on Firearms

The law says... If a juvenile is adjudicated delinquent of a felony charge, he or she cannot lawfully have a firearm until the age of 24. If a person is prohibited from carrying a firearm they will not be allowed to get a job that requires them to carry a firearm.

Glossary

Acquit – when a judge decides the defendant is not guilty of the charges.

Adjudicate – when a judge decides the defendant is guilty of the charges brought against him or her.

Adjudication – a judicial ruling or finding.

Capital Offense – an offense that is punishable by the death penalty. Minors are not allowed to be sentenced to death. If a minor is found guilty of committing a capital offense the maximum punishment that he or she could face is life in prison.

Commitment Program – a facility where a minor is placed if a judge determines that the minor committed a delinquent act and is not appropriate for probation.

Consequence – something that follows from an action or condition.

Defendant – a person who is charged with a delinquent act.

Defense Attorney – a lawyer who defends a person against charges brought by the state attorney. This person can be a Private Attorney or Public Defender.

Delinquent – a person who fails to do what the law requires.

Delinquent Act – an illegal act committed by a person under the age of 18 who has not been sentence as an adult for a felony.

Detention – the status of a person who is temporarily detained or held in custody per a judge's order.

Detention Center – a facility where minors are securely held while waiting for a court hearing or placement in a commitment program.

Felony – a serious criminal offense that can be punishable by over a year in prison.

Judge – a person who presides over the proceeding and adjudicates a person delinquent or acquits them of their charges at the end of the proceedings.

Juvenile – a person who is not considered to be an adult; a person under 18 years old.

Juvenile Justice System – the system designed to deal with minors who break the law.

Glossary, cont'd

Juvenile Probation Officer – an official who is charged with the responsibility of supervising juvenile delinquents.

Minor – a person who has not become an adult.

Misdemeanor – a criminal offense that can be punishable by less than a year in jail. These offenses are less serious than felony offenses.

Plea – a formal answer from the defendant about whether they committed the delinquent act.

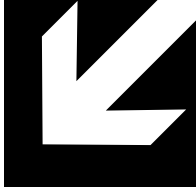
Plea Agreement or **Plea Deal** – an agreement between the state attorney and the defendant that usually requires the defendant to follow certain conditions in order to obtain a reduced punishment.

Probation – a period of time when a person is allowed to remain in the community to complete conditions ordered by a judge. The person is supervised by a juvenile probation officer.

Risk Assessment Instrument – a document that a Judge uses to decide if a minor should be placed on detention status. This instrument addresses many factors including prior offenses and probation status.

Sentence – a punishment a defendant receives if a judge adjudicates them delinquent.

State Attorney – a lawyer who brings charges against a person and attempts to prove those charges are true at a trial. This person is also known as the “prosecutor.”



YOUR FUTURE, YOUR CHOICE

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The mission of the Center on Children and Families is to promote the highest quality of advocacy, teaching and scholarship in the areas of child & family law and policy.

The Center goals are to 1) promote quality scholarship on issues of importance to children and their families 2) train a new generation of advocates for children and their families 3) educate children about their rights and responsibilities in a free society 4) promote interdisciplinary and child-centered methods for studying systems serving children and their families.

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The law that is referenced in this handbook is Florida Statutes 2013. Notations to the Florida Statutes are noted using the section symbol (§) followed by numbers (i.e § 985. 24).

This handbook does not serve as a substitute for legal advice. If you are arrested or become involved in the Juvenile Justice System in any way, please consult an attorney.



www.law.ufl.edu/centers/childlaw
www.law.ufl.edu/yourfutureyourchoice