

YOU AND THE LAW

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STATE BAR OF MICHIGAN
Public Outreach Committee and Michigan Lawyers Auxiliary

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FOREWORD

The State Bar of Michigan offers this booklet to help you be aware of your rights and responsibilities under the law and to be a responsible citizen of Michigan and the United States. It is specially designed to tell you about areas of the law that are of special concern to young people.

As someone who will soon be a young adult, it's important that you understand the impact of the law on your everyday life. As you continue on your journey into adulthood, you'll be faced with lots of choices and decisions, and you need to understand the rights guaranteed you by the law, the responsibilities you will be assuming, and the consequences imposed by law, in order to make the best choices as a citizen. We hope you will find this booklet a handy resource in answering some of your law-related questions as you face this exciting, and sometimes challenging, time of your life.



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Remember, this book presents a simplified picture of the law and what it means to you. It is necessarily general and can’t take account of all the facts in a particular case, so it is not a do-it-yourself guide for handling actual problems with the law. Most legal problems require the help of an attorney who is trained to deal with them. If you ever think you have a legal problem, talk it over with your parents or guardian.

INTRODUCTION -WHAT IS LAW?

Law is a set of rules designed to help people get along with each other. We need rules to live and work together in peace and safety.

If we break a rule at home or at school, we are punished in some way. The reason is not to make the rule breaker “pay” for disobeying the rules, but to show that it is not worthwhile to break a rule. If there were no punishment, some might think that there’s no good reason to follow the rules.

The law works the same way, for the same reason. But there’s one big difference between rules at home and the law: If you break a rule at home, your parents may ask, “Why did you do it?” and your reason may make a difference in what they do about it. If you break a law, your reason won’t make much difference. If you tear down the highway at high speed because you’re angry about a fight with a friend, you are putting other people’s lives and property in danger. The law won’t ask, “Why are you speeding?” Your reason doesn’t matter. All that matters is that you endangered others by speeding, and for that you will be punished, so that the next time you’re angry, you’ll stop and think before jumping into the car and tearing off.

Another difference between rules at home and the law is the “record,” which is a list of offenses. In many cases, the law protects juveniles (anyone under 17) by making their records nonpublic. The reason for a record is to protect all the people against a person who breaks the law more than once. A record may be very important to you; a careless or thoughtless act now could hurt you later when you want a good job, want to be bonded, to get a security clearance, or enter college or the armed forces.

There is an enormous body of laws in a society as complex as ours. Even lawyers and judges cannot memorize all the law, but everyone should remember the purpose of the law: to protect the safety, peace, and property of each of us.

DRIVERS' LICENSES



Can I get my full driver's license when I am under 16 years of age?

Michigan has a three-tiered, graduated licensing system for persons under 18 years of age. The graduated licensing system ends for drivers when they reach age 18. In unusual family hardship or special-need situations, a minor restricted license may be given to someone between the ages of 14 and 18 who has passed segment 1 of an approved driver's education course.

When can I obtain my Level 1 license?

A teenager at least 14 years and 9 months of age is eligible for a Level 1 license. A Level 1 license only allows the teenager to drive when accompanied by a licensed parent, licensed legal guardian, or with a licensed driver over the age of 21 designated by a parent or legal guardian.

What are the requirements for a Level 1 license?

Not only must you be at least 14 years and 9 months old, but you must also complete segment 1 of a driver education course approved by the Michigan Department of Education, which includes six hours of driving instruction. In addition, you must meet the following requirements: (1) provide proof of identity, (2) pass a vision test and meet health standards prescribed by the Michigan Secretary of State, and (3) obtain written approval from a parent or legal guardian. You will be required to drive under Level 1 status for at least six months.

What is a Level 2 license?

A person at least 16 years of age can drive without supervision except from midnight to 5 a.m. Driving is only permitted from midnight to 5 a.m. if you are driving to and from employment or if driving with a parent, legal guardian, or a licensed driver over age 21 designated by your parent or guardian.

What requirements must I satisfy to obtain a Level 2 license?

You must be at least age 16 and pay a fee. You must also complete segment 2 of a driver education course approved by the Michigan Department of Education. In addition, you must have no convictions/civil infractions, license suspensions, or accidents during the 90-day period immediately before applying for a Level 2 license.

Must I have additional behind-the-wheel time and take a road test for a Level 2 license?

Yes. You must complete a minimum of 50 hours of behind-the-wheel driving, including 10 hours of nighttime driving. Your parent or legal guardian must certify your hours. You must also pass a road test given by an independent testing agency.

When can I get my Level 3 license with full driving privileges with no restrictions?

You must be at least age 17 and hold a Level 2 license for at least six months. You also must complete 12 consecutive months of driving without a moving violation, an at-fault crash that resulted from a moving violation, a license suspension, or a violation of the graduated license restrictions. The 12 consecutive months can consist of six months at Level 1 and six months at Level 2.

Can my parent or guardian stop me from driving after I'm licensed?

Yes. Until you reach age 18, the person who signed your application may have your license cancelled by writing the Michigan Department of State.

What if I change my license, lend my license, or provide a false license?

If you alter your license in any way, it can be suspended for up to a year. You could face a fine or jail. Also, you should never lend your license. If you display a false license or give false information regarding your identity to a police officer, your license can be suspended.

Do I need a special permit to drive a motorcycle?

You need a motorcycle endorsement on your driver's license to operate a motorcycle on public roadways. If you are under 18, you must first be a licensed driver, then pass a motorcycle safety course and special written and skill tests on your motorcycle. If you need practice before taking the skill test, you can get a motorcycle instruction permit.

What does it mean to have a "suspended" driver's license?

Your driving privileges may be suspended, or put on hold, temporarily or permanently, for various reasons. Usually, a person's license is suspended by a district court because he or she failed to pay a traffic ticket. Or, the Secretary of State may suspend a person's driver's license for failure to pay a driver responsibility fee or reinstatement fee, conviction of a drug or alcohol crime, or failure to pay a financial-responsibility judgment. If your driver's license is suspended and you drive, you could be charged with "driving while license suspended," a misdemeanor crime punishable by up to 93 days in jail or a fine of up to \$500 or both, plus two points on your master driving record and a \$1,000 driver responsibility fee.

What happens if I fail to pay a traffic ticket?

You should *never* ignore a traffic ticket. It won't go away, and, if you don't pay it or request an informal hearing within the time allowed, one or more of these things will occur: (1) late fees may be added, (2) your driver's license may be suspended, (3) a bench warrant may be issued for your arrest, and (4) a driver responsibility fee may be assessed by the Secretary of State.

What is a driver responsibility fee?

This is a fine assessed by the Michigan Secretary of State for various offenses, in addition to court fines and costs. These fines can be quite high, e.g., for driving while license suspended, the total driver responsibility fee is \$1,000; for operating a vehicle while impaired, it is \$1,000; and for driving without proof of insurance, it is \$400.

Mopeds, Gopeds, and Pocket Bikes

What is a moped?

A moped is any two- or three-wheeled motorized vehicle that has an engine with 2 or less brake horsepower, and which cannot travel more than 30 mph. Minibikes that meet those requirements are considered mopeds. To be legally operated on the road, a moped must meet several requirements. Among them, it must have a seat, a headlamp, a horn, a stoplight, a rearview mirror, and brakes on both the front and rear wheels.

Do I need a license to operate a moped?

Mopeds may be operated by those with a valid driver's license, or those who obtain a special restricted moped operating license. You must be 15 years old to obtain a moped operating license from the Secretary of State.

Do I need to register my moped?

Yes. Owners of mopeds must obtain proper registration from the Secretary of State. The registration fee is \$15, and the registration lasts three years.

Am I required to wear a helmet?

Michigan law requires all moped riders under the age of 19 to wear an approved motorcycle helmet.

Can I take a passenger on my moped?

No. Michigan law prohibits more than one person from riding on a moped at a time.

Where can I drive my moped?

Mopeds may be driven on public roads, as long as they have the required equipment, are registered, etc. They may not be driven on sidewalks or on limited access highways. You are required to ride as near to the right side of the road as possible.

Where can I drive my goped?

A goped, while not specifically defined in the Michigan Vehicle Code, does fall under the definition of a moped. Because gopeds are not equipped with the required equipment (see above), they cannot be legally driven on the roadway. Also, because they are motor vehicles by definition, gopeds cannot be driven on a sidewalk constructed for use by pedestrians.

What is the law governing pocket bikes?

If a “pocket bike” has an engine displacement of 50 cc’s or less, produces 2 brake horsepower or less, is capable of a top speed of no more than 30 mph, and the operator is not required or allowed to shift gears, it may be legally classified as a moped. The operational and equipment requirements for mopeds are listed above. Most pocket bikes will not meet these requirements and therefore will not be street legal. If a pocket bike has an engine displacement greater than 50 cc’s, it is classified as a motorcycle. Again, most pocket bikes will not meet these requirements.

TOBACCO

The purchase of tobacco products by a minor under 18 years of age and the provision of tobacco products to a minor are prohibited by the Youthful Tobacco Act of the State of Michigan. A minor unlawfully purchasing or using tobacco products is subject to criminal penalties.



ALCOHOL

Any drink that is at least 1/2 of 1 percent alcohol by volume is considered an alcoholic beverage. This includes beer, wine, and “fermented liquid.” No one under age 21 is allowed to possess or consume an alcoholic beverage.



Any person who sells or gives alcoholic beverages to a minor is committing a misdemeanor punishable by up to 90 days in jail or a \$500 fine or both.

The seller is responsible for determining that you are 21 or older and can insist that you prove that you are over 21 by showing a driver's license, draft card, or birth certificate.

Anyone under 21 who shows false evidence of age or identity to buy alcohol is guilty of a misdemeanor. In addition to criminal penalties, your driver's license will be suspended for 90 days. Similar penalties are imposed on anyone who "lends" you identification to lie about your age.

Any person who is intoxicated in a public place and directly endangers the safety of either another person or property or causes a public disturbance may be arrested, regardless of age.

In 2004, Michigan adopted one of the toughest "minor in possession" (MIP) laws in the nation. Now, being "in possession" of alcohol includes having "*any bodily alcohol content.*" That is the same language that was used in the zero tolerance law for a minor driving a car (see "Drunk-Driving Law"). The only exceptions are for persons aged 18 or older who can prove that they consumed alcohol legally in Canada or Wisconsin, or for certain uses of alcohol for sacramental purposes. In addition to giving judges the power to sentence minors with a prior MIP conviction to jail time if they fail to pay a fine or complete treatment, screening, or community service ordered, the new law also sets up a statewide system for tracking MIP offenders. The law allows, but does not require, judges to discharge and dismiss a first offense if the MIP completes all conditions of probation.

You must be 18 or older to work in a bar, restaurant, lounge, or party store, unless you work under the "direct supervision and control" of your parent or guardian. At 16 or 17, you cannot actually sell or serve alcohol. Before age 17, you may not enter a place where alcoholic drinks are sold unless you work there or are with a parent or guardian.

Drunk-Driving Law

It is against the law for anyone to drive a motor vehicle while under the influence of alcohol or drugs, or with a blood alcohol content of .08 percent or more. Michigan has recently enacted extremely tough laws applicable to minors who unlawfully possess or consume alcohol while driving.

Anyone under 21 who knowingly transports or possesses alcohol in a motor vehicle, *or is a passenger* in the motor vehicle, *regardless of whether the alcohol has been opened*, is guilty of a misdemeanor punishable by 90 days in jail or a \$500 fine or both, plus community service and substance abuse assessment and treatment. You can be arrested and placed in jail, and your vehicle is subject to impoundment. Your license will be suspended, too.

Anyone under age 21 who consumes alcohol on a public highway may, in addition, be sentenced to 90 days in jail or a \$500 fine or both. Note that *you need not be in a vehicle to be charged with this offense*.

Anyone under 21 who operates a vehicle on a public highway, in a place open to the public, or in a parking lot while having a blood alcohol content of .02 percent (this is less than you would have after one beer) but less than .08 percent, regardless of the source, or having any presence of alcohol resulting from consumption of alcoholic liquor, is guilty of a misdemeanor and subject to 360 hours of community service or a \$250 fine or both, and a requirement to participate in rehabilitative programs. If a minor under age 16 is in the vehicle, the sentence is one or more of 93 days in jail, 60 days of community service, and a \$500 fine. These penalties are just as severe as those applicable to adults for operating while visibly impaired or intoxicated.

Anyone, regardless of age, who causes death while operating a motor vehicle under the influence of a controlled substance or alcohol, while having a blood alcohol content of .08 percent or more, or with any amount of cocaine in his or her body, is guilty of a felony punishable by 15 years in prison.



WORK AND EMPLOYMENT

Do I need a permit to work?

Yes, generally if you're under 18. People 18 and older, and those 16 and older who have graduated from high school, or 17 and older who have passed the general education development test, are not required to have a work permit. You do not need a permit for such jobs as babysitting, delivering newspapers, or working for your parents, regardless of age.

How do I get a work permit?

There are two types of work permits: one for those between the ages of 11 and 15, and one for those 16 and older. Both types can be obtained from your school counseling office at any time. You must show an ID such as a birth certificate, passport, school record, or green card and have the employer fill out the type of work, hours, and wages. The original permit must be filed with the employer before beginning the job. Only a few types of work are allowed if you are under 14, such as newspaper delivery, fundraising, parent business, work study, or some farm occupations.

What does a permit cost?

Nothing.

Is there a limit on how many hours I can work?

Ages 11-15: You may not work more than six days a week. You may not work more than eight hours a day and not more than 40 hours a week on *non-school* days. You may not work more than three hours a day on a school day.

On school days, you may work between 7 a.m. and 7 p.m. On non-school days, you may work between 7 a.m. and 9 p.m. You may not work during school hours.

Ages 16-17: You may not work more than six days a week. You may not work more than an average of eight hours a day during one week. You may not work more than 48 hours in one week or 10 hours in one day (combined work and school).

On school days, you may work between 6 a.m. and 10:30 p.m. On non-school days, you may work between 6 a.m. and 11:30 p.m.

Teenage workers are entitled to a 30-minute break or rest period for every five hours worked.

What should I be paid?

Minimum hourly wage is \$7.15 (after July 1, 2008, that wage rises to \$7.40 an hour). However, the minimum hourly training wage for the first 90 days is \$4.25, and after the first 90 days at the minimum training wage, workers ages 16-17 can be paid an hourly wage equal to 85 percent of the minimum wage. The minimum wage for tipped employees is \$2.65, as long as tips bring the wage to the applicable minimum wage for the tipped employee's age. The minimum wages change periodically.

What must the employer do?

Employers must keep the work permit and the proof of parent permission, record the hours per week a teenager works, and supervise minors.

Can I work anywhere that I can get a job?

No. There are special rules for teen employees in businesses serving alcohol. Employees under 17 years of age may not drive motor vehicles on public roads as part of their jobs. There are prohibitions or restrictions for dangerous jobs.

How do I get more information?

You may also be subject to federal rules that may be more restrictive than the Michigan rules, such as work hours and permitted occupations.

For federal rules and complaints:

**U.S. Department of Labor–Employment Standards
Administration
Wage and Hour Division–Child Labor**

Detroit: 211 W. Fort Street, Suite 1317, Detroit, MI 48226; (313) 226-7447

Grand Rapids: 2920 Fuller N.E., Suite 100, Grand Rapids, MI 49505; (616) 456-2004

Troy: 5700 Crooks Road, Suite 310, Troy, MI 48098; (248) 226-6935



SCHOOL

Do I have to go to school?

Yes. Between the ages of 6 and 16, you must attend school unless you are excused for a special reason, such as illness. Also, your parents have the right to demand that you go to school as long as you are living with them.

Do I have to go to a public school?

No. You may attend a private school that meets the requirements of Michigan law.

What might happen if I play hooky?

If you repeatedly skip school, you can be required to attend a school for truants. You can also be required to appear before a family court judge.

What happens if I don't obey school rules?

If you disregard school rules, you can be suspended or expelled. *Suspended* means that you cannot attend school for a certain period of time. *Expelled* means “kicked out,” and you may not be permitted to return to the particular school.

Can I work and attend school part-time?

Most school districts have part-time vocational schools and occupational training programs that allow students under the age of 17 to work while attending school part-time.

Do I need a work permit if I am attending school part-time and also working?

Yes. Persons under age 17 who leave regular day schools to work must have a work permit.

PARENTS' RIGHTS AND RESPONSIBILITIES



Do my parents have to support me?

Yes. Your parents must provide you with food, shelter, and clothing, and must provide for your education to the best of their ability.

Do I have to obey my parents?

Yes. Until you become an adult (see “Emancipation”), you are subject to the control of your parents.

May my parents physically punish me?

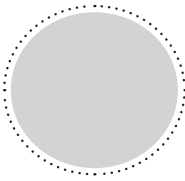
A parent has the right to punish you physically by use of “reasonable force.” If the punishment results in an injury to you, it is not reasonable, and your parents may be charged with abuse or cruelty to children.

What should I do if I believe I am being abused?

If a parent or relative is physically abusing you, you should contact your school counselor, a teacher, the principal, the local police, or the Children’s Protective Services for immediate help and shelter resources.

If I work and earn money, can my parents take the money?

Yes. If you are under age 18 (see “Emancipation”), your parents have a right to your earnings and services.



EMANCIPATION

What does emancipation mean?

Emancipation means that you are “on your own.” Your parents no longer have the right under the law to tell you what to do, and they no longer have a duty to support (feed, clothe, and educate) you in their home.

Does it mean that my parents no longer have any responsibility for me?

Not completely. The law does say that a parent of a person who is unable to work and support himself or herself must help as much as he or she can.

When am I emancipated?

- When you are 18.
- When you marry.
- When you are on active duty in the armed forces.
- When a court orders your emancipation, or your parents emancipate you according to law. However, the law won't let a parent emancipate a minor who is dependent on him or her for support.
- Any person 16 years or older may petition the family court in the county where he or she resides for permission to be declared emancipated. The person must show that he or she can support and take care of himself or herself without the aid of a parent.



MARRIAGE

When can I get married?

- When you have reached your 18th birthday, no parental consent is required.
- If you are 16 or 17 years old, you must get written consent from one parent or legal guardian.

- If you are under 16, you must obtain permission from a family court judge and both parents.

In Michigan, you are required to obtain a marriage license. A marriage must be performed by an ordained clergy or federal, probate, district court, or magistrate judge. No blood test is required at this time. Common law marriage by living together for a certain number of years is not legal in Michigan.

CONTRACTS



What is a contract?

A contract is a legally enforceable agreement between two or more people to do (or not to do) something. It consists of an offer, an acceptance, and receipt of “consideration” by each party to the contract.

What is an offer and acceptance?

A person who says “I will buy your motorcycle for \$250” has made an offer. The person who answers, “I will sell it to you for \$250” has accepted the offer.

What is consideration?

Consideration is money, property, or services exchanged in a contract. While consideration is usually thought of as money, it can also be services—such as babysitting or mowing someone’s lawn. A contract is not valid unless each party to the agreement promises to exchange consideration.

What is a breach of contract?

A breach of contract occurs when a contracting party fails to meet his or her obligation. A person who agreed to sell his or her motorcycle and then refuses to do so breaches the contract.

Must a contract be in writing?

Not necessarily. Contracts can be oral. However, the law requires that contracts for the sale of land, contracts for items costing more than \$500, and contracts that cannot be performed in one year be in writing.

Can I make a contract?

Anyone can make a contract. Young people frequently make contracts to perform services such as paper routes, lawn care, and babysitting. If you are under 18, however, the law states that most contracts you make are “subject to disaffirmance.” This means that you may be able to avoid obligations created by a contract you make while under age 18.

Why should minors be treated differently?

The law recognizes that inexperienced people can make mistakes. If adults know that minors can “get out of” a contract, they tend to treat minors more fairly and are more careful about making contracts with minors. Michigan law does not permit a minor who lied about his or her age to disaffirm (get out of) a contract.

Are there laws that protect my rights when buying products, using credit cards, or taking out a loan?

Yes. Michigan and federal laws protect you from defective products and unfair practices by dealers, credit agencies, and lenders. These laws include:

- *Consumer protection laws*—These laws protect you from defective products (that do not work properly), cars that are “lemons,” and from false advertising. They also require that companies honor warranties given on their products.
- *Fair credit reporting and equal credit opportunity laws*—These laws require credit agencies to let you know what is in your credit records, to tell you why you are turned down for credit, and to correct any mistaken information in your credit records. They also prohibit a company from denying credit based on your race, sex, or marital status.

- *Truth in lending laws*—These laws require a bank or lender to tell you all the terms of a contract when you take out a loan. They also give you a certain number of days to cancel any loan agreement.
- *Fair debt collection laws*—These laws prevent collection agencies from threatening people who owe money on a contract with arrest or jail. The laws also prevent them from phoning you at work or talking to your relatives, friends, or neighbors. If someone violates this law, call the Michigan Attorney General's Office.

What are important things to remember before I sign a contract?

Before signing any contract, you should follow these important steps:

- Read the contract carefully. Do not sign it before reading!
- Do not let salespeople pressure you to buy or to hurry.
- Be sure you understand what you are agreeing to do.
- Ask questions about everything you do not understand.
- If a salesperson promises something like free installation, be sure it is written in the contract.
- Be sure the price, interest, and monthly payments are specifically written in the contract.
- Do not sign a contract if it has any blank spaces; fill them in, or cross them out and initial them.
- Be sure to get a complete, signed copy of the contract and keep it for your records.

Are there important things to remember after I enter into a contract?

Once you enter into a contract, you must follow its terms. If you miss payments or do not follow the terms of the contract, you can be sued. If so, you will be required to appear in court. A judge or jury will decide the case. If you lose, a judgment will be made against you. A judgment is a sum of money you will have to pay.



GUNS AND WEAPONS

Can I buy or own a handgun if I am under age 18?

No. A person under age 18 cannot own or possess a handgun.

Can I buy or own a rifle or shotgun if I am under age 18?

Yes. Anyone may own a rifle or shotgun unless they have been convicted of a felony.

Can I transport a rifle or shotgun?

Yes, but only if the rifle or shotgun is unloaded and either broken down or in a case.

What is a dangerous weapon?

A dangerous weapon is a gun, a rifle, a knife with a blade over three inches long, a double-bladed knife of any length, a razor, or *any* object designed or intended to injure someone.

Can I carry a weapon with me for protection?

No, not if you intend to use the weapon. It is against Michigan law to attack someone with a dangerous weapon, or to have the dangerous weapon in your possession if you intend to use it.

Can I carry a spray device with me for my protection?

Yes, if the spray device is not mace, is not more than 35 grams, and is used for protection of your person or property under circumstances that would justify the use of physical force.

What force am I allowed to use to protect myself?

The law says you may use any force that is reasonable under the circumstances, but you have a duty to retreat before using deadly force outside your home or occupied vehicle. If someone breaks into your home at night, or tries to hijack your vehicle while you are in it, and you are in reasonable fear for your life, deadly force may be appropriate.

HUNTING AND FISHING



Do I need a hunting license?

Yes. It is against the law to hunt without a license, except that a family may hunt small game without a license on an enclosed farm where they live.

To hunt deer, you must pass a hunter's safety course.

If you are age 10 or older, you may obtain a hunting license. You must be at least 12 to hunt deer, bear, or elk with a firearm. Hunters ages 12-13 may hunt deer, bear, or elk with a firearm only on private land.

If you are age 10 or older, you may obtain a hunting license to hunt deer with a bow.

A hunting license is good for one year and then must be renewed.

Hunting licenses are available at sporting goods stores.

Do I need a fishing license?

Not if you are under age 17, but you still must observe all fishing rules and regulations. If you are age 17 or older, you need a license. Fishing licenses are available at sporting goods stores.

ARREST



What is an arrest?

An arrest takes place when a person is detained or deprived of his or her freedom in the name of the law. The use of the actual word “arrest” by the police officer is not necessary for an official arrest.

What if I am arrested?

If you are arrested by a police officer, this means that you have probably been charged with (accused of) committing a crime. You should always identify yourself when asked. *You do not have to tell what happened, and you have the right to contact an attorney or ask that one be called.* If you do say something to the police, it may be used against you, so it may be best to talk to your parents or an attorney first. Usually, the police allow you to make a phone call.

What if I don't think I have committed a crime?

Even if you don't think you committed a crime, someone else does think so. Trying to escape or resist could be an additional crime of "resisting arrest." Anyone can be arrested—including a minor.



CRIMES

What is a misdemeanor?

A misdemeanor is a crime of a less serious nature, usually punishable by one year or less in jail, fines, community service, or probation. Jail time is served in a county jail as opposed to a felony or high misdemeanor, for which time is served in a state prison.

What is a felony?

A felony is a serious crime such as murder, arson, or armed robbery, punishable by a term in a state prison. If you are convicted of a felony, you may be disqualified from certain jobs, such as a lawyer or police officer, or from holding a public office or working in the securities industry.

What is aiding and abetting?

If you help another person to commit a crime, even if your "help" was very minor, you can be charged with the same offense as an accomplice, or aider and abetter. For example, if you watch for the police while your friend robs a store, you can be found guilty of robbing the store, even though you were not the one who did the robbing. If you routinely associate with people who break the law, others, including those in law enforcement, may well assume you are guilty of breaking the law, too.

When am I considered an adult for criminal law purposes?

You are considered an adult at age 17 for criminal law purposes. This means you can go to jail or prison if you are convicted of a crime. If you are under 17 and commit a crime, you would probably

be required to go to juvenile court. See “Juvenile Division of Family Court” for more information about juvenile court.

Is it a crime to fight if the other person started it?

Yes, unless you can prove that you acted in self-defense, or in the defense of others. It’s usually not okay to fight with someone if they provoke you with words alone.

Is joyriding a crime?

Yes. Taking a car without the owner’s consent, commonly referred to as *joyriding*, is a crime. This crime is punishable by up to two years in jail or a \$1,000 fine or both. This is a two-year high misdemeanor.

If I damage or destroy somebody’s property, have I committed a crime?

Yes. For example, if you break a neighbor’s window on purpose, you have committed a crime called “malicious destruction of property.” If property damage is under \$100, it is a 90-day misdemeanor and also subject to a fine of up to \$500. If property damage is over \$100, it is a five-year felony. You (and, in some cases, your parents) can be held civilly liable for damage you cause.

Retail Fraud

Is shoplifting (stealing in a store) a serious crime?

Yes. *First-degree shoplifting* is stealing any goods over \$100 or misrepresenting the price, altering the price, or concealing the goods. It is a two-year felony or a fine or both.

Second-degree shoplifting is stealing, misrepresenting, or altering the price of goods under \$100. This is a 93-day misdemeanor or a \$100 fine or both. (The reason for 93 days is that you are required to be fingerprinted for anything over 92 days.)

For a second offense, it doesn’t matter how much the stolen goods cost, you are automatically charged with a first-degree felony. The store may also sue you for civil damages for up to 10 times the value of the property stolen, not less than \$50 and not more than \$200.

Graffiti

Is graffiti a crime?

Graffiti is vandalism. It is a crime, even though some would like to call it “art.”

What happens if I create graffiti?

The crime of vandalism, or destruction of property, can be a misdemeanor or a felony, depending on the value of the destroyed property. If it’s a misdemeanor, the maximum penalty could include 90 days in jail. If it’s a felony, prison time is possible. The court can order restitution (paying the price of the damage) and if the defendant is under age 18, the parents may have to pay. Whatever the penalty, it is not worth it.



DRUGS

Michigan law currently classifies illegal drugs into five categories, depending on the drug’s potential for abuse, acceptability for medical use, and potential for psychological or physical dependence.

A controlled substance law regulates drugs. It is illegal for a person to use a controlled substance unless the substance was obtained directly from a valid prescription or order from a medical practitioner while acting in the course of the practitioner’s practice.

A “controlled substance analogue,” or “designer drug,” is illegal. A controlled substance analogue has a chemical structure different from, but an effect similar to, an illegal substance having a high potential for abuse and no accepted use in medical treatment.

Making, distributing, or possessing an “imitation controlled substance” (something a reasonable person would believe is a controlled substance) is also a crime.

Why are the penalties different for sale or delivery and use or possession?

The law is particularly concerned with stopping and punishing persons who sell and encourage others to use or abuse drugs. For that reason, stiffer penalties are connected with the manufacture, delivery, and sale of drugs. *Giving drugs away free is still delivery* and the penalties can be the same as those for sale or delivery.

Can I get in trouble just having marijuana on me?

Yes. Michigan law provides that *possession* of any amount of marijuana may be punished by a fine of up to \$2,000 or by jail for not more than one year or both. Use of marijuana carries a maximum penalty of 90 days in jail plus a fine of up to \$100.

Steroids

The manufacture, delivery, and use of anabolic steroids are illegal. Punishment for use is a 90-day misdemeanor or a \$100 fine or both. Selling steroids is a seven-year felony or a \$5,000 fine or both.

Cocaine

Cocaine is a dangerous and illegal drug. Punishments do not distinguish between various types of cocaine such as crack cocaine.

- Less than 25 grams (less than a fingernail): four-year felony or a \$25,000 fine or both
- 25 to 50 grams (not even a teaspoon): mandatory, not less than one year in jail but not more than four years in jail or a \$25,000 fine or both – lifetime probation
- 50 to 450 grams (small fistful): mandatory, not less than 10 years in jail but not more than 20 years in jail
- 450 to 1,000 grams (small sandwich baggie full): mandatory, up to 30 years in jail
- More than 1,000 grams: life, or any term of years, in prison

Does age make any difference?

If a “seller” (person who delivers) is over 18 years old, and a “purchaser” is under 18 and at least five years younger than the seller, all penalties and fines against the seller may be doubled.

What about drugs and cars?

Driving under the influence of drugs is a crime. Having drugs in a car is illegal if you know about it. The U.S. or state government may confiscate a car used to transport, keep, or hide drugs. The government may confiscate a car, boat, house, money, or anything else if the item may have been purchased with money from illegal use of drugs. The burden is on the owner to prove the item was not purchased with drug money to get it back.

Is it okay for me to take other people’s prescription drugs?

No. It is illegal to take another person’s prescription medications, including so-called “study drugs,” such as Ritalin and Adderall. Likewise, it is illegal to share your prescription medications with others.

Is “glue sniffing” or “buffing” against the law?

Yes. Glue sniffing and huffing are extremely dangerous to your health. Both carry a jail term and fine the same as marijuana. Glue is referred to as an inhalant. Inhalants are extremely dangerous and can cause death.



SEARCH AND SEIZURE

The Fourth Amendment to the U.S. Constitution says: “The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

This means that a police officer can’t search you or your house on just a “hunch,” or just on the chance of finding something illegal. He or she must have reasonable cause to believe that you committed a crime.

Must a police officer always have a search warrant?

No. An officer who has reasonable cause to believe that you committed a crime can make a valid arrest and then search you and your immediate surroundings without a search warrant. This may include your car if there are elements suggesting a crime may have been committed, or if he or she is searching for weapons.

What does reasonable cause mean?

This is not an easy question to answer, but generally, the courts require that the officer be able to point to specific facts that would indicate to a reasonable person that a crime was committed and a particular person committed it. A police officer cannot arrest and search a person on mere suspicion. For example, an officer who searched someone because he or she “looked like a loser, and most losers smoke pot,” would be committing an illegal search, based on mere suspicion. A search would be legal if someone gave the police a description of your car and told the police that you had stolen property. Also, anything illegal in plain view, such as items of contraband, gives reasonable cause to search your car.

Can my locker be searched?

As long as the school says that the locker is school property and subject to search at any time, most courts will say that the student has no reasonable expectation of privacy and will uphold a search of the locker and its contents.

Can a police officer search my car when he or she stops me for a traffic violation?

Yes, if the police officer has reasonable cause. For example, if the officer approaches the car and sees something illegal, such as a knife or gun on the seat, he or she can make a search. If the officer smells marijuana or sees alcoholic beverage containers, that is reasonable cause to search.

Can my property be searched?

Both the federal and the state constitutions set laws to protect your property, personal, and private rights. But the laws also say that under certain circumstances these rights give way to searches and even seizure of property and person. Only unreasonable search and seizure is prohibited.



JUVENILE DIVISION OF FAMILY COURT

What is a juvenile court?

The juvenile court is a division of the family court in your county. It is a special court for young people who get into trouble with the law or need help because of family problems. People under the age of 17 go to juvenile court. It is not defined as a “criminal court.” Its purpose is to try to help young people by giving them guidance, care, and control.

When does someone under 17 go to family court?

A person may go before juvenile court:

- If accused of committing a crime
- If abused or neglected by his or her parents or guardian
- If he or she repeatedly refuses to obey his or her parents or teachers
- If he or she repeatedly skips school

If I am accused of a crime, will I be tried in a juvenile court?

If you're under 17 and accused of doing something that would be a crime if done by an adult, you will be brought before juvenile court as a delinquent person. The court may hold a hearing under the same rules of law that apply to adults. But this hearing is *not* a criminal trial. It takes place in a special court set up especially to deal with persons under 17 years of age.

In this hearing you have these rights:

- Your own or a court-appointed attorney

- Privilege against self-incrimination (you don't have to testify against yourself)
- A choice of jury trial or by the judge without a jury

The juvenile court judge may transfer a juvenile over age 15 who is charged with a felony to an adult court for prosecution as an adult.

Why a separate court for juveniles?

The law states that people under the age of 17 generally are not to be tried as adults. The purpose of the juvenile court is to protect young people and guide them when in trouble— not to punish them.

VOTING

Why should I vote?

Voting is the greatest right and responsibility you have as a citizen of the United States. A government cannot be of the people, by the people, and for the people unless the people vote.



How old do I have to be to vote?

You must be 18 years old to vote. Although 1963 Michigan Constitution Article II, Section 1 requires voters to be 21, the U.S. Constitution, Amendment XXVI, Section 1 supersedes the Michigan Constitution and gives the right to vote to 18-year-olds.

Where can I register to vote?

It is easy to register to vote at any Secretary of State office where you get your driver's license. You can also register at the unit of government where you reside, or register by mail by picking up a form at schools, libraries, hospitals, or voter registration fairs. You need proof of your age with a photograph, such as a driver's license or passport.



BECOMING AN ADULT, OR TURNING 18

When does a person “become an adult”?

In Michigan, as in most states, men and women become adults at age 18. But you should note that, for purposes of the criminal justice system, you are considered an adult at the age of 17.

What does it mean to become an adult?

When you become an adult, you gain certain new rights, such as the right to vote, to make contracts in your name, and to become completely independent. You also have new responsibilities and are held personally accountable for your actions.

When I reach 18, am I automatically given all the rights of an “adult”?

Yes, except for the right to buy or drink alcoholic beverages. In Michigan, you must be 21 to purchase and consume alcoholic beverages.

Do people under 18 have any rights?

Yes. In general, young people have the right to receive food and shelter from their parents and an education. In fact, children in Michigan must attend school from ages 6 to 16. They also have certain rights guaranteed under the United States Constitution, such as freedom of speech.

What are some of the rights I have after age 18 that I did not have before?

- Vote in all elections
- Make a will
- Sue in your own name
- Make a contract (such as renting an apartment, buying a car, taking out a loan) in your own name
- Marry without your parents’ consent
- Be completely independent from your parents’ control

What are some of the responsibilities I have after age 18 that I did not have before?

After 18:

- Your parents are no longer required to support you.
- After age 17, you will automatically be tried as an adult for any criminal charges filed against you. (In some cases, you can be tried as an adult at an earlier age.)
- You may be sued in your own name on any contracts you make or any accidents you cause.
- You are eligible for jury duty.
- All males must register for military service.

CHILD CUSTODY, PATERNITY, PARENTING TIME, AND CHILD SUPPORT



What kinds of custody are there?

Physical custody is the type of custody regarding where a child lives. *Legal custody* is the type of custody that gives authority to make major decisions about the child, such as medical, religious, and education decisions. There is *sole physical custody* in which the child lives with one parent, and *joint physical custody* in which the child lives with each parent part of the time. There is *sole legal custody*, which means that one parent makes all of the major decisions about the child, and there is *joint legal custody*, which means that both parents share in the decision-making authority.

As Michigan law is currently written, if the parents are unmarried and there is not a court order stating who has custody, the mother is presumed to have custody of the child. In Michigan, a child born to two married people is presumed to be a child of the marriage unless it is proven otherwise.

When a child is born to unmarried parents, *paternity* (biological fatherhood) needs to be established. The father can establish paternity by signing an affidavit of parentage at the hospital when the child is

born, or at any point after the child's birth. The mother also signs the affidavit of parentage that acknowledges the paternity of the child.

What does "parenting time" mean?

Parenting time is what people often refer to as *visitation* with the child. Parenting time is the time that the parent has with the child. Often, if one parent has sole physical custody, the other parent has reasonable parenting time. Reasonable parenting time usually consists of a regular schedule of alternating weekends, one evening every week, alternating holidays, and a portion of the summer. If the parents have joint physical custody, the parenting time arrangement may be that the child spends approximately one-half of the time with each parent.

Do parents have a duty to financially support their child?

Yes. Often, if one parent has physical custody of the child, the other parent must pay child support to the other parent on behalf of the child. Parents may agree to no payment of child support. However, if the parent who has physical custody of the child is on public assistance, that parent does not have legal authority to allow the other parent not to pay child support.

If the parent with physical custody does not let the other parent have parenting time with the child, does the other parent still have to pay child support?

Yes. Parenting time and child support are two separate issues. The court expects the parent with physical custody to follow any court order that allows the other parent to have parenting time with the child. The court also expects that the parent who is ordered to pay child support will do so. The court can enforce the order for parenting time and the order for child support against the parent who is violating that particular order, but the obligation to pay support is not suspended if the custodial parent does not obey the parenting time order.

LANDLORD-TENANT LAW



What is landlord-tenant law?

Landlord-tenant law is the body of law that governs the relationship between an owner of a home and the person who is renting the home as a residence. The owner of the home is the landlord, and the renter of the home is the tenant. Landlord-tenant law specifically lays out the rights and responsibilities of both the landlord and the tenant. The explanation here is only intended to be a brief summary of landlord-tenant law. There are many other rights and responsibilities of a landlord and a tenant that are not discussed here, and you should consult an attorney about those other rights and responsibilities.

What should I do before signing a lease?

A lease is a legal contract. Before signing it, read it carefully and make sure you understand its important terms, such as (1) rental amount and due date, (2) security deposit and what you need to do to get it back, (3) length of term, (4) ability to sublet, (5) pets, and (6) occupancy by persons not on the lease. If you don't understand the lease, have a family member or knowledgeable friend help you before you sign it.

Common problems you may encounter:

- If you move out before the end of the lease term, the landlord could sue you for the rent through the end of the lease term.
- If you and a friend sign a lease intending to live together and your friend moves out before the end of the lease term, you could be liable for all of the rent.

What are some of the rights and responsibilities of the tenant?

The tenant has a right to expect that the home being rented will be in proper condition and that if anything needs repair, the landlord will have it repaired. The tenant has the responsibility to pay a *security deposit*, which is a deposit made in case the tenant causes damage to the home. The tenant has the right to fill out an inventory checklist when he or she moves in to list all prior damage to the home so that

the tenant will not be held responsible after moving out for damage that was already present. The tenant has the responsibility to pay the rent in full each time that it is due and to pay the rent on time. The tenant also has the right to expect that if the landlord wishes for the tenant to leave, the landlord has to notify the tenant in writing with a document called a Notice to Quit that he wants the tenant to move. Then, if the tenant does not move, he or she must be evicted through a court proceeding. A landlord may not force a tenant to move without first obtaining a court order.

What are some of the rights and responsibilities of the landlord?

The landlord has the right to expect that the tenant will pay the rent on time and that the rent will be paid in full. The landlord has the right to expect that the tenant will inform him or her if repairs need to be done. The landlord has the responsibility of ensuring that the needed repairs are done in a reasonable amount of time, either by the landlord or by someone hired by the landlord. The landlord has the responsibility to pay back the security deposit within 30 days after the tenant moves out. If there are damages, the landlord must send the tenant a list of damages and, if the tenant disputes the damages, the landlord must sue the tenant in small claims court to keep the security deposit. There are specific requirements regarding the security deposit, and you should consult with an attorney for specifics about those requirements.

How does the eviction process work?

A landlord must follow certain eviction procedures. If there is a lease (a written contract between the landlord and the tenant), the landlord may only evict the tenant for violating one of the terms of the lease. If there is no lease between the landlord and the tenant, or if the lease is for a month-to-month time period, the landlord may evict the tenant for any reason or no reason at all, except for retaliation against the tenant for the tenant's attempts to enforce his or her rights, such as the right to have repairs done. Before the landlord can file an eviction case in court, the tenant has a right to receive a document called a Notice to Quit, which is a written request from the landlord that the

tenant move out of the home or, if the tenant is not paying the rent, a request that the tenant pay the rent or move out of the home.

The law requires that the Notice to Quit state certain deadlines, depending on the type of eviction. For example, if the eviction is because the tenant is not paying the rent, the Notice to Quit has to allow for only seven days to either pay the rent or move out. If the eviction is for a reason such as violating a lease provision, or for no reason at all, the Notice to Quit has to give the tenant the amount of time to move that is equal to the time between rental payments. For example, if the tenant pays rent once per month, the Notice to Quit has to give the tenant 30 days to move out.

If the tenant does not move out of the home by the date specified on the Notice to Quit, the landlord must file an eviction case in district court against the tenant. If the tenant is evicted at the court hearing, most likely the tenant will have only 10 days to move from the home. Otherwise, the landlord can get a court order allowing the sheriff to remove the tenant and the tenant's belongings from the home on the 10th day. If the eviction is because the tenant has not paid the rent, the judge may give the tenant 10 days to pay the rent that is owed or move. Otherwise, the landlord can get a court order allowing the sheriff to remove the tenant and the tenant's belongings from the home on the 10th day.

In Michigan, there is no such thing as a "self-help" eviction in which the landlord just removes the tenant from the home or locks the tenant out. These types of actions are illegal, and the landlord who does this can be liable for money damages to the tenant.

BRING THE MICHIGAN SUPREME COURT INTO YOUR CLASSROOM

Discover the history of the state's highest Court, understand its role as an administrative judicial body, and research the process of taking a case before the Court and the effect of its decisions. Discuss the ideas of constitutional rights, justice, and law.

The Michigan Supreme Court Historical Society, a nonprofit organization dedicated to the preservation of documents, records, and memorabilia relating to the Michigan Supreme Court, offers lesson plans on the history, role, and organization of the Michigan Supreme Court for use by high school and junior high school teachers. High school plans revolving around some of the Michigan Supreme Court's significant cases, including brief writing and mini-moot court protocols, are also available.

Lesson plans, researched and designed by qualified educators, are available at <http://www.micourthistory.org/education.php>. Each plan includes a two-week unit outline, supporting materials, lecture notes, and visual aids.

For more information about the content and availability of these materials, please contact:

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