



The Missouri Bar Citizenship Education

JUVENILE JUSTICE IN MISSOURI

Lesson Plan

(Prepared by Millie Aulbur of The Missouri Bar)

Grade level(s): 6-12

Objectives: To familiarize students with juvenile law in Missouri.

To make students aware of their rights and responsibilities as juveniles.

Materials needed: Sufficient handouts. The teacher may also want to obtain a copy for each student of the brochure, *Juveniles and the Law*, available at no charge from The Missouri Bar, P.O. Box 119, Jefferson City, MO 65102, 314 635-4128.

Steps:

1. Explain to the students that they are going to explore some of the basic concepts of Missouri's juvenile laws.
2. Distribute Handout #1, *Opinion Poll on Juvenile Justice in Missouri*. Ask the students to complete it carefully. Explain that this is an ungraded exercise and they need not put their names on the paper.
3. After the students have completed the juvenile justice poll, ask one student to serve as a secretary and one student to serve as the clerk. As a class go through each item on the poll. Ask how many students agree, disagree or have no opinion with each statement. Have the clerk count the number of each response and have the secretary record them on the board. Discuss each statement and provide the following information:

Statement #1: A juvenile or minor is anyone under the age of 17.

It depends. Under Missouri law, it depends upon the circumstance as to when someone is a juvenile. Usually anyone under 18 years of age is considered a juvenile. However, anyone 17 or older who is charged with a crime

will be considered an adult and tried as one. Consider the following:

1. You must be 21 to possess, use, or buy alcoholic beverages.
2. You must be 21 to serve on a jury. (Missouri is only one of two states that do not allow jury service at age 18.
3. You must be 18 to get married without your parents' permission. If you are under 15, you must receive permission from a judge to get married.
4. You may vote at 18.
5. At age 18, you may sue someone in court and someone may sue you.
6. You may make a will, sign a contract and sign a lease at age 18.
7. At age 18, if you are a male, you must register for military service.
8. You must be at least age 18 to consent to your own medical treatment. If you are under 18 years of age, you must have your parents' permission for any kind of medical treatment, including abortion. There are a few exceptions to this law. Some hospitals or clinics allow you to consent to your own testing and treatment for pregnancy, sexually transmitted diseases, drug and alcohol abuse, or AIDS at any age. Others allow you to consent to your own treatment only if you have reached age 13. If you are younger than 18 but are married or in the military, you are considered emancipated, or on your own, and you may seek medical treatment without your parents' permission.
9. At 15 you may get a special license to drive with your parents or guardian. At age 16, you may get a conditional driver's license. At age 18, an intermediate driver's licensee who has had no alcohol-related offenses for one year may apply for and receive an unconditional license without additional testing. However, if the person upon reaching the age of eighteen years has had his/her intermediate driver's license and driving privilege denied, suspended, canceled or revoked in Missouri or any other state for any reason, the person may not apply for a full driver's license until such license or driving privilege is fully reinstated.
10. Age 15, you are treated as an adult under Missouri's traffic laws and will go to a regular traffic court if you violate a traffic law.
11. At any age, if you are the victim of a crime, you have the right to be paid for damages done to you and to attend any hearings and trials about a case arising from the crime. If the person who committed the crime against you is a juvenile, you may attend the hearings in juvenile court. If the person who committed the crime against you is an adult or will be

tried as an adult, you may go to the hearings and the trial in circuit court.

Statement #2: Hitchhiking, although dangerous, is not a crime.

True statement. Hitchhiking, per se, is not a crime in Missouri on Missouri highways. However, the Missouri Highway Patrol routinely checks on all hitchhikers and, if they are juveniles, returns them to their homes. Furthermore, the juvenile authorities could charge a juvenile with a "status" crime. A status crime is an act that is not a criminal act for an adult but is for a juvenile. For example, running away from home is a status crime. Thus, if a hitchhiker were a runaway, he/she would be breaking the law. Another status crime is acting in a way that is injurious to one's health. In some instances, hitchhiking might be considered injurious to one's health. Notes: Although not illegal, the teacher may want to stress the perils of hitchhiking. Students may point out that the signs posted at every access to interstate highways expressly forbid hitchhiking. This is an excellent opportunity to explain that interstates are federally funded and, therefore, federal laws govern them.

Statement #3: It is not a crime to set an abandoned house on fire.

False statement. Burning a building, even an abandoned one, is Second Degree Arson, a Class C felony, Section 569.050 RSMo 1994. An adult convicted of a Class C felony can be imprisoned up to seven (7) years and fined up to \$5,000. At this point, the judge should explain that any act that is a crime for a person seventeen (17) and over is also a crime for a juvenile. There are also other crimes involving burning. Under 569.055, a person is guilty of a Class D felony if he/she knowingly burns or causes an explosion that damages another's property. A Class D felony is punishable by a prison sentence of up to five (5) years and a fine of up to \$5,000. Under 569.060, 569.065 and 569.067, other acts of burning are prohibited. Discussing these crimes certainly impresses upon students that pranks with fires or fireworks can constitute criminal behavior.

Statement #4: If a juvenile is convicted of possessing either alcohol or illegal drugs, it is up to the judge whether the juvenile loses a driver's license for one year.

False statement. Missouri's Abuse and Lose It Law (Section 577.500 RSMo 1994) clearly states that anyone who is found guilty of or pleads guilty to any alcohol or drug related offense shall have his/her license revoked for one year. In other words, the judge must revoke the license

of anyone is found guilty of any drug or alcohol related offense and who is under twenty-one years of age. Alcohol and drug related offenses include consumption of, sale of, or possession of alcoholic beverages and illegal drugs.

Statement #5: When a juvenile is stopped by a police officer, the juvenile has the right to remain silent and ask for an attorney.

True statement. When a juvenile officer or a law enforcement officer takes a juvenile into custody, the officer must read the juvenile his Miranda rights, which include the right to remain silent and the right to an attorney.

Authorities may keep a juvenile in custody only 24 hours before filing a petition. A petition alleges that the juvenile has committed an offense.

Statement #6: It is not a crime to hide a stolen item for a friend if you have not participated in stealing that item.

False statement. Under Section 570.080, RSMo 1994, it is a Class C felony to receive stolen property. Hiding such property would come under this crime. This would be a good time to stress to the students how riding in a stolen car, being with others who have stolen items, etc. can lead to trouble with the law even if he/she is not involved with the actual crime.

Statement #7. Throwing rolls of toilet paper in someone's yard for fun or smashing Halloween pumpkins is against the law.

True statement. These are common pranks among teenagers and appear harmless. However, several communities are cracking down on these kinds of actions. There are several offenses these actions could come under. First, littering is against the law. Section 577.070, RSMo 1994. Second, trespassing is against the law. Section 569.160.

Statement #8. A juvenile must be at least 14 years old before the court can try him/her as an adult for committing a crime.

False statement. This was the law until the 1995 session of the Missouri Assembly. Now at any age, if you are alleged to have committed a serious offense such as murder, sale of drugs, robbery, rape, or assault, or if you are a repeat offender, the juvenile court may certify you an adult and transfer you to the adult criminal system. At age 12, the juvenile court may also certify you as an adult for other serious crimes, such as stealing a car, drug possession, and carrying a weapon. (Explain to the students that they will learn what is meant by "certify as an adult" in subsequent lessons.)

Statement #9: The judge must treat all juvenile offenders equally.

False statement. Suppose two 15-year-old boys are brought before the judge. Both have been accused of stealing a car. The judge has several options available for dealing with the juvenile. For example, the judge can return the juvenile to his home in the custody of his parents with visits to be made to the home regularly by a juvenile officer. The judge can return the juvenile to the custody of his parents with the agreement that the parents and the juvenile visit a juvenile center periodically for counseling the judge can place the juvenile in foster care. The judge can place the juvenile in a group home or place the juvenile in a juvenile detention center or other institution. In deciding what to do with the juvenile car thieves, the judge will consider each boy's attitude, number of times he has been in trouble, his school record, his family life and the kinds of friends he has. Unless each boy has the exact same background, it is unlikely that the judge will dispose of the cases in the same manner.

Statement #10: At age 17, all juvenile records are destroyed and a juvenile offender begins adulthood with a clean record.

False statement. At age 17, a juvenile offender may ask the court to destroy juvenile records but the court does not have to destroy the records. The records may be used by the military to refuse admittance into military service. Probation officers may use the records in the event the juvenile offender commits crimes as an adult. The records may surface in a background check for someone wanting to become a lawyer or FBI agent. The records may be used for impeachment purposes at a trial. Indeed legislators every year consider making the juvenile record less confidential. For example, for years, the names of juvenile offenders were kept strictly confidential. Now the victim and the victim's family have the right to know the name of the juvenile offender. They have the right to attend the hearing where the judge makes a decision about the disposition of the juvenile's case, and to speak at the hearing about the impact the juvenile's actions have had on their lives.

Statement #11: Anyone with any kind of driver's license is treated as an adult under Missouri's traffic laws.

True statement. The juvenile court does not have jurisdiction over juveniles who violate traffic laws. The State of Missouri has decided that anyone who has attained the age of 15 $\frac{1}{2}$ is responsible enough to drive. Therefore, for the purposes of all laws related to driving, anyone over 15 $\frac{1}{2}$ is considered an adult and will appear in regular

traffic court. (See 211.031 (3). However, if a juvenile is charged with a felony related to driving such as vehicular manslaughter, the juvenile will be referred to the juvenile court.

Statement #12: Having a switchblade handy under the car seat is a crime.

True statement. Under Section 571.030, RSMo 1994, having a weapon--something capable of lethal use--on your person or having such items readily available such as under your car seat, in a glove box or in a console case constitutes the crime of unlawful use of a weapon.

Statement #13: Skipping school may make my parents angry but it is not against the law.

False statement. Children between the ages of 7 and 16 must be in school (See Chapter 167 RSMo 1994). If a juvenile is caught "skipping" school, the juvenile may be charged with the "status" crime of truancy.

Statement #14: A judge may not place a juvenile offender in a juvenile detention center the first time the juvenile commits a crime.

False statement. No one who commits a crime is entitled to "one bite of the apple." If a judge determines that a juvenile would benefit from being placed in a detention center, even if the juvenile has never been in trouble before, the judge has the discretion to do so.

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