

MEMO

TO: *To My Valued Clients*

FROM: *Kimberly McCary**

**Board Certified in Juvenile Law by the Texas Board of Legal Specialization*

** Member of the College of the State Bar of Texas*

P.O. Box 493, Lewisville, Texas 75067

Office 972/436-3574

Fax Number 972/436-0122

RE: *Specialized consequences for sexual offenses*

This memo is intended to serve as a reference guide for juvenile sexual offenses. Typically these offenses involve sexual assault, aggravated sexual assault, indecent acts, or indecent exposures. Most people know that adults jailed or put on probation for sex offenses must register as sex offenders. Many people do not know, however, that sex offender registration – including full internet registration – is applicable to juvenile cases. In order to attempt to avoid sex offender registration or minimize its requirements, you must know the following:

1. If a child pleads “true” or is found “true” by a jury of a covered sex offense, he is presumed to have to register as a sex offender.
2. The attorney **MUST** file the appropriate motion with the court in order to try to prevent his automatic registration. It is imperative that you retain an attorney that is well versed in this area of law.
3. If the proper motion is filed, the Judge has four options:
 - a. deny the motion and require registration;
 - b. grant the motion and excuse all registration;
 - c. grant the motion in part and order the child to register with local authorities but not on the internet; or
 - d. defer the decision until the child completes sex offender counseling. That is, as part of probation, the child is ordered to complete a sex offender counseling program. If she does so, she is presumed not to have to register as a sex offender. The burden then shifts to the prosecuting attorneys to file their motion and ask the court to require registration in spite of successful counseling.

4. If a child is charged with a covered sexual offense for which registration is a possibility, it is obviously extremely advantageous to attempt a plea bargain with the state wherein the child pleads to an offense not covered by sex offender registration laws. In such a scenario, as part of the agreement, the child often accepts the specialized sex offender terms and conditions of probation provided for in the Juvenile Justice Code (JJC), including counseling. I can in no way guarantee such a result. However, if such a result is achieved, the child WILL NOT have to register as a sex offender.

Notice to Clients: The State Bar of Texas investigates and prosecutes professional misconduct committed by Texas attorneys. Although not every complaint against or dispute with a lawyer involves professional misconduct, the State Bar Office of General Counsel will provide you with information about how to file a complaint. For more information please call 1-800-932-1900. This is a toll free phone call.