



# **INS AND OUTS OF JUVENILE SENTENCING**

**Presented By: Lauryn Tully**

# OVERVIEW

1. Understand the different penalties associated with juvenile delinquency cases.
2. Review different categories of special offenders and sentence enhancers to discuss potential penalties.
3. The GAL Role in sentencing.
4. Collateral consequences, alternative sentencing options, and expungement.

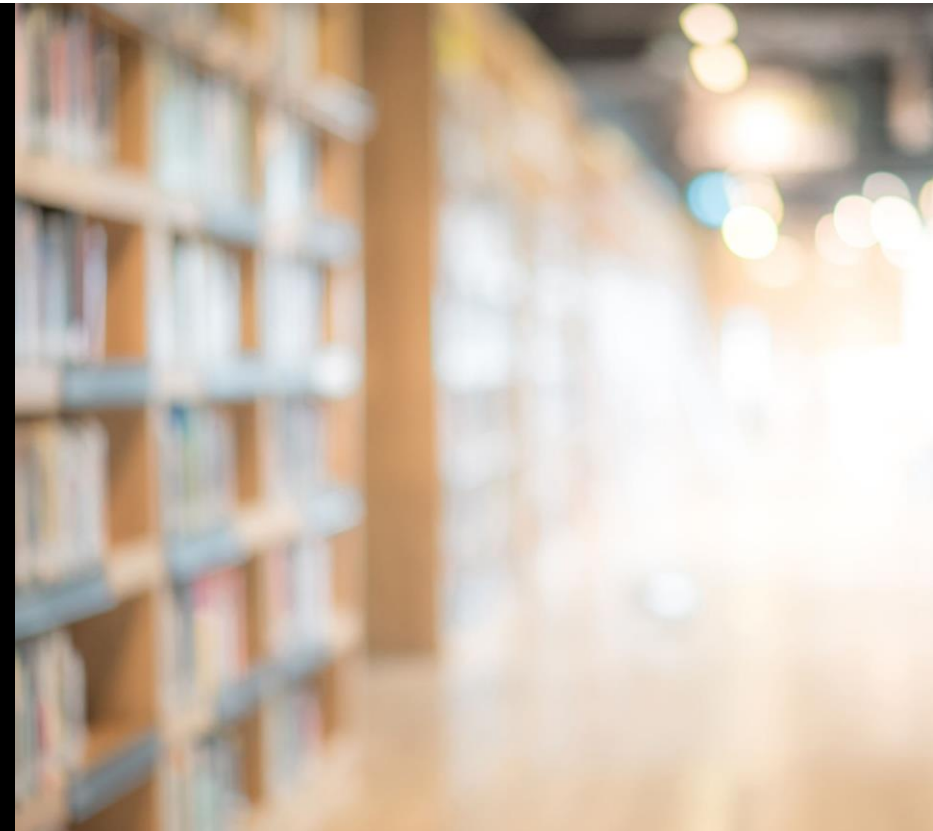


# **STANDARD PENALTIES**

- Probation 0-2 years (19-2.5-1106)
- Detention up to 45 days (19-2.5-1113)
- DYS commitment up to 2 years  
(19-2.5-1117(1)(a))
- Hospital or other facility (19-2.5-1114)
- Restitution (19-2.5-1104)

# OVER 18

- Probation 0-2 years
- DYS commitment up to 2 years  
if under 21
- Jail up to 6 months
- Community Corrections up to 1 year



# MANDATORY DETENTION

- Juvenile Possession of a Handgun (M2)- mandatory 5 days
- COV- use/possessed & threatened to use a firearm weapon
- Until presumption of danger is overcome

# SENTENCE ENHANCERS (SE)

- **Aggravated Juvenile Offender 19-2.5-1125, 19-2.5-1127**
  - **DYS up to 5 years**
- **Violent Juvenile Offender 19-2.5-1125, 19-2.5-1126**
  - **1 year out of home placement**
  - **If 18 years old- jail or Com Cor up to 2 years**
- **Repeat Juvenile Offender 19-2.5-1125, 19-2.5-1126**
  - **1 year out of home- UNLESS court finds alternative sentence is appropriate**

# GAL ROLE AT SENTENCING

- Ensure a youth is advised
- Ask for specific orders regarding probation if terms up to the Court
- Advocate for youth if going to DYS through evaluation period



# COLLATERAL CONSEQUENCES



- Sex Offenses
- College/School
- Youth Sports
- Gun Ownership
- Job Applications



# OTHER CONSIDERATIONS

## ALTERNATIVE SENTENCES

- Diversion
- Deferred Adjudication
- Neighborhood Justice Center (NJC)
- Restorative Justice

## EXPUNGEMENT

- Not Eligible
  - Having pending matters
  - COV
  - Felony Sex Offense

# DON'T FORGET...

- GRID
- Pd juvenile collateral consequence guide
- Litigation toolkit
- CJD



# THANK YOU

Lauryn Tully

Lauryn@LTullyLaw.com

719-297-5500