Alabama Center for Law & Civic Education

PRESENTS

PLAY BY THE RULES™
ALABAMA LAWS FOR YOUTH

In collaboration with
Alabama Department of Youth Services
Alabama Department of Education
Alabama Office of the Attorney General

This project was supported by Award No. 2007-DG-BX-K003 awarded by the U.S. Department of Justice, Office of Justice Programs, and other funding provided by the Alabama Department of Youth Services and the Alabama Law Foundation.
About Play by the Rules

The Alabama Center for Law & Civic Education proudly welcomes you to Play by the Rules. This unique curriculum was designed by the Center in 2001. This is the biggest civic education project ever designed to teach you the laws that you need to know in order to live a safe, productive life.

Many people have worked on this project. Lawyers, teachers, counselors, police officers and other professionals volunteered their time. They came up with questions that they thought you might have and wrote easy-to-read answers. It was a lot of hard work, but it was a team effort. It was fun.

Learning the law is a team effort too. As you know, the law can get complicated, so don’t expect that this book can substitute for a lawyer if you have legal problems. Your teachers, parents, guardians and legal professionals in your community are on your team and can assist you with these and other legal questions that you might have. Together you can discover many important laws, why we have laws, what your legal rights and responsibilities are now and how they will change in the future as you grow older. It will be a lot of hard work but you will have fun too.

You are the most important member of our team. Thanks for stepping up to the plate.

Alabama Center for Law & Civic Education

About You

Your Name _____________________________________________________
Your Age _______________________________________________________
Your School ____________________________________________________
Your Teacher ___________________________________________________

Alabama Public Officials Who Represent You:

Your Governor __________________________________________________________________________
Your Lieutenant Governor _______________________________________________________________
Your Attorney General __________________________________________________________________
Your Secretary of State __________________________________________________________________
Your Chief Justice ______________________________________________________________________
Your State Senator ______________________________________________________________________
Your State Representative _______________________________________________________________
Your U.S. Senators _________________________________ and _____________________________
Your U.S. Congressman __________________________________________________________________

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Winner of
The American Bar Association’s Law Day 2001 Outstanding Activity Award
The Civic Mind Award for Outstanding Projects in Law & Civic Education

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The Alabama Center for Law & Civic Education (the “Center”) is a 501(c)(3) nonprofit corporation that has served since 1990 as a teacher training and resource center. It is dedicated to educating citizens by improving civic knowledge, civic skills and civic character.

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The **Play by the Rules** National Project

*Play by the Rules* was created and is directed by the Alabama Center for Law & Civic Education. This award-winning crime prevention model for teaching state and territory-specific law to middle school students, teachers and parents was first published in 2001 as *Play by the Rules: Alabama Laws for Youth*.

The *Play by the Rules* National Project is a multi-year project to facilitate the expansion of *Play by the Rules* into other jurisdictions. The *Play by the Rules* program was awarded a Byrne grant by the U.S. Department of Justice, Office of Justice Programs, for this purpose. As of the writing of this edition of the book, *Play by the Rules* programs are being developed and launched in Connecticut, Guam, Nevada and Texas.

Visit us online at www.pbronline.org.
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Bob Riley  
Alabama Governor

As governor of the great state of Alabama, I’m proud to give my support to *Play by the Rules*. This thorough guide to understanding our legal system serves as an excellent tool for our young people to learn the merits of good citizenship. I encourage every young Alabamian who has the opportunity to read this book to take advantage of learning about the important role the law plays in our daily lives.

Troy King  
Alabama Attorney General

Ours is a nation ruled by laws, not men. It is the law that protects us and guarantees us our rights. Good citizenship comes from obeying the law. To obey the law, you must know what the law is and understand it. *Play by the Rules* is an excellent tool for teaching students about Alabama law and for helping them develop a solid understanding of how to obey these laws. Everyone – students, teachers, parents and even Attorneys General – must know and follow the laws of our state. We all benefit when people are good citizens and obey the law. As you learn about these rules, you will learn how to more successfully play the game of life. As you use this book, you will become better citizens.

Dr. Joe Morton  
Alabama State Superintendent of Education

As State Superintendent of Education, and on behalf of the Alabama State Board of Education, I appreciate and recognize the work of the Alabama Center for Law & Civic Education and its partners in the private and public sectors. The efforts of these supportive and interested Alabama citizens have provided the program *Play by the Rules* to Alabama schools for many years. I further recognize that this program is the only one of its kind in the nation, thereby making this a unique learning opportunity with components that may include Alabama school personnel, students and parents. I am also pleased to have these materials to support the inclusion of law-related education in as much of our curriculum as possible. I urge our school personnel to take full advantage of this opportunity.
**Comments**

**Dr. John Stewart**  
Superintendent  
Alabama Department of Youth Services

*Play by the Rules* marks the beginning of a new era for education in the State of Alabama. As a seventh-grade student, you have the opportunity to learn about the types of laws that have impact on decisions you make. Studying the law will give you meaningful decision-making skills. With this knowledge of the law, you will be able to serve as a role model for other students and adults. I wish each of you the best as you learn more about playing by the rules.

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**Janice A. Bedford**  
Executive Director  
Alabama Center for Law & Civic Education

The law belongs to each of us. It is a strong thread that unites our people. Our lawmakers have the important job of amending laws, writing new ones, and judging the fairness and effectiveness of laws as they develop public policy. They deserve our help. We have a duty to know the laws that they have written, the reasons they have written them and the ways in which we can become involved in this process to strengthen ourselves and our communities. That’s what *Play by the Rules* is all about.

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**Bama Jack Hammer**  
Alabama State Bird  
(a.k.a. Yellowhammer, Flicker)

I am proud to be the “spokesbird” for *Play by the Rules*. You will find me throughout this book in my blue cap and sneakers trying to find answers to my many questions about Alabama law. Laws are very important to me. In fact, it was a law that designated me as the state bird of Alabama. Another law that I like is the Migratory Bird Treaty Act entered into by Mexico, Canada and the United States, which also protects me and all songbirds. Laws can protect you too, but only if you know them and you’re willing to make them a part of your life. Read this book, study it and then keep it in a safe place. I hope that this book will help you hit one over the fence.
Introduction

It’s frustrating to get caught doing something you didn’t know was wrong. It’s also frustrating to get caught doing something you knew was wrong, but didn’t know how serious it was.

In these 12 chapters you will find important questions about the law that everyone ought to have. The answers are informal summaries of the law, not the law as it is actually written. If you want to read further about the law, you may go to a law library in your community and look up the law in the codes that are listed in the box below. There you will see the law as it is actually written.

The answers to some of the questions in this book do not make references to codes. This may be because the answers are part of common law or traditional ways of doing things, or they can be merely good advice that you would be well advised to follow. Lawyers, judges, police officers and other legal professionals can help you with your legal questions.

Also, understand that some laws can vary from place to place. Alabama’s laws are not exactly the same as the laws in other states and territories. Laws in foreign lands differ in many ways from the laws within the United States. It’s important for you to know that if you live in one place but you are in another, you are responsible for following the laws of the place where you are at that moment. That’s a little like moving from one teacher’s class to another. You follow the rules of the class you are in at that time.

If it is important to know the driver’s manual before getting a license to drive, it is even more important for you to know this manual and to play by the rules.

Editor’s Notes

Play by the Rules contains what we hope are easy-to-read “translations,” not the laws as they are officially written. Each year Alabama laws are revised and new laws are created. For this reason Play by the Rules is periodically updated to reflect significant changes. Check for updates at www.pbronline.org.

This project was supported by Grant No. 2007-DG-BX-K003 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the authors and do not represent the official position or policies of the United States Department of Justice.

KEY TO ABBREVIATIONS IN THE CODES

ARJP = Alabama Rules of Juvenile Procedure
Have you ever tried to play a game or a sport without knowing all of the rules? It is difficult to be a good player without knowing the rules and regulations.

In our society, we have a set of rules called laws. Laws are created and enforced by the government. Laws generally reflect and promote what a society thinks is right or wrong. A government cannot operate effectively unless its citizens respect its laws. Our society is based on the “Rule of Law” principle. This means that everyone, including government officials, must respect and obey the legal system and its laws. In turn, we expect our legal system to protect our basic human rights and to promote order and stability.

We are all citizens, and the law provides us with a set of rules and regulations to follow. In order to be good citizens, it is important that we know the law so that we can “Play by the Rules.”

WHERE DOES THE LAW COME FROM?

Our laws come from many different sources. The United States Constitution and the state constitutions set forth laws and establish our structure of government. Our legislative branches of government also create laws. Finally, the courts interpret laws and settle disputes.

WHAT ARE CONSTITUTIONS?

The Constitution of the United States, written in 1787, is the “supreme law of the land.” It establishes the separation of powers for the three branches of federal government that create laws (legislative), enforce laws (executive) and interpret laws (judicial).

The Constitution and its amendments also place limits on the powers of our government. These limits protect the fundamental rights we enjoy, such as the freedom of religion, the freedom of speech and the right to bear arms.

When Alabama became a state in 1819, the leaders of the state also created a Constitution for Alabama. Our Alabama Constitution provides the basis for all other laws in our state. This Constitution may only be changed by a vote of the people of Alabama. The state constitution was rewritten in 1901. Like the U.S. Constitution, the Alabama Constitution creates three branches of state government: the legislative branch, the executive branch and the judicial branch.
WHAT DO THE BRANCHES OF GOVERNMENT DO?

The legislative branch, made up of the Senate and House of Representatives, writes laws and sends them to the chief of the executive branch for approval.

The President is the chief of the executive branch of the federal government whose main responsibility is to make sure that the laws passed by the legislature are enforced. The chief of the executive branch of state government is the governor.

The judicial branch has different levels of courts. This branch interprets questions about the laws, makes sure those laws do not violate our Constitution and applies laws.

WHAT IS THE UNITED STATES CODE?

The United States Code is a collection of all the laws passed by our U.S. Congress and approved by our President. The U.S. Code creates taxes, governs how businesses operate, defines crimes and tells us how to behave in society.

WHAT IS THE CODE OF ALABAMA?

The Code of Alabama is a collection of all the laws passed by our state legislature and approved by our governor. The code is printed in a series of 23 volumes. Currently, there are more than 10,000 different laws in the code. Like the U.S. Code, the Code of Alabama also creates taxes, such as the sales tax or the gasoline tax, governs how businesses operate, defines crimes and sets punishments, and tells us how to behave in society.

WHAT IS THE DIFFERENCE BETWEEN STATE AND FEDERAL LAW?

State law applies to everyone in that state and to any conduct that occurs in or affects the state. Federal law applies to persons in every state and territory.

ARE THERE OTHER TYPES OF LAWS?

Yes. Cities and counties have their own special laws that apply just to that area of the state. For example, city or county ordinances
might create a special sales tax or set a curfew. You only have to follow these laws when you are in the community where that “local law” is in effect.

**WHAT IS THE DIFFERENCE BETWEEN CIVIL LAW AND CRIMINAL LAW?**

Civil law is a term used to describe the law that relates to the way you interact with other individuals. For example, these laws tell you how to write contracts with other people, how to operate your business and whether you owe money because you wrecked someone else’s car.

Criminal law describes the law that relates to the way you interact with society as a whole. This law provides strict definitions about what behavior is considered illegal, such as robbing a bank or stealing a car. While these offenses affect certain individuals, we have decided as a society that whenever someone commits a crime, the crime hurts everyone, not just the individuals involved. Therefore, we call that “a crime against the state.”

**ARE THERE SPECIAL LAWS FOR YOUTH?**

Yes. The rest of this book will present you with the different types of laws that may affect you as a young person in Alabama. We will discuss both criminal and civil laws and what they mean to you.

**DO I HAVE A ROLE IN LAWMAKING?**

Yes. Elected officials at the local, state and national levels create laws. As a citizen, you have a right to attend meetings and public hearings, express your opinions and even draft laws that you think should be considered.

There is a law called the **“Sunshine Law”** that requires all public officials to conduct their meetings openly. As a citizen you have a right to attend those public meetings to voice your opinions and to learn more about your government.

In our democracy you have a representative at each level of government. If you do not like a particular law, you should call or write your representative or senator in the legislature and ask that the law be amended or repealed the next time they are in session. Every year hundreds of laws are changed, created or repealed at all levels of government.

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**Court Systems**

**WHAT ARE THE COURT SYSTEMS?**

The court systems are the judicial branches of government at federal, state and local levels. Courts hear civil, criminal, juvenile, domestic and traffic cases.

If you are accused of a crime, you have a right to go to court where the prosecutor must prove you have committed that crime.

If you have a dispute with someone about what the law means, the court will determine what the law means and settle the dispute. For example, if you are in an automobile wreck, the court will decide who was at fault based on the evidence presented by both sides.
CAN THE COURTS MAKE LAWS?

The court’s role is to interpret and apply laws created by the legislative branch of government. When there is no authoritative statement of the law, our system of law, which originated in England, gives courts the power to make “common law” through court decisions. These decisions become precedents used to decide future cases.

WHAT DO FEDERAL COURTS DO?

Federal courts hear cases involving civil and criminal wrongs involving federal law. Federal trial courts are called U.S. District Courts.

Cases can be appealed to the U.S. Circuit Court of Appeals in your area. Appeals are usually decided at this level, but some cases can go as far as the court of final appeals – the U.S. Supreme Court.

There is at least one federal district court in each state. In Alabama, there are three: Northern, Middle and Southern districts headquartered in Birmingham, Montgomery and Mobile respectively. In Alabama, we are part of the Eleventh Circuit, which includes Georgia and Florida.

WHAT DO STATE COURTS DO?

Similar to the federal court system, Alabama state courts hear both civil and criminal cases. Alabama trial courts are called district and circuit courts.

In Alabama we have 42 judicial circuit courts serving 67 counties.

In Alabama we have three courts of appeals, sometimes referred to as appellate courts – the Court of Criminal Appeals, the Court of Civil Appeals and the Alabama Supreme Court.

Appellate courts do not try cases, have juries or witnesses. They hear oral arguments and review questions of law or allegations of procedural error arising in the trial court.

ARE THERE COURTS FOR YOUTH?

Yes. If you are 17 or younger (at the time the offense occurred) and have to go to court because you may have broken a criminal law, a juvenile court hears your case. In this court, there is no jury – only a judge who has a special knowledge of the laws as they apply to juveniles. The juvenile court is a special division of the circuit and district court systems of Alabama. (See Chapter 2.)
WHO ARE JUDGES AND WHAT IS THEIR JOB?

Judges oversee courtroom proceedings. They listen to testimony presented in cases brought before the court and rule according to the law. Like sports officials, their job is to ensure that the law is accurately and fairly applied. The President, with Congress’ approval, appoints federal judges for life, while Alabama state judges are elected by the people and serve six-year terms.

The clerk of court, the bailiff and a court reporter assist judges. They are responsible for handling evidence, swearing in witnesses, ushering the jury and recording the facts of the trial.

WHAT IS A JURY?

A jury is a group of randomly chosen citizens (12 in state court and six to 12 in federal court depending on whether it is a civil or criminal case). The jury’s task is to determine the facts and apply the law in an adult court proceeding.

The right to trial by jury is guaranteed by the Sixth and Seventh Amendments to the U.S. Constitution. This right applies in both federal and state courts. To serve on a jury in an Alabama court, you must be 19 years old, a U.S. citizen and a resident of Alabama. Ala. Code § 12-16-60. As citizens we have a duty to report crimes and testify if called upon. Even as a minor, you could be called as a witness in a court proceeding.

WHAT IS AN ATTORNEY?

An attorney is an individual who has studied law, has passed a test to be admitted to practice law and is licensed to practice law in accordance with local regulations. Another term for attorney is lawyer.
WHAT ARE THE DIFFERENT TYPES OF ATTORNEYS?

There are two different types of attorneys in the criminal courtroom – prosecuting and defense attorneys.

A **prosecuting attorney** (also called the District Attorney in state court and the U.S. Attorney in federal court) is an attorney who represents the government in criminal cases. Prosecutors present evidence and witnesses to prove that the defendant is guilty. The District Attorney is an elected official and appoints assistant district attorneys to assist in prosecuting cases in their districts. The President appoints the U.S. Attorneys, who then appoint Assistant U.S. Attorneys to assist in prosecuting cases in their districts.

A **defense attorney** is responsible for defending the accused in criminal court. Defense attorneys present evidence and witnesses to prove that the defendant did not commit the crime or that the prosecution did not prove guilt beyond a **reasonable doubt**.

In civil court the attorneys for the two sides are called the **plaintiff’s attorney** and the **defendant’s attorney**. The plaintiff's attorney represents the party making a complaint. The defendant’s attorney represents the party being sued based on that complaint.

WHAT IS AN ATTORNEY GENERAL?

An **Attorney General** is the chief legal officer of the executive branch of a state, territory or the federal government. The Attorney General’s office is sometimes referred to as the “attorney for the people.” The Attorney General is usually responsible for advising the government on legal matters and representing it in both civil and criminal cases.
WHEN WOULD I NEED AN ATTORNEY?

If you are charged with a crime, you need an attorney who is familiar with criminal law to defend you.

You may also need an attorney if you are buying or selling a house, divorcing, adopting a child, making a large purchase, making a will or organizing a business. There are attorneys who specialize in these areas of the law. It is therefore important to carefully select an attorney based on your legal needs.

WHAT IF I CANNOT AFFORD AN ATTORNEY?

If you have been charged with committing a crime, explain to the presiding judge that you cannot afford an attorney. If the judge agrees that you or your parents or guardians cannot afford an attorney, then the court will appoint one to assist you. Ala. Code § 12-15-63.

In civil court, if you cannot afford an attorney, you may qualify for free legal services from a legal aid office. There are some attorneys who will not charge you unless they win or obtain a settlement in your case. This is called a contingency fee arrangement. It is important to ask your attorney if his or her fees are based on an hourly rate or contingency fee arrangement. There are also some cases in which the court may require the defendant to pay your attorney’s fee if you win your case. One final way that you may be able to recover attorney’s fees is if you have a contract with the defendant in which he or she has agreed to pay those expenses.

Legal Rights

WHAT IS “DUE PROCESS OF LAW”?

Due process of law is the guarantee that citizens are to be treated fairly by the government. It also guarantees that a person has the right to be heard in court before being deprived of life, liberty or property by the government.

WHERE DO I FIND “DUE PROCESS OF LAW” IN THE U.S. CONSTITUTION?

You can find due process of law mentioned in several places in the U.S. Constitution. The Due Process Clause can be found in the Fifth and Fourteenth Amendments to the U.S. Constitution. A list of the basic rights of the accused can be found in the Fifth and Sixth Amendments to the U.S. Constitution.

WHAT ARE THE BASIC RIGHTS OF THE ACCUSED?

Accused people have the following rights:

• To a trial by jury (in adult criminal cases);
• To a speedy and public trial;
• To be informed of their rights and of the charges against them;
• To confront and cross examine witnesses;
• To refuse to testify against themselves; and
• To be represented by an attorney.
DO JUVENILES HAVE THE SAME RIGHTS IN COURT AS ADULTS?

No. While juveniles today do not have all of the same due process rights as adults, the famous U.S. Supreme Court case of In re Gault, 387 U.S. 1 (1967), established four main rights for a juvenile accused of committing a crime:

• The right to notification of the charges against him or her;
• The right to an attorney;
• The right to confront and cross examine witnesses; and
• The right to refuse to testify against oneself.

You will learn more about the juvenile justice system in the next chapter.
Juvenile Justice System

In the United States and in Alabama, juveniles are treated differently from adults. In earlier years, juveniles were put in jails with adults and suffered harsh penalties. Now, instead of punishing juveniles through the adult system, a separate juvenile court works to rehabilitate them by taking a variety of approaches. As you will learn in this chapter, juvenile procedures, terms and treatments are very different from the adult system. For example, hearings are closed to the public to protect the confidentiality of juveniles. Although you may never be a part of the juvenile justice system in Alabama, it is a good idea to know its practices and procedures.

WHAT IS A JUVENILE?

A juvenile is a person not yet considered an adult for the purposes of determining either criminal or civil liability. Generally, you are considered a juvenile if you are under age 18. However, please note you may be considered a minor in other areas of the law if you are under the age of 21.

WHAT IS THE JUVENILE JUSTICE SYSTEM?

The juvenile justice system is a part of the criminal justice system that focuses on the problems, special concerns and criminal activities of juveniles. The system includes many different governmental agencies, from the police to the juvenile court to the Department of Youth Services (DYS), and has its own set of laws and procedures that govern the treatment of juveniles.

WHAT ARE THE DIFFERENCES BETWEEN THE JUVENILE SYSTEM AND ADULT SYSTEM?

There are many differences in the two systems including the terms used and the procedures followed. Below is a list of juvenile court terms and matching adult court terms.

<table>
<thead>
<tr>
<th>Juvenile Court Terms</th>
<th>Adult Court Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offense</td>
<td>Crime</td>
</tr>
<tr>
<td>Take into custody</td>
<td>Arrest</td>
</tr>
<tr>
<td>Petition</td>
<td>File charges</td>
</tr>
<tr>
<td>Denial or “not true”</td>
<td>Not guilty plea</td>
</tr>
<tr>
<td>Admission or “true”</td>
<td>Guilty plea</td>
</tr>
<tr>
<td>Fact finding</td>
<td>Trial</td>
</tr>
<tr>
<td>Found delinquent</td>
<td>Found guilty</td>
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<tr>
<td>Disposition</td>
<td>Sentencing</td>
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<tr>
<td>Detention</td>
<td>Jail</td>
</tr>
<tr>
<td>Aftercare</td>
<td>Parole</td>
</tr>
</tbody>
</table>
WHEN DOES SOMEONE ENTER THE JUVENILE JUSTICE SYSTEM?

A person under the age of 18 enters the juvenile justice system in two ways: when a petition is filed against the person, or when he or she is taken into custody by a law enforcement authority. An officer takes a juvenile into custody if the officer believes the juvenile has done any of the following:

• Has committed an offense;
• Is physically dangerous;
• Is in need of medical or emergency care; or

Procedures

WHAT SHOULD I DO IF THE POLICE STOP ME?

At all times remain respectful, cooperative and truthful with law enforcement. Obey all reasonable requests asked of you, unless the request poses a risk to your personal safety or well being. Do not give false information to an officer.

Do not “bad mouth” or walk away from law enforcement officers, even in instances where you feel they are wrong. Remember that the first words spoken by you may determine the tone of the encounter and the eventual outcome.

If an officer has reasonable suspicion to believe you may be carrying a weapon or illegal substance, you may be subject to a “pat-down” search. This is primarily performed to protect the officer and others in the vicinity.

WHAT ARE MIRANDA WARNINGS?

Miranda warnings are warnings given by police to criminal suspects in police custody, or in a custodial situation, before they are asked questions relating to a crime. A custodial situation is where the suspect’s freedom of movement is restrained although he or she is not under arrest. Miranda warnings include the following:

• You have the right to remain silent.
• Anything you say can and will be used against you.
• You have the right to talk to a lawyer and have the lawyer present with you while you are being questioned.
• If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.

IF I AM TAKEN INTO CUSTODY FOR A CRIME, WHAT SHOULD I DO?

Make sure you are informed as to why you are being held and what your rights are. Before questioning you about a particular crime, a law enforcement officer must read you your Constitutional rights, called Miranda warnings. Miranda warnings are named after a famous case, Miranda v. Arizona, 384 U.S. 436 (1966), in which the U.S. Supreme Court said that a person accused of a crime is entitled to basic rights.
If you wish to communicate with your lawyer, reasonable means will be provided to allow you to do so.

You can decide at any time to exercise these rights and not answer any questions or make any statements.

Under Alabama law, a juvenile also has the right to talk to his or her parents or guardians, and to have them present during questioning. Ala. Code § 12-15-202.

After the warnings are stated, the officer must ask, “Do you understand each of these rights I have explained to you?”

**WHAT HAPPENS IF A POLICE OFFICER TAKES ME INTO CUSTODY?**

The officer has several options regarding what to do with you. The officer may:
- Take you directly to the juvenile probation intake officer for booking into the juvenile detention center;
- Release you to your parents, guardians or someone who can provide supervision, and give you a warning;
- Release you to your parents or guardians with their promise to bring you to juvenile court at a later date; or
- Release you and refer you and your parents or guardians to different services in the community that provide counseling, employment, temporary “shelter care” or other help. Ala. Code §§ 12-15-120 and 12-15-127.

**IS RESISTING ARREST ILLEGAL?**

Resisting arrest is illegal and may result in additional charges. Never resist arrest or help another person resist arrest, no matter how unreasonable the arrest may seem. Ala. Code § 13A-10-41. A person’s guilt or innocence will be decided in court, not by the arresting police officer.

**WHAT HAPPENS IF I AM TAKEN TO A JUVENILE INTAKE OFFICER?**

If you are required to appear before the juvenile intake officer, you and your parents or guardians will meet with the officer. The officer will read your legal rights to you and inform you and your parents or guardians of the charge(s) against you. After discussing the situation with you and your parents or guardians, the intake officer may:
- Request that the district attorney file a petition for you to appear before the juvenile court;
- Decide to take no further action and release you; or
- Refer you for an informal adjustment. This may consist of a pretrial diversion program, such as Teen Court, or releasing you for six months as long as you fulfill certain conditions, such as drug testing and staying in school. Ala. Code §§ 12-15-119 and 12-15-120.

**WHAT IS A DETENTION CENTER?**

A detention center, formerly called “juvenile hall,” is a place for temporarily keeping juveniles who have been accused of committing delinquent acts.

Juveniles who are in a detention center are either awaiting action by the probation officer, awaiting a hearing before the court or awaiting transfer to a state facility such as the Department of Youth Services (DYS), the state agency charged with the supervision of delinquent juveniles.

**IF I AM TAKEN TO A DETENTION CENTER, HOW LONG WILL I STAY THERE?**

The length of time spent in the detention center varies depending on the case. If you are taken to a detention center, the juvenile intake officer is required to investigate immediately why you are there. The law does not allow the intake officer to keep you in detention unless it appears necessary to protect you, others or the property of others, or make
sure you appear in court.

In some cases, you can be released under a special program of home supervision. Ala. Code § 12-15-209.

If the intake officer decides you should stay in detention, a “detention hearing” will be set for you in juvenile court within 72 hours. This time includes weekends or holidays. At the detention hearing, the judge will listen to what you, your parents or guardians, or your lawyers have to say. The judge will decide either to let you go home and return to court at a later date, or to remain in detention to await your formal hearing. Ala. Code § 12-15-207.

Juvenile Court

WHAT IS JUVENILE COURT?

Juvenile court is a special division of the circuit and district court systems of Alabama. A circuit or district court judge acts as the juvenile court judge. Juvenile court is for young people under the age of 18 who have been referred for violating the law or who are in need of supervision. Juvenile court is also for minors under the age of 19 who have family or personal problems. You can be required to go to juvenile court if a petition is filed alleging you to be dependent, delinquent or a “child in need of supervision” (CHINS). Ala. Code § 12-15-102(4).

A dependent child is one who:
- Is in immediate danger in his or her current surroundings;
- Does not have anyone to take care of him or her;
- Is homeless, destitute or dependent on the public for support;
- Is without a parent or guardian for support; or
- Is neglected or abused by his or her parent or guardian. Ala. Code § 12-15-102(8).

A delinquent child is one who has committed a crime whether it is a violation, misdemeanor or felony. Ala. Code §§ 12-15-102(6) & (7).

A child in need of supervision (CHINS) is one who:
- Is habitually truant (excessive school absences or tardiness);
- Runs away from home;
- Continuously disobeys parents; or

WHAT HAPPENS IF I GO TO JUVENILE COURT?

If you go to juvenile court, you, your parents or guardians, and your lawyer will have a chance to tell your side of what happened. You have the right to have witnesses brought to court on your behalf and the right to question those witnesses brought by the district attorney to offer evidence against you. After listening to both sides, the judge decides whether the charges against you were proven. If the judge finds the evidence was insufficient and the prosecuting attorney was unsuccessful in proving the case against you, your case will be dismissed and you will be free to go. Ala. Code § 12-15-212.

If the judge decides that you have committed the offense (adjudicated delinquent), the judge may request that the juvenile probation department prepare a report on you and your family, a description of the offense and a recommendation to the juvenile court regarding appropriate placement. Ala. Code § 12-15-214.

Another option might be a consent decree. A consent decree is a written agreement between parties in your case and the court to hold your case open without a plea. The case will remain open for a maximum of six months. The consent decree contains certain terms and conditions agreed upon

**IF THE JUVENILE JUDGE FINDS ME DELINQUENT, WHAT CAN HAPPEN?**

The juvenile court judge may decide to put you on probation or place you in the custody of the Department of Youth Services (DYS). Juvenile court judges have the authority to impose a variety of consequences at their discretion.

**Probation**

**WHAT DOES “ON PROBATION” MEAN?**

Being on *probation* means being released to your parent or guardian with certain conditions set by a juvenile court judge. During your probationary period, you must follow what the juvenile court judge has ordered and complete any special conditions of probation. Special conditions of probation may include working in the community, attending school regularly, paying a fine, keeping a curfew, paying back a victim for damages, obtaining counseling or therapy, submitting to random drug or alcohol testing, or attending an alternative school. The court may also have you placed in a group home or other residential setting. You may be sent to a boot camp program where you participate in tough physical training, educational programs and self-improvement programs. The court may order your parents or guardians to enforce the conditions of probation by making them a party to the case. Ala. Code § 12-15-218.

**WHAT IS A JUVENILE PROBATION OFFICER?**

The position of a *juvenile probation officer* (JPO) is part of the juvenile justice system established by state law. The officers work with juveniles who have been referred for violating the law or who need help because of family circumstances. Also, these officers provide reports to judges to help them make decisions about juveniles. JPOs also supervise juveniles who have been placed on probation by the juvenile court. Ala. Code §§ 12-15-107 and 12-15-215.

**WHEN DOES PROBATION END?**

In some cases, you can be on probation for a set length of time, such as six or 12 months, or until you have met the conditions required by the court. If you do not complete or you violate your conditions of probation, the judge can extend your probationary period or revoke your probation and send you to a DYS facility. You may be kept on probation until your 21st birthday unless you have been transferred to adult court, in which case your probation could be extended. Ala. Code §§ 12-15-102 and 12-15-221.

**Department of Youth Services**

**WHAT IS THE DEPARTMENT OF YOUTH SERVICES?**

The *Department of Youth Services* (DYS) is the state agency charged with the supervision of delinquent juveniles. DYS provides care, custody, treatment and rehabilitation services to youth adjudicated delinquent by the juvenile courts of Alabama.
While under the supervision of DYS, you have to go to school and participate in physical training. The juvenile judge may also require DYS to make you attend special programs based upon your crime.

If you are sent to DYS, you could be placed in a local detention facility, a group home, the High Intensive Treatment (HIT) Program (boot camp), or a high-security facility.

You may be held in a DYS facility until your 21st birthday. Ala. Code § 12-15-32.

**WHAT IS A HIGH SECURITY FACILITY?**

A high security facility is reserved for the most serious offenders. If you are sent to one of these facilities, it is like going to a state prison. The DYS staff controls everything you do every day you are there. They tell you when to wake up, when to eat, when to go to school, how long to go to school and when to go to bed. You are watched at all times. An example of a high-security facility in Alabama is Mt. Meigs.

**WHAT IS A SERIOUS JUVENILE OFFENDER?**

A serious juvenile offender is a minor who has been adjudicated delinquent and the delinquent act or acts charged in the petition would constitute any of the following if committed by an adult:

- A class A felony;
- A felony resulting in serious physical injury;
- A felony involving physical force or one involving the use of a deadly weapon or dangerous instrument; or

**Transfers & Alternatives in Juvenile Court**

**AS A JUVENILE CAN I BE SENT TO ADULT COURT?**

If you are 14 or over and commit a delinquent act, the district attorney may petition to have you transferred to adult court. Usually, this will only happen if you have been before the court several times or if the new charge is a serious crime. If the juvenile court grants the petition to transfer your case to adult criminal court after a hearing, you will be tried in a public trial and, upon conviction, may be sentenced to serve time in prison as an adult.

If you are 16 or over and are charged with committing certain violent crimes such as murder, robbery, rape, using a weapon in committing crimes or drug trafficking, you will automatically be tried and sentenced in adult criminal court without even going to juvenile court. Ala. Code § 12-15-204.

If you are convicted in adult court, you will no longer be considered a juvenile even if you are younger than 18 years of age. Any future criminal acts will be dealt with in the adult system.

**WHAT IS TEEN COURT?**

Teen Court is a pretrial diversion program of the juvenile court in a few communities that allows juveniles charged with a delinquent act the option of facing their peers for sentencing, instead of going to juvenile court. First-time juvenile offenders are eligible. If the defendant successfully completes his or her sentence, the charges are dismissed and a juvenile record is avoided. If the defendant does not complete a sentence successfully, the case is usually sent directly to the juvenile court.

**Juvenile Record**

**CAN MY JUVENILE COURT RECORD BE SEALED OR DESTROYED?**

Yes. Sealing or destroying your juvenile record is not done automatically. You must ask (petition) the court to have it sealed. Ala. Code § 12-15-136.

You should be aware, however, that other agencies, such as the FBI, the Department of Public Safety and schools do not seal their records. Your future may be affected by a bad driving record or school record, and it can be used against you in gaining a good job or entering military service.

**IF I HAVE A JUVENILE RECORD, WHAT SHOULD I SAY ON A JOB APPLICATION WHEN ASKED IF I HAVE EVER BEEN CONVICTED OF A CRIME?**

You should say “no.” Being convicted of a crime is an adult court term. This is not the same as being adjudicated delinquent as a juvenile. The reason for this distinction lies in the belief that young people can be rehabilitated. Ala. Code § 12-15-220.
Criminal Offenses

Authorities agree that crime is a major problem in our country. Crime occurs in many different ways. It may be a purse snatching, a teenager taking a joy ride in a car, murder, rape, drug use or a public official who accepts a bribe. In this chapter you will be introduced to the categories of crimes and their penalties. As a young person, you should be aware of these crimes, because you are more likely to be a victim of crime than any other age group. Remember that the power of knowledge is the best means of crime prevention.

WHAT IS A CRIME?

A crime is committed when you break the law either by doing something the law says you are not to do or by not doing something the law says you have to do.

Crimes & Classifications

ARE ALL CRIMES THE SAME?

No. There are three classifications of crimes:

Felonies are the most serious crimes and can result in being committed to a federal or state prison for more than one year. Felonies can result in immediate detention, a fine or both. Ala. Code § 13A-1-2(4).

Misdemeanors are less serious crimes. Misdemeanors cannot result in commitment to state prison, but rather to county or city jail for no more than one year. Ala. Code § 13A-1-2(3).

Violations are the least serious crimes, and the sentence for these may result in the loss of liberty, but for no longer than 30 days. Ala. Code § 13A-1-2(2). An example of a violation is a traffic ticket for which you may have to pay a fine or have your license suspended.

These classifications demonstrate the seriousness of different crimes. Another classification of seriousness of crime is called degree. An example of this would be theft. Theft in the first degree is a class B felony, but theft in the third degree is a class A misdemeanor.

WHAT ARE THE PUNISHMENTS FOR COMMITTING A CRIME?

The chart below explains the fines and sentences for each category of crimes in adult criminal court.

<table>
<thead>
<tr>
<th>Felony</th>
<th>Fine</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital</td>
<td>Life without release/death</td>
<td></td>
</tr>
<tr>
<td>Class A</td>
<td>$60,000 or less</td>
<td>10-99 years / 20-99 with firearm</td>
</tr>
<tr>
<td>Class B</td>
<td>$30,000 or less</td>
<td>2-20 years / 10-20 with firearm</td>
</tr>
<tr>
<td>Class C</td>
<td>$5,000 or less</td>
<td>1-10 years / 10 with firearm</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Misdemeanor</th>
<th>Fine</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A</td>
<td>$6,000 or less</td>
<td>No more than one year</td>
</tr>
<tr>
<td>Class B</td>
<td>$3,000 or less</td>
<td>No more than six months</td>
</tr>
<tr>
<td>Class C</td>
<td>$500 or less</td>
<td>No more than three months</td>
</tr>
</tbody>
</table>

WHAT SHOULD I DO IF I WITNESS A CRIME?

If you see a crime, it is very important that you not place yourself in danger. Make as many observations about the crime as you can (such as people, clothing, vehicles, license plate, kind and color of car, direction of travel, time, location and other witnesses). Call 911 immediately about the crime and tell them if anyone is injured. You should talk to an adult you trust, such as your parent, guardian, teacher, counselor or school resource officer (SRO).

WHAT IF I DO NOT KNOW THAT SOMETHING I DID IS A CRIME?

You are still guilty of the crime, because not knowing a law is no excuse for breaking the law. Ala. Code § 13A-2-6(b). Otherwise, any person committing a crime might say he or she did not know about a law. No one would be safe if that were allowed.

Just ask yourself if what you are doing might harm or injure a person or property not your own. If it might, it is probably a crime.

WHAT HAPPENS IF I HELP ANOTHER PERSON BREAK A LAW?

Complicity is when you help another person commit a crime. If you are guilty of complicity, you may be charged with the same crime. Complicity is also known as “aiding and abetting.” Ala. Code § 13A-2-23.

WHAT IF I LIE OR MAKE A REPORT THAT IS NOT TRUE?

It is a crime to make a false police report or give false information to an officer, or to call in a false fire alarm or bomb threat to police or emergency officials. Ala. Code §§ 13A-10-8 and 13A-10-9.

If questioned as a witness in court, you must tell the truth; to lie would be committing the crime of perjury. Ala. Code §§ 13A-10-101 to 13A-10-103.

WHAT ARE THE TWO BASIC CATEGORIES OF CRIME?

Crimes against persons are crimes that directly injure, attempt to injure or threaten to injure a person’s body.

Crimes against property are crimes that affect property.

Crimes Against Persons

WHAT IS HOMICIDE?

Homicide is the killing of one human being by another, justified or unjustified.


Murder is the intentional killing of another person without legal justification. Murder is a class A felony. Ala. Code § 13A-6-2.

Some murders can be punishable by a sentence of death or life without parole. These are known as capital offenses. Some examples of capital offenses are the murder of a police officer or a child under the age of 14, or a murder while committing another felony. Ala. Code §§ 13A-5-39 and 13A-5-40.

Manslaughter is the reckless killing of another person. This crime may also be intentional but committed during a heated or passionate moment. Manslaughter is a class B felony. Ala. Code § 13A-6-3.

Criminally negligent homicide is the death of another that results from risky or careless behavior. It is a class A misdemeanor, except in cases involving a death caused by drunk driving, which makes it a class C felony. Ala. Code § 13A-6-4.
**WHAT IS ASSAULT?**

Assault is acting in a manner that causes physical injury to another person. For example, an unprovoked attack against another person is an assault. You do not have to have a weapon to assault someone. If you assault someone, you can be charged with a felony or misdemeanor depending on the seriousness of the injury. Any assault on a police officer or a teacher is an automatic felony. Ala. Code §§ 13A-6-20 to 13A-6-22.

**WHAT IS HARASSMENT?**

Harassment is an unwanted touching or a verbal or nonverbal threat to another person that would cause a reasonable person to fear for his or her safety. Harassment is a class C misdemeanor. Ala. Code § 13A-11-8.

**CAN I MAKE A PRANK PHONE CALL?**

No. A prank phone call is a form of harassment. If you make a telephone call with no legitimate purpose of communication, you are committing the crime of harassing communication. This can include calling and hanging up, making threats, using lewd language and other annoying messages. Harassing communications is a class C misdemeanor. Ala. Code § 13A-11-8. Sending or forwarding inappropriate e-mail messages, instant messages or postal mail are also forms of harassing communications.

**WHAT IS MENACING?**

Menacing involves physical action that intentionally places or attempts to place persons in such a position that they fear imminent serious physical injury. Menacing does not require physical injury. Menacing is a class B misdemeanor. Ala. Code § 13A-6-23.

**IS IT ILLEGAL TO BURN AN AMERICAN FLAG OR A CROSS?**

It is illegal in the state of Alabama to burn a cross or an American flag with the intent to scare an individual or group of people. Ala. Code § 13A-6-28.

**WHAT IS BULLYING AND IS IT A CRIME?**

Bullying usually involves one or more people engaging in repeated negative actions that cause intentional harm to the victim.

There are many types of bullying including, but not limited to, physical aggression, social aggression, verbal aggression, intimidation, written aggression and sexual harassment. Bullying can result in crimes such as assault, harassment, robbery or theft, and may lead to more serious criminal acts.

**WHAT IS A STREET GANG?**

A street gang is a group of three or more persons who join together for the purpose of committing crimes. The crime of compelling street gang membership is when anyone uses threats against you or anyone else to make you join a gang or stay in a gang when you don't want to. This is a class C felony. If an adult threatens a minor, it becomes a class A felony. Ala. Code § 13A-6-26.
Sexual Crimes

Every person, girl or boy, has total autonomy (control) over his or her own body. No person has the right to touch you in a way that is inappropriate or makes you feel uncomfortable. If this should ever happen, you should report this to your parent, guardian, teacher, guidance counselor, SRO or principal.

WHAT IS RAPE?

Rape is forced sexual intercourse with another person. Rape is also any sexual intercourse, consensual or not, by a person aged 16 or older with a person under the age of 16 provided there is at least a two year age difference between the individuals. Rape is a class A or class B felony. Ala. Code §§ 13A-6-60 to 13A-6-62.

WHAT IS SODOMY?

Sodomy is sexual intercourse involving oral or anal sex between unmarried persons, by force, or with someone under the age of 16. Sodomy is a class A or B felony. Ala. Code §§ 13A-6-63 and 13A-6-64.

WHAT IS SEXUAL MISCONDUCT?

Sexual misconduct is a misdemeanor that covers other illegal sexual activities. Ala. Code § 13A-6-65.

WHAT IS SEXUAL ABUSE?

Sexual abuse involves forcible sexual contact with another person or sexual contact with any person less than 16 years of age. Sexual abuse is a felony or misdemeanor. Ala. Code §§ 13A-6-66 and 13A-6-67. Sexual contact is the touching of the sexual or intimate parts of another person. It is also illegal for an employee of the Department of Corrections, Department of Youth Services, or any city or county to have sexual contact with anyone in custody, consensual or not. Custodial sexual misconduct is a class C felony. Ala. Code § 14-11-31.

WHAT IS INDECENT EXPOSURE?

Indecent exposure is the exposure of a person’s private parts with intent to arouse or gratify sexual desire of oneself or another. Indecent exposure is a class A misdemeanor. Ala. Code § 13A-6-68.

WHAT IF I THINK I AM A VICTIM OF A SEXUAL CRIME?

You should go to an adult you trust (your parent, guardian, teacher, counselor, SRO, principal) and tell him or her what has happened to you. You can also call a crisis hotline.

WHAT IS PUBLIC LEWDNESS?

Public lewdness occurs when a person exposes his or her private parts in a public place where he or she is likely to be observed by someone else. Public lewdness is a class C misdemeanor. Ala. Code § 13A-12-130.

WHAT IS OBSCENITY?

Obscenity is any material considered to be extremely offensive under community standards of decency. One example of obscenity is nude pictures of someone under 17 years old taken for sexual purposes. Possession of obscenity is a class C felony. Ala. Code § 13A-12-192(b).
CAN SOMEONE GIVE ME A DIRTY MAGAZINE?

It is illegal for anyone to sell or give someone under 18 years of age a magazine with sexually oriented nude pictures. Ala. Code § 13A-12-200.5.

WHAT IS THEFT?

Theft is the taking of property with the intent to deprive someone of his or her property without the intent to return it. This includes property left at a charitable organization’s drop box or trailer, such as Goodwill or Salvation Army. Ala. Code §13A-8-2.

There are three degrees of theft:

Theft in the first degree is theft of property exceeding $2,500 in value, or theft of a motor vehicle or any property taken from the person by use of physical contact, and is a class B felony. Ala. Code § 13A-8-3.

Theft in the second degree is theft of property between $500 and $2,500, or the theft of credit cards, debit cards, firearms, livestock and controlled substances, and is a class C felony. Ala. Code § 13A-8-4.

Theft in the third degree is theft of property not exceeding $500, and is a class A misdemeanor. Ala. Code § 13A-8-5.

WHAT IS SHOPLIFTING?

Shoplifting is the crime of taking goods while at a store without paying or intending to pay. Ala. Code § 13A-8-2. It is a serious problem for store owners and customers because money is lost on each item that is not paid for by customers, causing retailers to raise their prices on the items we buy. A person who shoplifts will be convicted of either a felony or misdemeanor depending on the value of the stolen item. Ala. Code § 13A-8-3. Because shoplifting has so greatly hurt profits, as well as

WHAT IS CRIMINAL MISCHIEF?

Criminal mischief is intentionally causing damage to property and having no right to do so. This is commonly known as “vandalism.” The punishment is determined by the amount of damage. Ala. Code §§ 13A-7-21 to 13A-7-23.

This includes graffiti, breaking windows, egging or keying a car, and slashing tires. It is also illegal to deface, remove or destroy any property in a graveyard. Ala. Code § 13A-7-32.1.

WHAT IS ARSON?

Arson is setting fire to or burning any vehicle or building, including your own. You may be guilty of arson even if you did not intend to set the fire, but were merely reckless. Ala. Code §§ 13A-7-40 to 13A-7-43.
increased the cost for goods and items, most store owners now prosecute all shoplifters, even for first offenses and regardless of the shoplifter’s age. You do not have to be outside the store in order to be arrested for shoplifting. If you attempt to conceal an item within the store, you may be arrested.

**WHAT CAN A STORE OWNER DO TO ME IF I SHOPLIFT?**

If you shoplift, the store owner can detain you in a reasonable manner and for a reasonable length of time.

The store owner can order you to never reenter the premises of that store and the court may order you to pay **restitution** – return the goods to the owner and pay for any property loss, damages and time – as well as a fine.

If a juvenile is found delinquent for shoplifting, the parents may be sued in civil court by the business to recover for the financial loss. Ala. Code § 6-5-271.

**WHAT IS EMPLOYEE THEFT?**

**Employee theft** is another form of theft in which employees steal items, allow their friends to steal items, charge a customer an improperly reduced price (under charging) or abuse an employee discount.

**WHAT IS ROBBERY?**

**Robbery** is theft by the use of force. Taking a person’s personal property by using force or by scaring someone into handing over anything that belongs to him or her is the crime of robbery. Ala. Code §§ 13A-8-41 to 13A-8-43.

There are three degrees of robbery:

- **Robbery in the first degree** is theft with a deadly weapon, or dangerous instrument leading any person who is present to believe it to be a deadly weapon, or causing serious physical injury, and is a class A felony. Ala. Code § 13A-8-41.
- **Robbery in the second degree** is theft with the use of force or threat of imminent danger to others and aided by another person, and is a class B felony. Ala. Code § 13A-8-42.
- **Robbery in the third degree** is theft with the use of force or threat of imminent danger to others, and is a class C felony. Ala. Code § 13A-8-43.

**IS IT ILLEGAL FOR ME TO ACCEPT STOLEN PROPERTY?**

Yes. Buying or accepting property known to be or suspected to be stolen is the crime of **receiving stolen property.** Punishment depends on the value of the property and can be a misdemeanor or a felony. Ala. Code §§ 13A-8-16 to 13A-8-19.

**CAN I TAKE SOMEONE’S CAR WITHOUT HIS OR HER PERMISSION?**

No. It is illegal for you to use a car even temporarily without the owner’s permission. Unauthorized use of a motor vehicle is a class A misdemeanor. Ala. Code § 13A-8-11. If you deprive the owner of possession of his or her car, you could also be charged with theft.

**CAN I USE MY PARENTS’ CREDIT CARD?**

You may use their credit card only with their permission. Using another person’s credit card, debit card or calling card without his or her permission is a class C felony. Ala. Code §§ 13A-9-14 and 13A-8-151.

**WHAT ARE THE LAWS CONCERNING MAIL DELIVERY?**

It is illegal to tamper with or destroy a mailbox or mail or to interfere with the delivery of mail. It is a federal crime to steal property belonging to the U.S. Postal Service. The penalty ranges from $500 to $2,000 in fines and one to five years in federal prison. 18 U.S.C. § 1702.
**WHAT IS IDENTITY THEFT?**

Identity theft is using someone else’s information (such as social security numbers, credit card numbers and drivers’ licenses) without their permission for an unlawful purpose. Ala. Code §§ 13A-8-190 and 13A-8-201. It also is a crime under federal law. 18 U.S.C. § 1028.

**WHAT IS CRIMINAL TRESPASS?**

Entering someone else’s property or home without permission or remaining there against the owner’s wishes is known as criminal trespass. Criminal trespass is a misdemeanor. Ala. Code §§ 13A-7-2 to 13A-7-4.

**WHAT IS BURGLARY?**

Burglary is the unlawful entry into a house or building with the intent to commit a crime inside. Ala. Code §§ 13A-7-5 to 13A-7-7.

**WHAT IF I THROW A ROCK AT A CAR?**

Throwing a rock, stone, piece of metal or any other deadly object into a car occupied by one or more persons is illegal and is punishable by more than a year in jail. Ala. Code § 32-5-11.

**WHAT IF I THROW MY SODA CAN OUT OF THE CAR WINDOW?**

You are committing criminal littering. Criminal littering is intentionally throwing or dropping litter on any public or private property having no permission to do so and is a class C misdemeanor. Ala. Code § 13A-7-29.

**WHAT IS DISORDERLY CONDUCT?**

Disorderly conduct is disturbing the peace by making loud noises, by fighting or by publicly using obscene language. This is a class C misdemeanor. Ala. Code § 13A-11-7. This may include playing your car or portable stereo too loudly.

**WHAT IS LOITERING?**

A person commits the crime of loitering if he or she remains in a public place without lawful business. Loitering is a violation. Ala. Code § 13A-11-9.

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**Respect for Authority**

**DO I HAVE TO OBEY POLICE OFFICERS?**

Yes. Police officers are charged with enforcing the law and protecting the safety of the public. You should always show respect for law enforcement officers.

It is illegal to refuse to leave an area upon lawful command or to otherwise interfere with a governmental function (for example, interfering with police officers or firemen while they are doing their duty). Ala. Code §§ 13A-10-2 and 32-5A-4.

It is illegal to resist arrest, delay, obstruct or assault police officers or other emergency employees (such as firemen) while they are doing their jobs. Ala. Code §§ 13A-6-21(a)(4) and 13A-10-41.

It is illegal to refuse to assist police officers or

Refusing to disperse (or break up a group) when asked by a police officer is a class B misdemeanor. Ala. Code §§ 13A-11-6 and 13A-11-7(a)(6).

WHAT IF I GIVE THE OFFICER A FAKE NAME?

It is a felony to give a police officer a false name, date of birth, social security number or driver’s license number in an effort to mislead the officer as to your identity. This is commonly known as obstructing justice. Ala. Code § 13A-8-194.

Order & Safety

WHAT IS THE CRIME OF TERRORISM?

Terrorism is a violent criminal act committed with the intent to intimidate or threaten the general public or to influence the policy of government. Supporting or assisting an act of terrorism is also a crime. The crime of terrorism is a felony. Ala. Code § 13A-10-152.

WHAT ABOUT FALSE BOMB THREATS?

A person commits the crime of falsely reporting an incident if with knowledge that the information reported is false, he or she makes a false report of a fire, bomb, explosion, crime, catastrophe or emergency under circumstances likely to cause disruption of school activities or to cause the evacuation of a building. Falsely reporting a bomb threat is a class C felony. Ala. Code § 13A-11-11.

WHAT IS HOMELAND SECURITY?

In November of 2002, Congress approved the creation of the U.S. Department of Homeland Security to coordinate a national effort to protect Americans from terrorist threats and attacks. This agency is responsible for the detection, prevention, preparation for and response to any terrorist activity.

Alabama also has a Homeland Security Department, which was established in 2003. This department coordinates with the federal government to protect all of us from acts of terrorism. Ala. Code §31-9A-1.

IS IT ILLEGAL TO FALSELY PULL A FIRE ALARM?

Yes. The purpose of a fire alarm is to protect you and others from harm and it should be used only for this purpose. Pulling a fire alarm as a prank or joke may cause unnecessary panic or harm and can divert firemen when they may truly be needed elsewhere.

Tampering with a fire alarm box or sending a false alarm is a class A misdemeanor. Ala. Code §13A-10-8.

Sending a false alarm within a hospital or nursing home or any building housing disabled people is a class C felony. Ala. Code §13A-10-8.

ARE THERE LAWS ABOUT TRAFFIC SIGNS?

Yes. It is illegal to steal, deface, knock down or otherwise alter any traffic signs. Ala. Code §13A-7-21. It is also illegal to tamper with railroad signs. This is criminal mischief.
Some of the most serious problems with violent crime in the United States is connected with guns and other deadly weapons. This chapter will define and explain some of the laws regarding handguns and other deadly weapons. You should be aware of these laws to protect yourself and others.

**Guns**

**CAN I OWN A GUN?**

If you are under 18 years of age, you cannot own a rifle or shotgun. Persons under 21 years of age cannot own a pistol. 18 U.S.C. § 922. You can, however, own BB guns or pellet guns (subject to local ordinances).

**CAN I USE A GUN EVEN THOUGH I DO NOT OWN IT?**

Yes, you may use it for hunting or other recreational activities with permission from the adult owner.

You may only carry or possess a pistol on your parent’s or guardian’s property. It is illegal for you to possess a pistol anywhere else. Ala. Code § 13A-11-53.

**IS IT LEGAL TO CARRY A CONCEALED WEAPON?**

Adults may carry concealed pistols with a permit issued by the state. Ala. Code §§ 13A-11-73 to 13A-11-75. A weapon is concealed if it is not in clear sight of a casual observer.

No adult or juvenile can legally carry a concealed rifle or shotgun. Ala. Code § 13A-11-50.

**Weapons**

**WHAT IS A DEADLY WEAPON?**

A **deadly weapon** is a firearm or anything designed for the purpose of inflicting death or serious physical injury. Such items include a pistol, rifle or shotgun, or a switchblade knife, sword or dagger. Ala. Code § 13A-1-2(11). A **firearm** is a weapon from which a shot is discharged by gunpowder. Ala. Code § 13A-8-1(4).

**WHAT IS A DANGEROUS INSTRUMENT?**

Any item which, under the circumstances in which it is used, is highly capable of causing death or serious physical injury is considered to be a **dangerous instrument**. Such items may include a car, a rock, a hypodermic needle, box cutter or a pencil. Ala. Code § 13A-1-2(12).

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**CHAPTER 4 • WEAPONS, GUNS & FIREWORKS**

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**CAN I POSSESS AMMUNITION?**

No. You may not possess ammunition that is suitable for use in handguns. It is illegal for anyone to give, sell or transfer handgun ammunition to a juvenile in any way. 18 U.S.C. § 922.

**CAN I OWN A SLING SHOT?**

Yes, but it is illegal to conceal a slingshot, metal knuckles or any similar device. Ala. Code § 13A-11-53. Also, if used for the purpose of producing death or serious bodily injury, it is considered a dangerous instrument.

**CAN SOMEONE GIVE ME A GUN?**

No. If you are under 19 years old, it is illegal for anyone to give, sell or in any way transfer a handgun, bowie knife or ammunition to you. Ala. Code §§ 13A-11-57 and 13A-11-76.

**WHAT HAPPENS IF I BRING A GUN TO SCHOOL?**

If you bring a gun to school, on the bus or to any school activity, the school is required to expel you for one year or enroll you in an alternative school. Ala. Code § 16-1-24.3.

If you bring any other weapons to school, you will be immediately suspended and within five days you will have a hearing before the local school board. Law enforcement will be notified of any violation of school policy against weapons. If any violations of criminal law have been committed, you will be immediately referred to juvenile court. Ala. Code § 16-1-24.1.

If you possess a deadly weapon on school grounds with the intent to do bodily harm, you have committed a class C felony. Ala. Code § 13A-11-72.

**WHAT IF I CARRY A WEAPON JUST TO THREATEN OR SCARE SOMEONE?**

Threatening or scaring another person with a weapon is considered “menacing” and is a class B misdemeanor. Ala. Code § 13A-6-23.

**WHAT ARE OTHER LAWS CONCERNING GUNS?**

You may not shoot any firearm from, on or across a public road. Ala. Code § 9-11-257.

It is a felony to shoot a firearm at any house, vehicle, building or aircraft. It is also illegal to shoot from a vehicle. Ala. Code § 13A-11-61.

If someone is killed as a result of your shooting into a house or motor vehicle, you could be arrested for capital murder. Ala. Code § 13A-11-61.

If a juvenile commits a crime using a deadly weapon, the juvenile will be considered a serious

If an adult commits a crime using a firearm or deadly weapon, the minimum sentence is 10 years in prison. Ala. Code § 13A-5-6.

Altering any mark or identification on a weapon or possessing such a weapon is a class C felony. Ala. Code § 13A-11-64.

**Fireworks**

**CAN I BUY FIREWORKS?**

If you are under 16 years old, you can buy fireworks if accompanied by an adult. Ala. Code § 8-17-222.

No one can possess fireworks if intending to use them to cause damage or harm to another person or property. Ala. Code § 13A-7-44.

**ARE THERE PLACES WHERE I CANNOT SHOOT FIREWORKS?**

It is illegal to shoot fireworks within 600 feet of churches, hospitals or public schools, or within 200 feet of where fireworks are sold or stored. It is also illegal to throw or shoot fireworks into or from vehicles, at a person or into a group of people. Ala. Code § 8-17-222. There are other restrictions that may be placed on shooting fireworks by the fire marshal or by your city or county government. You should always take special care and be responsible when using fireworks since they can be extremely dangerous.

If you use fireworks in the wrong way, you can be charged with a class A misdemeanor. Ala. Code § 8-17-224. If you cause damage from using fireworks, you and your parents may be held responsible for the damage.
Alcohol & Other Drugs

Many of you are aware of the alcohol and drug abuse problems among your friends, classmates and teens in general. This chapter will discuss the laws that involve alcohol, tobacco and drug abuse. Drugs and alcohol are directly related to crime and violence. Learn more about the laws, and remember to “Just say NO.”

Alcohol

WHAT IS AN ALCOHOLIC BEVERAGE?

Any drink that has at least 1/2 of one percent alcohol is an alcoholic beverage. This includes beer, wine or any other liquor. Ala. Code § 28-3-1.

WHEN CAN I BUY AND DRINK AN ALCOHOLIC BEVERAGE?

You must be 21 years old before you can buy, drink or possess alcoholic beverages. Ala. Code § 28-1-5.

WHAT IF I DRINK OR BUY ALCOHOL BEFORE I’M 21?

You have committed the crime of minor in possession of alcohol, which is a class C misdemeanor. Ala. Code § 28-1-5.

CAN MY PARENTS GIVE ME PERMISSION TO DRINK AT HOME?

No. Even if your parents or guardians give you permission to drink at home or elsewhere, it is still against the law. It also is illegal for your parents to allow you or your friends to have a party involving the use of alcohol or other drugs. Ala. Code § 13A-11-10.1.

WHAT IF SOMEONE SELLS OR GIVES ME AN ALCOHOLIC BEVERAGE?

It is against the law to sell or give alcoholic beverages to a person under 21 or allow him or her to drink on licensed premises. Ala. Code § 28-3A-25. If you accept it you have committed the crime of minor in possession of alcohol. Ala. Code § 28-1-5.
WHAT IF I’M RIDING IN A CAR AND SOMEONE ELSE IN THE CAR HAS AN ALCOHOLIC BEVERAGE?

No person of any age shall have any open containers of alcohol in a motor vehicle, whether he or she is the driver or the passenger. Ala. Code § 32-5A-330.

It is illegal for a person under the age of 21 to possess or transport alcohol. If no one in the car is above the age of 21, it is illegal for anyone in the vehicle to have alcohol, open or unopen. Ala. Code § 28-1-5.

WHAT IF I’M NOT DRINKING, BUT I’M HOLDING SOMEONE ELSE’S DRINK?

If you are under 21, it is illegal for you to hold someone else’s drink. It is illegal for a person under 21 to possess and transport alcohol. Ala. Code § 28-1-5.

Possession is not limited to ownership. It can also include knowingly being in the presence of drugs or alcohol in an area over which you have control, such as a backpack, locker or car.

WHAT IS DUI?

DUI stands for “driving while under the influence” of alcohol or other drugs. Law enforcement officers determine if a person is under the influence of alcohol by testing the amount of alcohol in that person’s blood. A blood test or a Breathalyzer indicates the blood alcohol level. If the driver is under 21, the amount of alcohol necessary to be considered under the influence is considerably less than the standard for an adult. A conviction for a DUI can include fines, loss of license and jail time. Ala. Code § 32-5A-191.

In Alabama, a person under the age of 21, who has .02% or more by weight of alcohol in the blood, will have his or her driver’s license suspended for 30 days. In addition to license suspension, the juvenile shall be referred to the court referral officer for evaluation and required to complete a DUI or substance abuse court referral program. A second conviction within a five-year period will result in a fine up to $5,000, imprisonment in county or city jail for up to one year and a one-year driver’s license suspension. This is a zero tolerance law for juveniles. Ala. Code § 32-5A-191.

SUPPOSE I GO INTO A STORE OR BAR TO BUY AN ALCOHOLIC DRINK USING A FAKE ID OR A DRIVER’S LICENSE, WHAT WILL HAPPEN?

It is against the law for you to attempt to use a fake ID or driver’s license, or to borrow a license that is not yours for the purpose of purchasing alcohol, cigarettes or tobacco. Violation is a class A misdemeanor. Ala. Code § 13A-9-6.

If you appear to be under 21, you will be asked to prove your age, and if you cannot, the store cannot legally sell to you. Ala. Code § 28-3A-25(a)(3).

CAN I SERVE ALCOHOL IN A RESTAURANT IF I’M A WAITER?

If you are 19 or older and work in a restaurant, you are permitted to serve alcohol if there is an employee over 21 present and if the vendor is certified in the “Responsible Vendor Program” of the Alabama Beverage Control Board. Ala. Code § 28-1-5.

Tobacco

WHAT IS TOBACCO?

Tobacco is an agricultural crop usually rolled in paper and smoked. Sometimes tobacco leaves are “dipped” or “chewed” so the nicotine is absorbed through saliva directly into the gums. Tobacco can be in the form of a cigarette, chewing tobacco, dip, cigars or pipe tobacco.

CAN I BUY CIGARETTES?

It is illegal for anyone under the age of 19 to purchase cigarettes or any tobacco products. Ala. Code § 28-11-13.
Even if a friend tries to give you a cigarette, it is also illegal for anyone to give or sell cigarettes, cigarette tobacco or cigarette paper to any minor. Ala. Code § 13A-12-3.

**CAN I WORK AT A STORE THAT SELLS CIGARETTES?**

If you are under the age of 19, you can sell tobacco as part of your job if there is another employee age 21 or older present. Ala. Code § 28-11-13.

**WHAT IF A POLICE OFFICER FINDS CIGARETTES IN MY POSSESSION?**

A law enforcement officer can seize any tobacco or tobacco product found in the possession of a minor. The officer may also issue you a ticket, which will require you to pay a fine up to $50. Ala. Code § 28-11-14.

**Other Dangerous Drugs**

**WHAT ARE SOME OTHER DANGEROUS DRUGS?**

There are many other dangerous drugs besides tobacco and alcohol. You should consider any drug not prescribed to you as dangerous.

**Hallucinogens:** Substances that affect the central nervous system distorting the perception of reality. The most well known are “ecstasy,” “angel dust,” PCP, LSD, marijuana and mushrooms.

**Stimulants** (uppers): Substances that temporarily increase the function of the heart, lungs, brain or nervous system. Commonly used stimulants are “speed,” “crack,” “coke,” “crank,” “crystal meth” and “yellow jackets.”

**Sedatives** (downers): Substances that depress or slow down the body’s functions inducing sleep or sedation. These drugs are also referred to as tranquilizers or sleeping pills. Sedatives such as Valium, Ambien and Xanax are legal if prescribed by a physician.

**Inhalants:** Substances that are sniffed or “huffed” to give the user an immediate high or head rush. Aerosols and cleaning supplies are commonly abused.

**Narcotics** such as heroin, cocaine and opium are illegal. Narcotics such as morphine, oxycontin and methadone are legal only if prescribed by a physician. Ala. Code § 20-2-23.

It is illegal to use, possess, transport, sell, furnish or give away any of these dangerous drugs. Ala. Code §§ 13A-12-211 to 13A-12-215.

**WHAT IS A “DATE RAPE” DRUG?**

A date rape drug is a drug used by an offender to make another person unconscious for the purpose of committing a crime such as rape or another sexual offense. These drugs may be colorless and odorless and can easily be put into someone’s drink. Common date rape drugs are GHB and “ecstasy.”

**IS IT OKAY TO TAKE PRESCRIPTION DRUGS?**

Yes, but it is legal only if it is prescribed for you by a doctor and is taken according to your doctor’s directions. It is illegal to take another person’s prescriptions or to sell prescriptions. It is also illegal to change a prescription or to use a fake ID to fill a prescription. Ala. Code § 13A-12-212.

There is now a statewide database to keep up with the prescribing and dispensing of controlled substances. This is to prevent individuals from abusing and misusing prescription drugs. Ala. Code §§ 20-2-210 to 20-2-220.

**WHAT IS A CONTROLLED SUBSTANCE?**

A controlled substance is any substance that the government thinks should be monitored because of its potential for abuse.

Even substances that are legal can be considered illegal when combined or possessed with intent to make an illegal substance. Some over-the-counter medications, such as pseudoephedrine, can be used to make illegal substances, and therefore, purchases are limited by law. 18 U.S.C. § 844; Ala. Code § 13A-12-217.

**WHAT ARE THE CATEGORIES OF DRUG CRIMES?**

The three main drug crimes are drug possession, drug distribution and drug manufacturing.

• The crime of **drug possession** occurs any time a person possesses a controlled substance without authorization. It can also occur when a person obtains a controlled substance using a false ID or
alters a prescription. This is a class C felony. Ala. Code § 13A-12-212.

- The crime of **drug distribution** occurs whenever a person sells, furnishes, gives away, delivers or distributes any controlled substance, including prescription drugs, unless authorized by law. This is a class B felony. Ala. Code § 13A-12-211.

Anyone over 18 years old who is found guilty of distributing a controlled substance to someone under 18 years old commits a class A felony and is not eligible for probation. Ala. Code § 13A-12-215.

- The crime of **drug manufacturing** occurs when a person manufactures any controlled substance without legal authority or possesses any chemicals used to manufacture a controlled substance with the intent to manufacture the controlled substance. This is a class B felony. Ala. Code §§ 13A-12-217 and 13A-12-219.

If someone is found guilty of manufacturing a controlled substance under certain circumstances, such as possession of a firearm, the presence of a child under 17 or manufacturing near a school or church, the crime is a class A felony. Ala. Code § 13A-12-218.

**WHAT IS DRUG TRAFFICKING?**

**Drug trafficking** is the possession of large quantities of illegal drugs. Trafficking is considered very serious because the amount of drugs indicates an intent to sale for profit instead of personal consumption. Penalties for trafficking are more severe and are determined by the amount and type of drug. Drug trafficking is a crime under federal and Alabama law. 21 U.S.C. § 841; Ala. Code § 13A-12-231.

For example, in Alabama a person possessing 2.2 lbs. of marijuana will serve a minimum of three years in prison and pay a fine of $25,000 for the first offense. Even a significantly smaller amount of other drugs such as cocaine or crystal meth results in longer mandatory sentences. In the federal system, a person charged with the same offense will serve up to five years in prison and pay a fine up to $250,000 for the first offense.

**WHAT IS DRUG PARAPHERNALIA?**

Drug paraphernalia can include almost anything used for drugs. Federal law defines drug paraphernalia as all equipment, products and materials of any kind that are intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance. 21 U.S.C. § 863. Examples of drug paraphernalia are hypodermic needles, pipes, scales, rolling papers, “roach clips,” “bongs” and miniature cocaine spoons or vials.

**WHAT IF I HAVE DRUG PARAPHERNALIA, BUT DO NOT HAVE ANY DRUGS?**

You would be guilty of possession of drug paraphernalia if you have it with the intent to use drugs. Possession of paraphernalia is a felony. 21 U.S.C. § 863.

**CAN THE POLICE SEARCH FOR DRUGS AT SCHOOL?**

Yes. Periodic, unannounced visits to any local public school for the purpose of detecting the presence of illegal drugs are legal. Drug dogs are one method the police may use to search for drugs.

**WHAT IF A DRUG DEALER SELLS NEAR SCHOOL OR AT SCHOOL?**

This is a very serious offense. Anyone who is found guilty of selling narcotics or other illegal drugs within three miles of any public or private school, or on a public or private school campus, must serve a minimum of five years in prison with no chance for probation. Ala. Code § 13A-12-250.
Parent-Child Relationship

When you become a parent, you have certain rights and responsibilities. The laws in Alabama encourage parents to care for their children and take certain responsibilities in raising their children. The law imposes certain rights and responsibilities on children too. This chapter will explain the legal responsibilities and duties of families. However, while there are many laws governing family relationships, respect is the key to a happy family.

**Parents’ Responsibilities & Rights**

**WHAT DOES THE LAW SAY ABOUT THE RELATIONSHIP BETWEEN MY PARENTS AND ME?**

Your parents have the right to custody and control of you. Custody and control means you must obey your parents and they must take care of you.

**WHAT IS MY RESPONSIBILITY TO MY PARENTS?**

You have the legal responsibility to follow your parents’ rules and go along with their decisions.

**WHAT ARE MY PARENTS’ RESPONSIBILITIES TO ME?**

Parents must provide you with necessary food, clothing, shelter and medical care. They must provide supervision, discipline and protection for you. They must furnish support and education according to what they can afford. They cannot desert or abandon you.

**CAN MY PARENTS SPANK ME?**

Yes. Custody includes the right to discipline you, which may include spanking. They may be strict with you as long as they do not endanger your health and welfare.

**DO I HAVE TO LIVE WHERE MY PARENTS TELL ME TO LIVE?**

Yes. They have the legal right to determine where you live.
WHAT HAPPENS IF MY PARENTS DIVORCE?

Your parents are still your parents and have certain responsibilities to you. Where you live may be determined by your parents or by a judge. Your wishes, though, may be considered.

DO MY PARENTS HAVE A RIGHT TO MONEY I EARN?

Yes. Because they take care of you, they are entitled to your services and earnings to use for household expenses or your care.

CAN MY PARENTS OPEN MAIL ADDRESSED TO ME?

Yes. Your parents have control over and can accept delivery of your mail. U.S. Postal Service Domestic Mail Regulations § 153.22.

WHAT CAN MY PARENTS DO IF I REFUSE TO OBEY THEM?

They may discipline you as they deem appropriate as long as they don’t endanger your health or welfare. If you still refuse to obey them, your parents may ask the juvenile court system to assume responsibility over you.

A court may decide that you are a “child in need of supervision,” known as CHINS. Once the court does this, the court will have authority over you and can decide where you will live and what you will do.

DO I NEED MY PARENTS’ PERMISSION TO GET A TATTOO?

Yes. If you are under the age of 18, you must get your parents’ or guardians’ permission to get a tattoo or body piercing. Ala. Code § 22-17A-2.

CAN I DRINK ALCOHOL OR SMOKE CIGARETTES IF MY PARENTS GIVE ME PERMISSION?

No. Your parents or guardians cannot give you permission to break any laws. It does not matter if the behavior is in the privacy of your home. Adults and minors can be charged with contributing to the delinquency of a minor if they aid a minor in breaking a law. Ala. Code § 12-15-13.

WHAT IS EMANCIPATION?

Emancipation occurs when you legally gain control and responsibility over all decisions in your life even if you are under the age of majority. Your parents are no longer responsible for you or your actions.

You may be emancipated before you turn 19 if you get married, join the military or are declared emancipated by a court. Ala. Code § 26-1-1. A petition for “removal of disability of nonage” can only be filed between your 18th and 19th birthdays. Ala. Code § 12-15-30(b)(2).

Parents’ Liability

WHAT DOES “PARENTS’ LIABILITY” MEAN?

It means that your parents are responsible for you and for what you do until you are 19 years old or are legally emancipated.
IF I DAMAGE SOMEONE ELSE’S PROPERTY, WILL MY PARENTS HAVE TO PAY?

Your parents may be required to pay for any of your acts that cause injury or damage to another person or to their property. Ala. Code § 6-5-380.

IF I DAMAGE SCHOOL PROPERTY, ARE MY PARENTS ALSO RESPONSIBLE?

Your parents are responsible for the actual cost of any damages that you have caused to school property. Ala. Code §§ 16-1-24.1 and 16-36-69.

Marriage

WHEN CAN I GET MARRIED?

You can get married any time after you turn 18. If you are under 18, your parents must give their approval (in writing or in person) and you must give the probate judge a $200 bond. Ala. Code § 30-1-5.

Child Neglect & Abuse

WHAT IS CHILD NEGLECT?

Child neglect occurs when parents fail to meet their responsibilities to take care of their child. Neglect includes, but is not limited to, the failure to provide adequate food, medical treatment, supervision, clothing or shelter. Ala. Code § 26-14-1.

WHAT IS CHILD ABUSE?

Child abuse is harm or threatened harm to the health or welfare of a person under the age of 18. Harm may include an intentional, reckless or negligent physical or mental injury, exposure to illegal drugs, or sexual abuse. Ala. Code § 26-15-2.

WHAT SHOULD I DO IF MY PARENTS NEGLECT OR ABUSE ME?

If neglect or abuse happens to you at home or any other place, you can report it to the police or some adult you trust. Even if someone threatens to harm you if you ever tell about the abuse, you should report it for your own protection and welfare, and that of others.

WHO HAS TO REPORT CHILD NEGLECT OR ABUSE?

Professional people such as doctors, teachers, clergy and social workers are required by law to report all suspected child abuse cases. Not reporting is a misdemeanor. Ala. Code §§ 26-14-3 and 26-14-13.

Although private citizens are not yet required by law to report suspected child abuse or neglect cases, it is strongly urged that citizens report the abuse or neglect for the welfare of a child. Private citizens and the Department of Human Resources may make reports. Persons reporting suspected cases of abuse or neglect do not need to give their name.

WHAT HAPPENS IF A REPORT OF NEGLECT OR ABUSE IS FOUND TO BE TRUE?

A social worker for the Department of Human Resources will file a petition in the juvenile court to have the child removed from the home if conditions are unsafe and will ask the court to adjudicate the
child a “dependent child.” After evidence is presented and the court finds the child to be dependent, the child may be placed in a foster home until a permanent placement is agreed on. If appropriate services can be provided to the family, the child may be returned to the parents. If not, a child may be placed with relatives. If these options do not work, the parents’ parental rights may be terminated and the child placed for adoption.

**WHAT WILL HAPPEN TO ME?**

If you are abused, neglected or without anyone to care for you, you may be taken to a safe place by a police officer. A social worker with the Department of Human Resources will interview you and your parents before deciding what to do. The social worker may decide to return you to your parents or to arrange for you to be placed in a foster home for up to 72 hours before your hearing in juvenile court. Ala. Code § 26-14-6.

After hearing from everyone, the court will decide what to do. The court can dismiss the case or find you to be a dependent child. If you are found to be a dependent child, the court will require that arrangements be made for proper care and supervision for you until you are 18 years of age, and 21 years of age in special circumstances. Ala. Code § 12-15-56.

**WHAT IS DOMESTIC VIOLENCE?**

A person commits the crime of **domestic violence** if he or she commits the crime of assault on a current or former spouse, parent, child, any person with whom he or she has a child in common, a present or former household member, or a person with whom he or she has or had a dating or engagement relationship. The punishment for domestic violence is more severe than for other assaults. Ala. Code §§ 13A-6-130 to 13A-6-132.
Recreation

Recreational activities are fun and exciting but some can be hazardous. This chapter will outline a few activities that have certain regulations such as age and license requirements. It is always important to know what laws apply to you while hunting, camping, boating or enjoying other recreational activities. Have fun, but be responsible!

Hunting & Fishing

CAN I GO HUNTING?

Yes. If you are under 16 years old, you can hunt without a license. Unless you are hunting on your parents’ land, you have to be accompanied by an authorized adult hunter. Ala. Code § 9-11-50.

If you are 16 years old or older and hunt anywhere other than land that you own, a hunting license is required before you may hunt any bird or fur-bearing animal. When hunting, licensed hunters must carry their licenses and be ready to show them when asked. Ala. Code § 9-11-44.

HOW DO I GET A HUNTING LICENSE?

Licenses are usually sold at places that sell sporting goods. Licenses are valid from October 1 to September 30 of the next year. Ala. Code §§ 9-11-32 and 9-11-44.

To get a hunting license, you must be 16 years old or older and have a driver’s license or other proof of permanent residence. If you were born on or after August 1, 1977, you must have proof that you have taken a hunter safety course approved by the Department of Conservation and Natural Resources. You must also pay the license fee. Ala. Code §§ 9-11-44 and 9-11-44.1.

CAN I SELL WHAT I KILL?

No. It is against the law to sell or buy any bird or animal killed while hunting. Ala. Code § 9-11-237.

DO I HAVE TO GET A FISHING LICENSE?

No. If you are under the age of 16 (or older than 65) and can show proof of your age and that you live in Alabama, you do not have to get a fishing license. A license also is not required for any person who fishes in a private pond or fishes with a hook and line in the county where he or she resides. You must have a license to fish if you are between the ages of 16 and 65 and use a rod and reel, artificial bait, fly or lure. Ala. Code § 9-11-53.
**Water Sports**

**CAN I DRIVE A BOAT OR A JET SKI?**

To operate a motorized vessel, such as a Jet Ski or motorboat, you must be at least 12 or older and be certified in boat safety to receive an Alabama Boat Operator License. These laws do not apply to rowboats, sailboats or canoes because they are not motorized. Ala. Code § 33-5-52.

**HOW DO I GET A BOAT OPERATOR LICENSE?**

You can apply for an Alabama Boat Operator License when you turn 12 years old. Check with your local commissioner of licenses, probate judge or the Alabama Department of Public Safety for a manual to study for the exam. Upon successful completion of the exam, you will be issued an Alabama Boat Operator License.

**Sports**

**CAN I YELL AT THE COACH OR REFEREE AT A SPORTS EVENT?**

Yes, you may yell to encourage your team or to express your disagreement with a call or a play. However, as a player, spectator or parent, you are not allowed to harass, menace or assault a sports official, referee or coach as a result of performing his or her official duties. Ala. Code § 13A-11-144.

**Camping**

**WHERE CAN I CAMP?**

You may camp in public areas that are marked for camping. That includes national parks, state parks and other areas set aside for camping. Most cities have laws against camping in city parks. Do not camp on private property without permission because that is “trespassing.” Ala. Code §§ 13A-7-3 and 13A-7-4.

It is important that you follow the rules for campers in the parks – rules about littering, fishing and hunting, the use of fire, noise and other ways of disturbing the peace. Check the rules before setting up camp.

**Parks**

**ARE THERE SPECIAL RULES THAT I MUST FOLLOW IN A PARK?**

Yes. Parks are public places for everyone to use and enjoy. You should check and carefully follow park rules when you are in a park. In addition to park rules, most state and local governments have their own rules posted in their parks.

Rules include closing times, bicycle and vehicle rules, use of guns and weapons, disturbing the peace, use of fire, littering, use of drugs and alcohol and other offenses. Ala. Code § 9-14-2.

**Pets**

**ARE THERE LAWS THAT I MUST FOLLOW AS A PET OWNER?**

Yes. As a pet owner, you must keep your pet safe from harm and make sure it gets the care it needs (food and water). Any dog or cat over three months old must be vaccinated for rabies annually and wear a current tag. Ala. Code § 3-7A-2.
**DOES MY DOG HAVE TO BE ON A LEASH?**

Your dog may have to be on a leash when on public property and when outside in many cities. Check with your county or city officials for local rules.

**CAN I HAVE A WILD ANIMAL AS A PET?**

No. You may not capture a bird, fish, reptile or other animal in the wild and take it for a pet. Ala. Admin. Code 220-2-.26 and 220-2-.92. Stray dogs and cats are not considered wild animals.

**ARE THERE LAWS ABOUT ANIMAL CRUELTY?**

Yes. It is illegal to neglect your own pet, to kill or injure an animal belonging to someone else, or to treat any animal cruelly. Cruelty to a dog or cat is a class A misdemeanor. Intentional cruelty is a class C felony. Ala. Code § 13A-11-241.

It is illegal to hold dog or cock fights, or other combat between animals, because such activity is considered a form of cruelty to animals. Ala. Code §§ 3-1-29, 13A-12-4 and 13A-12-6.

Killing a police dog while the officer is performing his or her duties is a class C felony. Ala. Code § 13A-11-15.

**WHAT IF I KNOW SOMEONE WHO ABUSES ANIMALS?**

You should report this to an adult you trust, such as your parents, guardians, teacher, school counselor, law enforcement officer or school resource officer. Someone who is cruel to animals should be considered dangerous and is likely to hurt people as well.

**WHAT IF SOMEONE “CRASHES” MY PARTY?**

Usually, parties are by invitation only. If someone shows up and was not invited, you may ask them to leave. “Crashing” a party is trespassing in the third degree. If the intruders refuse to leave, you or your parents or guardians can call the police to have them removed if necessary. Ala. Code § 13A-7-4.

**Curfew**

**WHAT IS A CURFEW?**

Curfew is the time set by a city or county when a minor is no longer allowed to be out on the street without lawful business. There are exceptions when you are with your parent or guardian, attending or traveling to or from an official school, religious or other recreational activity, traveling to or from work, engaged in an employment activity and in emergencies. Check with local city or county officials.

Parents or the juvenile court may also impose individual curfews.

**Entertainment**

**IS IT ILLEGAL TO RECORD A MOVIE IN THE THEATER?**

Yes. It is against the law to use a recording device in a motion picture theater for the purpose of recording a motion picture with the intent to violate the property rights of the owner of the motion picture. Ala. Code § 13A-8-90.

**CAN I HANG OUT WITH MY FRIENDS IN THE PARKING LOT OF A BUSINESS?**

Unless you have some lawful business there, it is considered loitering, which is a misdemeanor. Ala. Code § 13A-11-9.
As students in Alabama, you have a constitutional right to an education. There are rules and regulations you must follow concerning school attendance and conduct. School is meant to be a safe and structured learning environment for everyone. It is your responsibility to uphold school rules. Take pride in your school and education. This chapter outlines the basic rights and responsibilities of students, parents, teachers and administrators.

**Students’ Responsibilities & Rights**

**DO I HAVE TO GO TO SCHOOL?**

Yes. Education is critically important to your development as a productive citizen. The State of Alabama encourages you not only to graduate from high school, but to enter one of the many colleges within the state or to attend college outside the state. Doing so will increase your future earning capacity and improve your livelihood. At the very least, it is your legal responsibility and that of your parents or guardians to see that you go to school full time from ages seven to 16. It is also the duty of your parents to re-enroll you in a new school system if you move. All students enrolled in public schools must adhere to the school attendance and truancy laws. Ala. Code §§ 16-9-30, 16-28-3, 16-28-4, 16-28-6, 16-28-12, 16-28-16 and 16-28-17.

If you are under the age of 19, and you are not in school, your driver’s license will be suspended within 30 days unless you can show proof that you have re-enrolled, have graduated, been issued a G.E.D. (General Education Development certificate obtained for the equivalency of a high school diploma), or are gainfully and substantially employed. Ala. Code § 16-28-40.

**WHAT ARE MY RESPONSIBILITIES AS A STUDENT?**

Each school system maintains its own code of conduct that conforms to minimum standards set by the State Department of Education. If you do not receive a copy of the school code, you should consult your school. Ala. Code §§ 16-1-24.1 and 6-28A-3. If a school system does not have a code of conduct, then the standards set by the State Department of Education are applied.
Education will be used until the system establishes a code.

You must attend school regularly and on time; you must obey school rules, obey the directions of your teachers and others in authority; observe good order and behavior; attend to your studies; and respect teachers and other students. Ala. Code §§ 16-28-3 and 16-28-12(b). You cannot hit, swear at or abuse school employees. Ala. Code § 16-1-23.

While on the school grounds or under school supervision, you are required to avoid unlawful activity, including sexual activity, swearing, drinking or possessing alcohol, gambling, using dangerous drugs, or using or having tobacco. Ala. Code §§ 16-1-10 and 13A-12-212.

You cannot do anything that injures other students or school employees, or that damages school property. Ala. Code § 16-1-23. If you cause personal injury or property damage to the school, you may be suspended or expelled. In addition, you and your parents may be held financially responsible. Ala. Code §§ 6-5-380 and 16-36-35.

WHAT ARE MY RIGHTS AS A STUDENT?

You should be allowed to learn in a safe classroom setting where order and discipline are maintained, and at the level of your capabilities. Every child is entitled to have access to a program of instruction that gives him or her the right to learn in a nondisruptive environment. No student has the right to be unruly to the extent that such disruption denies fellow students the right to learn. Ala. Code § 16-28A-1.

IS BULLYING AGAINST SCHOOL RULES?

Yes. Bullying or sexually harassing another student is generally prohibited by school rules and may result in suspension, expulsion, arrest and/or criminal prosecution.

WHAT SHOULD I DO IF I'M BULLIED?

Stop Bullying Now! offers the following tips on dealing with bullying:

• Don't fight back. Don't try to bully those who bully you.
• Try not to show anger or fear. Students who bully like to see that they can upset you.
• Calmly tell the student to stop ... or say nothing and then walk away.
• Use humor, if this is easy for you to do. (For example, if a student makes fun of your clothing, laugh and say, “Yeah, I think this shirt is kind of funny looking too.”)
• Try to avoid situations in which bullying is likely to happen.

Adapted from the brochure, “What Should I Do If I’m Bullied” by Stop Bullying Now!, U.S. Department of Health and Human Services, found at www.stopbullyingnow.hrsa.gov.

CAN I BRING MY CELL PHONE TO SCHOOL?

You should check with your individual school’s policies since some schools prohibit the mere possession, even in the “off” position, of a cell phone or pager on school grounds. Possession could result in suspension or expulsion from school. Ala. Code § 16-1-27.

DO I HAVE TO WEAR A UNIFORM TO SCHOOL?

Many schools enforce school uniform policies. Check your individual school’s policies.

CAN I GO TO A PRIVATE SCHOOL?


ARE THERE SCHOOL PROGRAMS FOR MINORS WITH DISABILITIES?

Yes. Both the federal government and the State of Alabama require that educational programs for every kind of disability be made available. This includes programs for those with a speech disability, the physically disabled, the learning disabled and the severely disabled. Ala. Code §§ 16-39-3 and 16-39A-2.
Parents’ Responsibilities & Rights

WHAT ARE MY PARENTS’ RESPONSIBILITIES WHEN IT COMES TO MY EDUCATION?

Besides ensuring that you attend school regularly, parents have other responsibilities. They can be criminally liable for your conduct in school. Parents should monitor and supervise your schoolwork and any educational activities in which you are involved. Ala. Code § 16-28-12.

Parents are responsible for your immunizations as required by the state health officer. Ala. Code § 16-30-2.

WHAT ARE MY PARENTS’ RIGHTS WHEN IT COMES TO MY SCHOOL?

Your parents have the right to see your school records and to talk with teachers and school administrators about you.

Your parents may refuse permission for you to have a physical or psychological examination. Ala. Code §§ 16-29-1 to 16-29-6. When a physical or psychological impairment, other than visual, has been noted, a report must be given to your parents.

Parents must be notified and must give their written permission before you can be given a questionnaire, survey or examination regarding your parents’ or your personal beliefs, sex practices, family life or religion.

Your parents also have the right to be consulted about your placement in special programs for educationally or physically disabled students. 20 U.S.C. § 1415.

The school’s code of conduct must be made available for parents at the beginning of each school year. Ala. Code § 16-1-24.1(f).

Schools are also required to provide a written policy on student discipline and behavior to all parents, students and teachers. Ala. Code § 16-28A-3.

Parents have a right to be informed of their education-related responsibilities as a parent to their children. Ala. Code § 16-28-2.2.

The Alabama State Legislature recommends that the business community and government agencies give administrative leave to parents for the purpose of attending parent-teacher conferences and involvement in other educational experiences of their children. Ala. Act No. 94-159.
**Schools’ Responsibilities & Rights**

**WHAT ARE THE RESPONSIBILITIES OF TEACHERS AND ADMINISTRATORS?**

Generally, the responsibilities of teachers and administrators are determined by your school’s board of education. Ala. Code § 16-28-2.2.

Every teacher in the public school system must follow the course of study, use certain textbooks, and support the rules and regulations required by law.

Corporal punishment may be used by school personnel to maintain order and discipline in the school. Ala. Code §§ 16-28A-2 and 13A-3-24(1). An example of corporal punishment is paddling.

**CAN TEACHERS OR ADMINISTRATORS OPEN MY SCHOOL LOCKER AND SEARCH IT? CAN THEY SEARCH PURSES, CARS, ETC.?**

Under certain circumstances, school administrators may search your locker, request that you empty the contents of your locker and/or purse, and question you about suspected thefts. School personnel may also search your vehicle. The use of detection dogs and metal detectors is permitted.

School officials can conduct a search if they have reasonable suspicion. **Reasonable suspicion** can be a reasonable belief or a tip from another student or a teacher. If the search produces an illegal weapon, substance or evidence of criminal activity, the administrator will then contact the school resource officer (SRO) or the local police.

**WHAT IS A SCHOOL RESOURCE OFFICER (SRO)?**

A **school resource officer (SRO)** is a full-time law enforcement officer in the schools with the goal of creating and maintaining a safe educational environment. SROs play different roles, including:

- SROs are law enforcement officers who keep the peace in schools;
- SROs are advisors and counselors;
- SROs act as liaisons between the school and the police; and
- SROs are law-related education teachers.

Beyond these roles, and perhaps most importantly, SROs are positive role models for many students. SROs can also help change the negative perception of police officers by establishing positive relationships with students.

**Truancy**

**WHAT WILL HAPPEN IF I DECIDE TO SKIP SCHOOL FOR A FEW DAYS?**

You must attend school for the number of days required. Your parents must be notified if you are absent. Ala. Code § 16-28-16. If you violate this law, you may be charged with the offense of truancy. **Truancy** is the absence of a student from school without permission.

**WHAT WILL HAPPEN IF I CONTINUE TO SKIP SCHOOL?**

If you are a habitual truant (excessive tardies and absences), you must be reported to the juvenile court. Ala. Code §16-28-14. You will be taken into custody and brought before the juvenile court for a hearing and decision. Your parents may also face being charged with an offense. It is possible that the privilege of applying for a driver’s license could be suspended or denied to you. Ala. Code §§ 16-28-12, 16-28-14, 16-28-15, 16-28-17 and 16-28-40.
WHAT IS SUSPENSION?

Suspension is the temporary removal of a student from school or class. You can be suspended by the principal of your school for “good cause” or when other means of correction fail to bring about proper conduct.

If you are suspended, your parents or guardians must be notified and a meeting held with them to discuss why you were suspended, what school rules you broke and how long the suspension should last.

Each school system has its own code of conduct and penalties based on specific misconduct.

WHAT IS EXPULSION?

Expulsion means that you are not allowed to attend school as punishment for violating a school rule. Your school board must approve any expulsion action. When you are expelled from one school, you cannot attend any other school in that school system. When expelled for a firearm violation, you cannot attend any school in the state except alternative schools. Ala. Code § 16-1-24.3(a).

Generally, you will also be prohibited from entering school grounds and from participating in any extra-curricular activities or sports.

Your driver’s license will be suspended within 30 days unless you can show proof that you have re-enrolled in another educational program.

WHAT IS “GOOD CAUSE”?

“Good cause” refers to acts constituting grounds for suspension or for expulsion. Some, but not all such acts include the following:

- Damage to or theft of school property;
- Damage to or theft of private property;
- Causing, attempting or threatening physical injury to another, Ala. Code § 16-1-24.1;
- Possessing a cellular phone or pager without prior permission, Ala. Code § 16-1-27;
- Possessing, selling or providing a firearm, knife, explosive or other dangerous object, Ala. Code §§ 16-1-24.1 and 16-1-24.3;
- Possessing, selling, providing or being under the influence of a dangerous drug, alcoholic beverage or other intoxicant, Ala. Code § 16-1-24.1;
- Possessing or using tobacco;
- Committing an obscene act or regularly using profanity or vulgarity; and
- Disrupting school activities or otherwise defying authority, Ala. Code § 16-28A-1.

DO I HAVE ANY WAY TO DEFEND MYSELF FROM BEING SUSPENDED OR EXPULSED?

You can be suspended or expelled for reasons listed under “good cause.” This extends to conduct occurring off school grounds and after school hours if you are at a school-sponsored function. If you are facing suspension, you and your parents should attend the meeting that is called to consider your case. There, you may present your side of the facts.

If you are facing expulsion, there is a system of rules to follow, including a hearing held by the principal that you and your parents should attend. A notice will be sent 10 days before the hearing. The law sets time limits for this hearing and for the one later by the school board.

If the local school board decides to expel you, you and your parents have 30 days to appeal the decision to the board of education, which will hold a hearing within 20 days of the request. The decision of the board is final.

If you are a disabled student, you may be entitled to additional rights when you face suspension or expulsion. You should contact the school district’s director of exceptional education to inquire. Ala. Code §16-1-24.3(a).
DO I HAVE TO GO TO SCHOOL IF I AM EXPELLED?

Even if you have been expelled from one school, you must still go to school if you are under 16 years old. Your parents will have to find another school that will accept you. This may include private schools, another public school system or use of a tutor. A few school systems offer alternative schools for this purpose.

WHAT IF I SHOW UP AT A SCHOOL FUNCTION OR SPORTING EVENT WHILE I’M SUSPENDED OR EXPELLED?

You could be charged with trespassing (see Chapter 3) and your punishment could be extended. Most schools have a policy of not allowing you to participate in any school-related activities until your term of punishment is completed.

WHAT IS A SCHOOL FUNCTION?

A school function is anything sponsored and controlled by school officials. Even if the event is held off school property, you are required to follow all school rules. This includes sporting events, dances, plays, pep rallies and fund raisers.

WHAT ARE SCHOOL GROUNDS?

School grounds are areas defined as part of the campus. This includes the main campus, auditoriums, sporting arenas, football and baseball fields, tracks, vocational facilities, parking lots and the cafeteria.

School bus stops are not considered a part of the school grounds. However, all laws and school policies must be followed while waiting on your bus. If you violate a law or school policy while at the bus stop, you may face penalties at school and criminal or civil prosecution.

IS IT WRONG TO HANG AROUND THE SCHOOL GROUNDS AFTER SCHOOL IS DISMISSED?

Unless you have some lawful business there, it is considered loitering, which is a violation. Ala. Code § 13A-11-9.
Bicycles

WHAT IS THE LEGAL DEFINITION OF BICYCLE?

A bicycle is a vehicle that has two wheels, one behind the other, handlebars for steering, a seat and is propelled by the action of a rider's feet upon pedals. Ala. Code § 32-5A-281.

ARE THERE SPECIAL LAWS FOR BICYCLE RIDERS?

Yes. Every person riding a bicycle on a roadway or any paved shoulder of a roadway must obey all the laws that the driver of a car must obey. A police officer may stop you if you break one of the laws. Ala. Code § 32-5A-260.

Ride closest to the right side of the road. If a path exists, use the path. Ala. Code § 32-5A-263(a).

Having your bicycle licensed is a good idea, because the police will then have a record of the frame number. If your bike is stolen and found, the police will be able to return it to you. Otherwise, the bike will probably be sold at a public auction, because the name of the owner would be unknown. Ala. Code § 40-12-62.

DO I NEED ANY SPECIAL EQUIPMENT TO RIDE A BICYCLE?

It is recommended that when riding a bicycle, you should:

• Wear a properly fitted bicycle helmet;
• Adjust your bicycle to fit;
• Before riding, inflate tires properly and check that your brakes work;
• Wear bright or reflective clothing so drivers and
other bikers can see you; and
• Have reflectors on the front and rear of your bicycle and use a light when riding at night.

Adapted from the brochure “Kids and Bicycle Safety” by the National Highway Traffic Safety Administration, found at www.nhtsa.dot.gov.

In Alabama, every bicycle must have:
• A brake that will make the braked wheel skid on dry pavement, Ala. Code § 32-5A-265(b);
• A permanent and regular seat for the rider, Ala. Code § 32-5A-261;
• A white light on the front and a red reflector on the back when ridden after dark; and
• A white or yellow reflector on each pedal and on each side to the rear of the center of the bicycle, Ala. Code § 32-5A-265.

All bicycle riders under the age of 16 must wear a bike helmet. Ala. Code § 32-5A-283(l).

WHAT ROAD RULES SHOULD I FOLLOW?

Do not ride on sidewalks. Ride in the bicycle lane, if one is provided. Ala. Code § 32-5A-263(c). If there is no bicycle lane, ride as close to the right-hand side of the road as you can. Ride in the same direction as the cars are going. Ala. Code § 32-5A-263(a).


Do not hitch yourself and your bicycle to a car or other motor vehicle. Ala. Code § 32-5A-262.

Always keep at least one hand on the handlebars when you are carrying things. Ala. Code § 32-5A-264.

Give the right of way to cars and pedestrians. Ala. Code §§ 32-5A-110 and 32-5A-211.

Do not give anyone a ride on your bicycle unless there is a separate seat for the passenger. Ala. Code § 32-5A-261.

Do not ride on an interstate highway or any other controlled-access highway.

Skateboards, Roller Skates & Scooters

ARE THERE LAWS ABOUT SKATEBOARDS, ROLLER SKATES AND SCOOTERS?

In Alabama the law states that wherever a portion of any roadway is closed to vehicular traffic, no person shall ride a bicycle, skateboard, roller skates, roller blades or scooters in areas designated for pedestrians. You are responsible if you hurt anyone.
Motor Vehicles

WHAT IS A MOTOR VEHICLE?

A motor vehicle is any vehicle that runs on its own power. In other words, it has a motor. This includes cars, buses, trucks, motorcycles, motor scooters, motorbikes, mini-bikes, four wheelers, go-carts, golf carts and mopeds.

ARE THERE LAWS ABOUT MOTOR VEHICLES?

Yes. The same laws apply to all motor vehicles. Except for a few cases listed in the Vehicle Code, no motor vehicle may be driven on public roads unless it is registered; you must still have a driver’s license or operator license to drive it on the public roadways. Ala. Code §§ 32-12-20, 32-12-22 and 32-12-27.

All motor vehicles have to be built and equipped to meet legal requirements for lights, brakes, windshields and mirrors. Ala. Code §§ 32-5-240, 32-5-212, 32-5-215 and 32-5-214.

There are additional laws that riders of motorcycles must observe. You can find all of these laws for motorcycles and other motor vehicles in the Alabama Driver Handbook, which you can get free at any Department of Public Safety office. You must be at least 14 years of age to operate a motorcycle, and you must have an operator license if under the age of 16.

WHAT IF I JUST BORROW A FRIEND’S CAR?

As a driver, you are responsible for anything that is wrong with or illegal about the car, even if you borrowed it from a friend or relative.

WHAT IS THE SPEED LIMIT?

Alabama law currently sets a limit up to 70 miles per hour on the highway/interstate, and 30 miles per hour in urban areas. Additionally, there is a “basic speed law” stating that the proper speed is one that is right for the circumstances such as weather, visibility, traffic, surface and condition of the road. This can be slower than the posted speed limit, but never faster. If you are ticketed for speeding in a construction zone where workers are present, your fine will be doubled. Your speed should not cause a danger to people or property. Ala. Code §§ 32-5A-171, 32-5A-170 and 32-5A-176.1.

WHAT IF I AM CHARGED WITH A TRAFFIC VIOLATION?

In Alabama, if you are 15 years old or younger, all traffic offenses go through juvenile court. Once you turn 16, all traffic offenses except DUI are handled in adult court. Ala. Code § 12-15-33.

If the judge finds you have violated a traffic law, you can be reprimanded or you can receive one or more of the following penalties:

• You may be ordered to pay a fine;
• Your driving privileges may be suspended or restricted;
• You may be required to produce evidence that your vehicle is up to code requirements;
• You may be asked to perform community service projects for a given time; or
• You may be placed under probation supervision for up to six months. Ala. Code §§ 32-5A-8 and 32-5A-9.

WHAT DO I DO IF I SEE AN AMBULANCE WITH ITS EMERGENCY LIGHTS AND SIREN ON?

If you encounter any emergency vehicle (ambulance, police car, fire truck, etc.) displaying emergency lights you should slow down, carefully yield the right of way and move as close as possible to the right-hand edge or curb of the highway clear of any intersection, and stop until the emergency vehicle has passed. Ala. Code § 32-5A-115. If you encounter a stopped emergency vehicle displaying emergency lights, you should slow down and carefully move to the lane farthest away from the emergency vehicle. Ala. Code § 32-5A-58.1.

CAN I PASS A SCHOOL BUS THAT IS STOPPED IN THE ROAD?

No, it is illegal to pass a stopped school or church bus loading or unloading passengers. Ala. Code § 32-5A-154.

CAN I GET A TRAFFIC TICKET IF MY LIGHTS AREN’T WORKING OR SOMETHING ELSE IS WRONG, EVEN IF I DO NOT KNOW ABOUT IT?

Yes. It is your responsibility to keep your vehicle in good working condition.
CAN OBJECTS BE HUNG FROM THE REAR-VIEW MIRROR?

Nothing can be hung from the rear-view mirror if it affects or reduces the driver’s clear vision through the windshield or side windows. Ala. Code § 32-5-215.

WHAT SHOULD I DO IF I AM STOPPED AND GIVEN A TICKET?

If you are stopped, you should remain in your vehicle. Do not walk back to the officer. Listen carefully to the officer’s instructions. Keep your hands visible to the officer at all times. Remain calm and be courteous ... there is always room for kindness. Any passengers should remain quiet so that the driver can communicate with the officer more easily. If the officer issues you a citation for a traffic violation, or for any other violation, you must sign the citation even if you feel that you are not guilty. Your signature on the citation is not an admission of guilt; it is only your promise to appear in Traffic Court. ARJA Rule 19.

If you do not appear in court, it becomes very serious. A warrant for your arrest will be issued, your license will be suspended and you may incur a court fine.

WHAT DO I DO IF I HAVE A CAR WRECK?

If you are involved in a traffic accident, you must stop at once and notify the police as soon as possible. If someone is injured, provide first aid if you are able and call for medical assistance. Before the police arrive, use whatever means available to warn other traffic (flags, flares, etc.).

You must provide your name, address, registration, the name of the legal owner of the vehicle and, if asked, you must show your drivers’ license. Ala. Code § 32-10-2. You should get the names and addresses of anyone else involved and any witnesses. At the scene of the accident, drivers involved should be prepared to provide proof of automobile liability insurance, including the name and address of the insurance company. If unable to furnish such information at the scene of the accident, the driver should do so later.

WHAT IF I LEAVE THE SCENE OF AN ACCIDENT?

Do not leave the scene of the accident. Stay until the police arrive. If you leave, you can be charged with leaving the scene of an accident. This is commonly known as a “hit and run.” This is a serious offense and will be considered a class A misdemeanor if there is only property damage or a class C felony if death or personal injury occurs. Ala. Code § 32-10-6.

WHAT IF I HIT ANOTHER VEHICLE OR DAMAGE PROPERTY AND THE OWNER IS NOT THERE?

If your vehicle hits an unattended vehicle, either notify the police, make an attempt to locate the owner of the parked vehicle, or leave a written notice giving your name and address in a place where it is easily seen on the vehicle. If a mishap damages any other type of property, notify the property owner. Ala. Code § 32-10-3.

WHAT IF I AM CAUGHT WITH AN OPEN CONTAINER OF ALCOHOL IN THE VEHICLE?

No person shall have any open containers of alcohol in the motor vehicle whether they are the driver or a passenger. Ala. Code § 32-5A-330.

DO I HAVE TO WEAR A SEAT BELT?

Everyone in the front seat must use a seat belt. Ala. Code § 32-5B-4. Children under the age of six must ride in a
federally approved, size appropriate, properly secured child seat or booster seat:
• Infant only seats and convertible seats must be used in the rear facing position for infants until at least one year of age or 20 pounds.
• Convertible seats in the forward position or forward facing seats until the child is at least five years of age or 40 pounds.
• Booster seats until the child is six years of age. Ala. Code § 32-5-222.

The driver is responsible for ensuring that each child is properly restrained in the vehicle. Ala. Code § 32-5-222.

Violation of the seat belt law can result in a fine up to $25. Ala. Code § 32-5-222.

WHAT IF I DRIVE WITHOUT A LICENSE?

You could be ticketed or taken into custody depending on your age. Driving without a license is a misdemeanor. Ala. Code § 32-5-64.

Driver’s License

WHEN CAN I GET AN INSTRUCTION PERMIT?

When you are 15 years or older, you may apply to the Department of Public Safety for an instruction permit. You must pass the written driver test. Many public schools and private programs offer instruction to help with both the written and the driving portions of the test.

An instruction permit is required if you are learning to drive on public roads. An instruction permit does not allow you to drive alone – you may only drive with a parent, legal guardian, driving instructor, or a licensed driver age 21 or older seated in the front seat next to you. Ala. Code § 32-6-8(b).

HOW CAN I GET A DRIVER’S LICENSE?

You may apply for a license at any office of the Department of Public Safety. To get your license, you must:
• Present your birth certificate showing that you are 16, Ala. Code § 32-6-3(a);
• Pass a test on the rules of the road, Ala. Code § 32-6-3(d);
• Be enrolled in school, have graduated or be substantially employed, Ala. Code § 16-28-40;
• Present verification of your instruction or that you have passed a drivers’ education course, Ala. Code § 32-6-7.2.

WHAT IS THE GRADUATED DRIVER’S LICENSE?

The graduated driver’s license puts certain driving restrictions on 16 and 17 year olds who have been licensed to drive less than six months. These restrictions are:
• No driving between midnight and 6 a.m. with exceptions for school or religious events, work, emergencies, and if your parents are present or have given written consent; and
• You may not have more than three passengers in the vehicle at any time, not counting your parent or guardian. Ala. Code § 32-6-7.2.

WHEN MY PARENTS SIGN FOR MY LICENSE, WHAT DOES IT MEAN FOR THEM?

Your parents can be held financially responsible if you should be involved in an accident.
WHAT ELSE DO I NEED BEFORE I CAN DRIVE?

Besides your driver’s license, you will need to have a vehicle registration and proof of insurance. Failure to provide proof of insurance can result in a fine. Ala. Code §§ 32-7A-4, 32-7A-6 and 32-7A-18.

Hitchhiking & Other Roadside Rules

WHAT ABOUT HITCHHIKING AND OTHER ROADSIDE RULES?

It is against the law to hitchhike. No person shall stand in a roadway for the purpose of soliciting a ride, employment, business or contributions from the occupant of any vehicle. Ala. Code § 32-5A-216.

Pedestrians

WHAT ARE PEDESTRIAN RULES?

A person who is walking is a pedestrian. Pedestrians should always use sidewalks if available. If there are no sidewalks, they should walk close to the left-hand edge of the roadway facing oncoming traffic. Ala. Code §§ 32-5A-211, 32-5A-215(a) to 32-5A-215(c).

If you are a pedestrian, you have the right of way in crosswalks, whether or not white lines mark them. As a pedestrian, you also have the responsibility to not step into the path of an oncoming vehicle just because you have the right of way. Ala. Code § 32-5A-211(b).

If there are signal lights on both corners of a block, you may not cross, or “jaywalk,” in the middle of the block. If there are no signals, or a signal on only one corner, you may cross in the middle of the block if you do not interfere with traffic. Ala. Code § 32-5A-213. If pedestrian control devices are not present, you must follow traffic-control devices such as traffic lights. Ala. Code § 32-5A-210.
Work

Getting a job and having your own spending money is important to most teenagers. Our society has set a few regulations, however, regarding how old you must be to work and how many hours a day you can work. Because education is your primary concern, several laws have been enacted to help teenagers who want or need to work. This chapter will address the laws regarding teenagers and jobs.

Work Permits

**AM I OLD ENOUGH TO GET A JOB?**

No one under 14 years old may be employed in a public place; however, 12 or 13 year olds may deliver newspapers on a paper route and babysit. Ala. Code § 25-8-39.

Work permits are necessary to be employed if you are between the ages of 14 and 17. Employers must obtain a copy of the work permits. Ala. Code § 25-8-45.

There are certain jobs that have age limitations. Ala. Code §§ 25-8-35 and 25-8-43.

**WHERE DO I GET A WORK PERMIT?**

Your school principal, superintendent or headmaster issues work permits. This permit allows you to work outside school hours or during vacation periods. This involves completing an application for the permit and acquiring the verification that you are presently enrolled in school. Ala. Code § 25-8-46.

**ARE THERE ANY TIMES THAT I DO NOT NEED A WORK PERMIT?**

Yes. There are only three exceptions to the requirement that all people under 18 must have a work permit:

- If you are working in agricultural service, such as general farm work;
- If you are working during the summer in a federally funded summer youth program; or
- If you are working as an actor, performer or a model. Ala. Code §§ 25-8-45, 25-8-60 and 25-8-61.
HOW MANY HOURS A DAY CAN I WORK?

If you are under 16, you may not work during hours that public schools are normally in session. Ala. Code § 25-8-37.

You cannot work more than three hours on a school day or eight hours on a non-school day, for a total of no more than six days a week for a total of 18 hours of work per week (40 hours during the summer).

Work hours must be between 7 a.m. and 7 p.m. (or 9 p.m. during the summer).

If you are 16 or 17 years old and enrolled in school, you may not work between 10 p.m. and 5 a.m. on any night before a school day. Ala. Code § 25-8-36.

WHEN CAN I WORK FULL TIME?

You may work full time if you are 16 years old or older and not enrolled in school. Ala. Code § 25-8-36.

CAN I WORK IN A RESTAURANT WHERE ALCOHOL OR LIQUOR IS SERVED?

No, not until you are 16 years old, unless your immediate family owns the restaurant. Ala. Code § 25-8-44(b). You may serve alcoholic beverages when you are 19 years old as long as the owner or another employee aged 21 or older is on the premises. Ala. Code § 28-1-5.

HOW MUCH SHOULD I BE PAID?

If you have a work permit, for most jobs you should be paid the legal current minimum wage, which increases periodically. Check with your counselor or other school authority for the current minimum wage.

If you are learning on the job (apprentice or work experience), you may need a special license that allows the employer to pay you less than the job would ordinarily earn.

WHAT IF I AM NOT PAID ENOUGH ACCORDING TO THE LAW?

You should first bring the matter to your employer’s attention and give the employer the chance to correct the problem. If that is unsuccessful, you can make a complaint to the U.S. Department of Labor, the Equal Employment Opportunity Commission (EEOC) Wage and Hour Division or the Alabama Department of Industrial Relations, or your parent or guardian may sue the employer.
CAN I SELL MAGAZINES OR OTHER THINGS DOOR TO DOOR FOR MY CLASS?

Yes, if you are taking part in a school funds drive or other fund-raising activity you may sell door to door, but you should have some kind of identification with you. For your own safety, anytime you are selling door to door, an adult should properly supervise you.

Be aware that certain areas (apartments and neighborhoods) may have “no solicitation” rules. This would prevent you from selling door to door in these areas.

ARE THERE SPECIAL LAWS FOR BABYSITTERS?

No, but generally the recommended age for babysitting is 14 years old or older. When babysitting, it is a good idea to:

• Get a list of emergency telephone numbers like police and fire departments and keep it by the phone;
• Get the number where the parents can be reached and keep it by the phone;
• Check the children often – do not get distracted from your duties by watching television or reading a book;
• Do not open the door to anyone unless the parents have given their approval;
• Never leave the home until the parents return;
• Do not have friends visit or use the telephone unnecessarily;
• Do not take advantage of your employer by making too much noise, eating too much food or cluttering the house; and
• Make sure to work only for persons approved by your parents.

Many police departments and the local American Red Cross chapter have “babysitting safety” courses, which help train sitters to deal with emergency situations and safety/security concerns.
Civil Responsibility

This entire book has been designed to teach you your rights and your responsibilities under the law. When you show respect for authority and the law, the law is better able to protect your rights. While you may never be accused of a crime, you should still be aware that everything you do might affect other people or their property. Therefore, in this chapter you will learn about the responsibilities and consequences for not using reasonable care in dealing with others (the field of civil law known as torts). You will also learn about your right to enter into contracts and the responsibilities that go along with that right.

What is the difference between criminal and civil law?

Criminal law is the term that is used to describe laws that have been enacted by the legislative branch of government for the purpose of preventing harm to society and establishing punishment to be imposed for wrongful conduct. As opposed to punishing wrongs against society, civil law is the term used to describe laws that do not involve criminal matters and relate to private rights and remedies.

If you are guilty of violating a criminal law, you may face probation, time in jail or a fine. However, if you are liable under civil law, you will not be put in jail, but may be ordered by the court to do or not do something, or pay a sum of money to the other person as damages.

Since the purposes of criminal and civil laws are different, a person can be charged with a crime, and at the same time be held liable for damages under the civil law for the same conduct. For example, if a person punches you in the nose, you can file criminal charges against him or her (since society says that punching someone is wrong and has passed a law against such conduct), and you can also sue him or her in civil court to pay for your medical bills or other damages you may have suffered.

What is a tort?

By law, every person has a duty not to harm other people or their property. A tort is committed when you fail in your duty of care toward others and injure a person, damage his or her property, or harm his or her reputation. If your action was intentional, or even if it was simply negligent, you can still be held responsible. The person who is injured may sue you in civil court. The court may order you to stop the conduct and/or require you to pay damages.

What’s the difference between a tort and a crime?

As part of civil law, tort law is not intended to prove criminal liability; rather, it is designed to help victims recover money for their lost wages, pain and suffering, medical bills, damage to property and other related costs. Some intentional torts may also be crimes, such as assault, battery and trespass.

What’s the difference between an intentional tort and negligence?

An intentional tort occurs when a person inten-
tionally harms someone or his or her property. For example, when someone intentionally breaks out windows in the school, he or she is committing an intentional tort and will be held responsible for the damages. He or she also has committed the crime of criminal mischief and may be tried in criminal court.

**Negligence** is an unintentional tort. It occurs when a person fails to use reasonable care causing harm to a person or property. For example, if a babysitter leaves a child unattended and the child is injured, the babysitter is negligent and can be held responsible for the injuries. Babysitters have a duty to use reasonable care. Even a person who cares greatly for others may be negligent if he or she creates an unreasonable risk of harm.

### WHAT ARE SOME EXAMPLES OF TORTS?

A few examples of torts are:

- **Assault:** The willful attempt or threat to unlawfully touch or hurt another person. An assault may be committed without actually touching or hurting the person.

- **Battery:** The intentional and offensive touching of another person without his or her consent.

- **False imprisonment:** Unlawfully keeping a person in a room, car or other place so he or she cannot leave or get out. Ala. Code § 6-5-170.

- **Defamation:** An untrue written or spoken expression that damages the reputation or good name of a person. Ala. Code § 6-5-180.

- **Fraud:** Intentionally telling someone something false or concealing the truth, resulting in that person losing money by believing what he or she was told. Ala. Code §§ 6-5-101 and 6-5-102.

- **Trespass:** Intentionally going onto property that you do not own or have the right to be on, including fishing or hunting on the property or throwing things onto the property. Ala. Code § 6-5-262.

- **Invasion of privacy:** Intentional and wrongful intrusion into someone’s private activities in such a manner as to cause shame or humiliation.

### WHAT IS LIBEL AND SLANDER?

Libel and slander are examples of an intentional civil wrong called defamation. **Defamation** is a written or spoken expression about a person that is false and damages that person’s reputation. Ala. Code § 6-5-180.

**Libel** is a written false statement, such as an article in the newspaper that harms someone’s reputation.

**Slander** is a spoken false statement that harms someone’s reputation.
WHAT IF I AM A MINOR AND COMMIT A TORT?

In the past, the law in Alabama was that generally, minors under the age of 14 could not be held responsible for torts they committed. The current law in Alabama does not allow you as a minor to use age alone to release you from civil responsibility for torts. Instead, the courts will look at your intelligence, capacity to understand the potential for harm from your actions, actual knowledge of danger, education level, maturity and age to determine if you should know the difference between right and wrong. If it is determined that you know the difference between right and wrong, you will be held responsible for your conduct.

DO MY PARENTS HAVE TO PAY FOR MY TORTS?

If you are under 18, your parents are responsible for up to $1,000 or more in some situations for every intentional injury you may cause to persons or property. The liability may be more if you use a firearm or damage school property. Ala. Code §§ 6-5-380, 16-1-24.1 and 16-36-69.

If you hurt someone or damage property through carelessness (not on purpose), your parents are only liable if they knew or should have known that you were likely to cause the damage and they were careless in not stopping you. Remember that you may be held primarily responsible even if your parents are liable too.

BUT SUPPOSE IT WAS JUST AN ACCIDENT?

You can still be responsible if it was your carelessness that caused the accident. If you should have been more careful, then you can be held responsible for the damages resulting from your negligence.

WHAT SHOULD I DO IF SOMEONE COMMTS A TORT AGAINST ME?

You may take legal action against another, but if you are under 19 and not emancipated, your parent or guardian must file the lawsuit for you and act as your representative. Ala. Code § 6-7-100.

Contracts

WHAT IS A CONTRACT?

A contract is a set of promises between two or more people to legally do or not do something. Contracts usually involve money, services or property. Contracts may be spoken or written and may be enforced in civil court. You may also file suit for civil damages arising out of the other party’s failure to do or not do what he or she promised in the contract. Ala. Code § 6-5-280.

WHAT ARE SOME EXAMPLES OF CONTRACTS?

The most common are those that have to do with buying and selling different things, such as cars, bicycles, stereo equipment, houses and land. Goods or services bought “on time” or with payments to be made involve a contract.

WHO CAN MAKE CONTRACTS?

Any competent person 19 years old or older may make a contract. If you are under 19, you can also make contracts, but there are a number of restrictions. For instance, you may not make contracts about real property (houses, lots or land). You cannot make contracts about personal property or any other property that does not belong to you. For example, you cannot make an agreement to buy a house or sell your father’s golf clubs.

If you are under age 19 and living away from home, you may contract for the necessities of life such as an apartment, household items, clothing and medical care. These contracts are binding on you – that is, you must pay your rent or your doctor’s bill – just as if you were an adult. You do not have the right to disaffirm or call off contracts for necessities of life once these goods and services have been provided to you. There are other contracts you cannot get out of simply because you are a minor or were a minor when the contract was made. Examples are hospital and medical treatment, college loans and insurance contracts. Ala. Code §§ 22-8-6, 22-8-4, 26-1-5 and 27-14-5.
Technology

Today’s technology brings us faster computers, the World Wide Web (known as the Internet), cell phones, digital cameras and much more. As you learn about technology and all of its uses, you must also be aware of the restrictions and laws concerning the use of certain devices. It is also important to be aware of safety precautions when chatting on your cell phone or online.

Computers, the Internet and cell phones are great ways to keep in touch with your friends. The Internet is also a great way to do research for school and listen to music. Have you ever downloaded music, taken photos with your cell phone, chatted online with friends or entered any personal information online? If so, you might be violating a law or putting yourself at risk of identity theft or even personal harm.

This chapter will address the many laws and safety precautions you should know in order to play it safe in the world of technology.

Computers & The Internet

Can I Use Information from the Internet for School Assignments?

Yes, you may use the information you find online in your schoolwork. You can use the Internet in a similar way as you would use a book.

If you use information from the Internet, be sure to ask your teacher how to reference your source. Copying information without referencing your source and representing it as your own is known as plagiarism.

Is Everything on the Internet True?

No, as with any information, some Web sites may not be accurate. There are no electronic filters to separate fact from fiction; therefore, it is a good idea to check several different Web sites to compare the information. Check with your parents or teachers about trustworthy sites.

Do I Have to Worry About Internet Security?

Yes, Internet security can prevent computer hacking, virus infection, personal identity theft and many other threats. Make sure a security program protects your computer, especially while online. Most schools run security software to prevent these Internet security threats. Check with your parents about security on your personal computers at home.
WHAT IS COMPUTER HACKING?

Computer hacking is gaining access to computer networks or an individual computer without authorization. It is illegal to hack into another computer or network. 18 U.S.C. § 1030.

CAN I DOWNLOAD MUSIC OR VIDEOS?

Yes, but only if you use a legal music or video download site. Be careful using free download sites, as they may not comply with the law. Even peer-to-peer file sharing is illegal if done without the permission of the copyright holder. Most legal sites charge a small fee per download for legal copies of music or videos.

WHAT MAKES DOWNLOADING MUSIC ILLEGAL?

It is against the law to download music, movies or other media if you are violating its copyright. A

copyright is the legal right granted to an author, composer, playwright, artist or publisher to exclusive publication, production, sale or distribution of an original literary, musical, dramatic or artistic work. 17 U.S.C. §§ 102-122.

These items generally are protected under the U.S. Copyright Act, and if someone is suspected of violating a copyright, he or she and the owners of the computer can be prosecuted. The “No Electronic Theft Act,” or NET, allows for criminal enforcement of U.S. copyright laws against people who have no profit motive. 18 U.S.C. § 2319; 17 U.S.C. § 506.

The duplication of copyrighted material without the consent of the owner is illegal. Under federal law a person can be prosecuted for the criminal infringement of a copyright and be punished by up to 10 years in prison and fined up to $50,000. 17 U.S.C. § 506; 18 U.S.C. § 2319. Under Alabama law a person can be prosecuted for “Offenses Against Intellectual Property” and punishment can range from a class A to a class C felony. Ala. Code §§ 13A-8-100 and 13A-8-81.

IS IT ILLEGAL TO SHARE GAMES AND SOFTWARE?

Yes, it is often illegal to copy and share copyrighted computer software. Software piracy is the unauthorized duplication of computer software. Copying software is an act of copyright infringement and is subject to civil and criminal penalties. It can be illegal whether you use pirated software yourself, give it away or sell it. Most software is copyright protected and the copyright is enforceable for 95 years. If you illegally copy software, you can be liable for any damages suffered by copyright owners up to $150,000 per title copied, or up to $250,000 and five years in jail. 17 U.S.C. § 506; 18 U.S.C. § 2319; Ala. Code §§ 13A-8-100 and 13A-8-102.

WHAT IF I ACCIDENTALLY GO TO AN ADULT WEB SITE?

Many schools and parents use Internet blocking software to prevent young people from accidentally entering an adult Web site. If you find yourself on a Web site that is adult in nature, you should immediately exit from the site and report it to your teacher or parent.
**Internet Safety**

**ARE CHAT ROOMS SAFE?**

No, chat rooms are not safe places to be while online. A great deal of negative things can result from chat rooms, such as bullying, stalking, kidnapping, criminal sexual conduct and murder. Not all chat or instant messaging is bad. Ask your parents to help you find safe areas to communicate with your peers.

**WHAT IF I GET HARASSING E-MAILS OR INSTANT MESSAGES?**

You should report any harassing e-mails or instant messages to your parents, guardians, teachers, counselor and anyone else who might be able to help you. These forms of harassing communication are commonly known as “cyber bullying.” In some situations, it may be necessary to notify the police.

**WHAT IS CYBER BULLYING?**

Cyber bullying involves the use of technology (e-mail, instant messaging, Web sites, cell phones, etc.) to harass or annoy another person. Cyber bullying is a form of harassing communication and is a class C misdemeanor. Ala. Code § 13A-11-8.

**CAN I DO OR SAY ANYTHING ONLINE?**

Don’t assume you are anonymous online. Anything you do on your computer can be tracked back to you using computer technology.

**WHAT IF I GET E-MAIL FROM SOMEONE I DON’T KNOW?**

It is not a good idea to open e-mail from unknown persons or businesses. Many of these e-mails are called spam. Spam is unsolicited bulk e-mail, also known as electronic junk mail. Never open any attachments associated with spam or any other e-mail from unknown sources. These attachments could contain viruses and tracking software that can harm your computer, cause you to lose all of your data or put you at risk of identity theft.

Another form of spam is called phishing and it consists of sending e-mail to a user falsely claiming to be a legitimate organization, such as a bank, eBay account or Internet service provider, asking for the user’s password, social security number, bank account numbers and credit card accounts. This information is then used for the purposes of identity theft. Ala. Code §§ 13A-8-190 to 13A-8-200. The best advice is to always be careful about giving out your personal information on the Internet.
WHAT ELSE CAN I DO TO STAY SAFE ONLINE?

Be aware that some Web sites are created to hurt people by spreading dangerous, hateful or false information. Never try science experiments found online without carefully checking with your science teacher and parents or guardians.

SafeKids.com offers this list of safety tips for the Internet:

- Do not give out personal information such as your name, address, telephone number, social security number, date of birth, account numbers or the name and location of your school without your parents’ or guardians’ permission.
- Tell your parent, guardian or teacher right away if you come across any information that makes you uncomfortable.
- Never agree to meet with someone you have met online without first checking with your parents or guardians.
- Never send anyone your picture or anything else without first checking with your parents or guardians.
- Do not respond to any messages that are mean or in any way make you feel uncomfortable. If you get a message like this, tell a parent, guardian or teacher so that they can contact the Internet service provider.
- Talk to your parents or guardians about general computer and Internet rules. Teachers will also have school computer and Internet rules.
- Never give your password to anyone (even your best friend) other than your parents or guardians.
- Check with your parents, guardians or teachers before downloading or installing software or doing anything that could possibly hurt the computer or jeopardize your privacy.
- Always be a good online citizen and never do anything that hurts other people or is against the law.

Adapted from the brochure “Child Safety on the Information Highway” by SafeKids.com founder Larry Magid. (© 2004 National Center for Missing and Exploited Children)
**Cell Phones**

**ARE THERE ANY LAWS CONCERNING CELL PHONES?**

While there are no specific laws in Alabama about cell phones, if you use your cell phone to check e-mail, instant message or chat, the same laws that apply to a computer and the Internet apply to your phone use.

Using a cell phone is a great way to keep in touch with your family and friends, but you must follow a few safety and etiquette rules to be a good cell phone citizen.

The following tips may be useful:

- Do not dial, text or talk while driving. It is dangerous and in some places it is illegal.
- Keep calls short and avoid talking too loud in public.
- Refrain from talking on your phone as a courtesy in places such as churches, restaurants, movie theaters and anywhere else that it would be a nuisance. It may be necessary to turn off your phone or place it on silent or vibrate.
- Be aware of your surroundings and avoid talking about private issues on a cell phone.
- Never interrupt a face-to-face conversation by answering your cell phone.
- Always check for cell phone regulations in any public places such as museums, doctor offices, courthouses, sporting events, hospitals, libraries and elevators.
- Before you bring a cell phone to school, check your school’s policy.

**WHAT IF MY CELL PHONE HAS A BUILT-IN CAMERA?**

If your phone has a built-in camera, you may not be able to enter certain buildings or areas, such as a courthouse, your school or a gym locker room. You should check with local officials concerning any city ordinances prohibiting cell phones with cameras. You should never take a picture of anyone with your phone without his or her permission.

It is a violation of federal law to attempt to capture an image of another person’s private area without their consent and knowingly doing so under circumstances in which the individual has a reasonable expectation of privacy. This is a misdemeanor. 18 U.S.C. § 1801.

...and, **Now as a courtesy to others, please turn off your cell phone!**

Thank you,
the Movie Management
CAN I CARRY MY CELL PHONE ANYWHERE?

You can usually take your cell phone anywhere, but as a student, the possession of a cellular phone or pager at school without prior permission may be grounds for suspension or expulsion. Check with your school’s code of conduct for the specific local policy.

AM I AT RISK OF IDENTITY THEFT WHILE USING MY CELL PHONE?

Yes, any form of wireless communication can lead to identity theft or access to your personal information. To prevent this risk, follow these guidelines:

- Only give your cell phone number to people you know and trust.
- Never reply to a text message from someone you do not know.
- Learn how to block unwanted callers.
- Keep your phone in a secure place at all times to prevent theft.

CAN I USE MY CELL PHONE IN A CAR?

If you are a passenger in a car, you should limit your conversations on a cell phone as this can be very distracting to a driver.

It is not advised to dial, answer, talk or text message on your phone while actively driving a vehicle. In the event of an emergency or if you must use your cell phone while driving, please keep the following safety tips from the Cellular Telecommunications Industry Association (CTIA) in mind:

- Get to know your wireless phone and its features such as speed dial and redial.
- Position your wireless phone within easy reach.
- Dial sensibly and assess the traffic; place calls when you are not moving or before pulling into traffic.
- Ask a passenger to make or take the call for you.
- Keep conversations short. Let the person you are speaking with know you are driving and end the call as soon as possible.
- Suspend your call in heavy traffic or bad weather.
- Do not take notes or look up phone numbers while driving.
- Use a hands-free device.
- If your wireless phone rings while you are driving, let the voicemail service take the call and listen to the message later.
- Do not engage in stressful or emotional conversations that might divert your attention from the road.
- Dial 911 or other local emergency numbers to report serious emergencies – it’s free from your wireless phone.
- Call roadside assistance or a special non-emergency wireless number when necessary.

Adapted from the online brochure “Wireless Safety Tips” by CTIA, found at www.ctia.org.
Glossary

ADJUDICATED: To be decided by a court.
ALABAMA SUPREME COURT: The Judiciary of Alabama’s highest appellate court.
ALCOHOLIC BEVERAGE: Any drink that has at least 1/2 of one percent alcohol.
APPELLATE COURT: A court that reviews the decision of an inferior court or governmental agency. An appellate court does not try cases, have juries or witnesses. It reviews questions of law or allegations of procedural error arising in the trial court.
ARSON: Setting fire to or burning any building or vehicle without a lawful purpose.
ASSAULT: (1) Acting in a manner that causes physical injury (criminal). (2) The willful attempt or threat to unlawfully touch or hurt another (civil).
ATTORNEY: An individual who has studied law, passed a test to be admitted to practice law and is licensed to practice law in accordance with local regulations.
ATTORNEY GENERAL: The chief legal officer of the executive branch of a state, territory or the federal government.
AUTONOMY: The right of an individual to absolute control of his or her self.
BATTERY: The intentional and offensive touching of another person without his or her consent (civil).
BICYCLE: A vehicle that has two wheels, one behind the other, handlebars for steering, a seat, and is propelled by the action of the rider’s feet upon the pedals.
BULLYING: Repeated negative actions involving one or more people causing intentional harm to the victim.
BURGLARY: Entering another person’s property or home without permission, or remaining there against the owner’s wishes with the intention to commit a crime.
CHILD ABUSE: The harm or threatened harm to the health or welfare of a person under the age of 18. Harm is an intentional, reckless or negligent physical or mental injury, or sexual abuse.
CHILD NEGLECT: When a parent or guardian fails to meet his or her responsibilities to take care of a child. Neglect includes, but is not limited to, the failure to provide adequate food, medical treatment, supervision, clothing or shelter.
CHINS: A “child in need of supervision” who is habitually truant, a runaway, disobedient or has violated a curfew.
CIRCUIT COURT: A trial court that has exclusive jurisdiction in all civil matters greater than $10,000 and all felony prosecutions in criminal matters.
CITY OR COUNTY ORDINANCE: Laws created in a city or county, which are applicable only within their boundaries.
CIVIL LAW: Term used to describe laws that relate to the way you interact with other individuals; laws that do not involve criminal matters and relate to private rights and remedies.
CODE OF ALABAMA: A collection of all the laws passed by the state legislature and approved by the governor.
COMMON LAW: The system of laws, originated and developed in England, based on court decisions rather than codified written laws. The rule that you are “presumed innocent until proven guilty beyond a reasonable doubt” is an example of common law.
COMPLICITY: To help another person commit a crime. Also known as “aiding and abetting.”
COMPUTER HACKING: Accessing a computer network or an individual’s computer without authorization.
CONCEALED WEAPON: A weapon that is not in clear sight of a casual observer.
CONTINGENCY FEE: A fee paid to an attorney based on a percentage of the sum awarded in a lawsuit or a settlement.
CONTRACT: A set of promises between two or more people to legally do or not do something.
CONTROLLED SUBSTANCE: Any substance that the government thinks needs to be monitored because of its potential for abuse.
COPYRIGHT: The legal right granted to an author,
composer, playwright, artist or publisher to exclusive publication, production, sale or distribution of an original literary, musical, dramatic or artistic work.

**CRIME:** When you break the law either by doing something the law says you are not to do or by not doing something the law says you have to do.

**CRIMES AGAINST PERSONS:** Crimes that directly injure, attempt to injure or threaten to injure a person’s body.

**CRIMES AGAINST PROPERTY:** Crimes that affect property.

**CRIMINAL INFRINGEMENT OF A COPYRIGHT:** The crime of duplicating copyrighted material without the consent of the owner that is punishable by up to 10 years in prison and a fine of up to $50,000.

**CRIMINAL LAW:** Term used to describe laws that relate to the way you interact with society as a whole; laws enacted by the legislative branch of government for the purpose of preventing harm to society and establishing punishment to be imposed for wrongful conduct.

**CRIMINAL LITTERING:** Intentionally throwing or dropping litter on any public or private property and having no right to do so.

**CRIMINAL MISCHIEF:** Intentionally or recklessly causing damage to the property or motor vehicle of another.

**CRIMINALLY NEGLIGENT HOMICIDE:** The death of another that results from risky or careless behavior.

**CRIMINAL TRESPASS:** Entering someone else’s property or home without permission or remaining there against the owner’s wishes.

**CURFEW:** A time set by a city or county when a minor is no longer allowed to be out on the street without lawful business.

**CUSTODY:** The care and control of a thing or person.

**CYBER BULLYING:** The use of technology (e-mail, instant messaging, Web sites, cell phones, etc.) to harass or annoy another person. Cyber bullying is a form of harassing communication.

**DANGEROUS INSTRUMENT:** Any item, which, under the circumstances in which it is used, is highly capable of causing death or serious physical injury.

**DATE RAPE DRUG:** A drug used by an offender to make another person unconscious for the purpose of committing a crime such as rape or another sexual offense.

**DEADLY WEAPON:** A firearm or anything designed for the purpose of inflicting death or serious physical injury.

**DEFAMATION:** A written or spoken false statement that damages the reputation or good name of a person.

**DEFENDANT:** The party against whom a civil lawsuit or criminal charge is brought.

**DEFENDANT’S ATTORNEY:** An attorney who represents a party being sued in civil court.

**DEFENSE ATTORNEY:** An attorney responsible for representing the accused in criminal court.

**DEGREE:** Legal extent of guilt or negligence.

**DELINQUENT CHILD:** A child who has committed a violation, misdemeanor or felony.

**DEPARTMENT OF YOUTH SERVICES:** The governmental agency in Alabama charged with the supervision of delinquent juveniles.

**DISAFFIRM:** To call off a contract.

**DISORDERLY CONDUCT:** Disturbing the peace by making loud noises, fighting or publicly using obscene language.

**DISTRICT COURT:** A trial court of limited jurisdiction that has jurisdiction in all civil matters under $10,000 and in all criminal misdemeanors and traffic violations.

**DOMESTIC VIOLENCE:** Assault by a person on a current or former spouse, parent, child, any person with whom he or she has a child in common, a present or former household member, or a person with whom he or she has or had a dating or engagement relationship.

**DRIVING WHILE UNDER THE INFLUENCE (DUI):** Operating a motor vehicle while under the influence of alcohol or other drugs as determined by the amount of alcohol or drugs in that person’s blood.

**DRUG DISTRIBUTION:** Selling, furnishing, giving away, delivering or distributing any controlled substance, unless authorized by law.

**DRUG MANUFACTURING:** Manufacturing any controlled substance without legal authority or possessing any chemicals used to manufacture a controlled substance with the intent to manufacture the controlled substance.

**DRUG PARAPHERNALIA:** All equipment, products and materials of any kind that are intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance.

**DRUG POSSESSION:** Possessing a controlled
substance without authorization or obtaining a controlled substance using a false ID or altering a prescription.

**DRUG TRAFFICKING**: The possession of large quantities of illegal drugs, which indicates the intent to sell for profit.

**DUE PROCESS OF LAW**: The guarantee that citizens are treated fairly by the government (found in the Fifth, Sixth and Fourteenth Amendments to the U.S. Constitution).

**EMANCIPATION**: When a minor legally gains control and responsibility over all decisions in his or her life, even though he or she is a minor.

**EMPLOYEE THEFT**: A form of theft in which employees steal things, allow friends to steal things, charge a customer an improperly reduced price or abuse an employee discount.

**EXECUTIVE BRANCH**: The branch of government responsible for enforcing the laws.

**EXPULSION**: Disciplinary action for violation of a school rule that removes a student from school for an extended period of time.

**FALSE IMPRISONMENT**: Unlawfully keeping a person in a room, car or other place so he or she cannot leave or get out.

**FELONY**: Generally the most serious of all crimes and can result in being committed to a federal or state prison for more than one year.

**FIREARM**: Any weapon from which a shot is discharged with gunpowder.

**FRAUD**: Intentionally telling someone something false or concealing the truth.

**G.E.D.**: General Education Development certificate obtained for the equivalency of a high school diploma primarily for those students and adults who dropped out of school before obtaining a high school diploma.

**GOOD CAUSE**: Acts constituting grounds for suspension or for expulsion.

**HALLUCINOGENS**: Substances that affect the central nervous system distorting the perception of reality.

**HARASSING COMMUNICATIONS**: Making a telephone call with no legitimate purpose, making threats, using lewd language or sending or forwarding inappropriate e-mail, instant messages or postal mail.

**HARASSMENT**: Unwanted touching, or verbal or non-verbal threat to another person that would cause a reasonable person to fear for his or her safety.

**HEARING**: A court appearance before a judge where testimony is given and evidence is presented.

**HOMICIDE**: The killing of one human being by another, justified or unjustified.

**IDENTITY THEFT**: Using someone else’s information (such as social security numbers, credit card numbers and drivers’ licenses) without their permission for an unlawful purpose.

**INDECENT EXPOSURE**: Exposure of a person’s private parts with intent to arouse or gratify sexual desire of oneself or others.

**INHALANTS**: Substances that are sniffed or “huffed” to give the user an immediate high or head rush.

**INTENT**: A state of mind in which a person seeks to achieve a given result through a course of action.

**INTENTIONAL TORT**: When a person acts with the intent to harm someone or someone’s property.

**INVASION OF PRIVACY**: Intentional and wrongful intrusion into someone’s private activities in such a manner as to cause shame or humiliation.

**JUDGE**: The court official that oversees courtroom proceedings, listens to testimony presented in cases brought before the court and rules according to the law.

**JUDICIAL BRANCH**: The branch of government that interprets the laws and their constitutionality.

**JURY**: A group of randomly chosen citizens (six to 12 in Alabama Circuit Court and six to 12 in federal court depending on whether it is a civil or criminal case) that determine the facts of a case and apply the law in an adult court proceeding as instructed by the judge.

**JUVENILE**: A person not yet considered an adult for the purposes of determining either criminal or civil liability (generally anyone under the age of 19).

**JUVENILE COURT**: A special division of the circuit and district court systems of Alabama that handles matters involving juveniles.

**JUVENILE JUSTICE SYSTEM**: A part of the criminal justice system that focuses on the problems, special concerns and criminal activities of juveniles.

**JUVENILE PROBATION OFFICER (JPO)**: An officer who supervises and monitors a person during his or her probation to ensure completion of probation conditions.

**LAW**: Rules and regulations created and enforced by the government.

**LEGISLATIVE BRANCH**: The branch of government that creates laws.

**LIABLE**: Legally responsible.

**LIBEL**: A written false statement that harm’s someone’s reputation.

**LOITERING**: Remaining in a public place without
lawful business.

MANSLAUGHTER: The reckless killing of another person. This crime may be intentional, but committed during a heated or passionate moment.

MENACING: Physical action that intentionally places or attempts to place another person in such a position that he or she fears imminent serious physical injury.

MINOR: A person under the age of 18.

MINOR IN POSSESSION OF ALCOHOL: The illegal act of someone under the age of 21 possessing and/or transporting alcohol. It can also include knowingly being in the presence of alcohol in an area over which you have control, such as a back pack, locker or car.

MIRANDA WARNINGS: Constitutional rights read to a person accused of a crime before questioning begins.

MISDEMEANORS: The least serious offenses that cannot result in commitment to county or city jail for more than one year.

MOTOR VEHICLE: A vehicle that is self propelled excluding bicycles and bicycles equipped with a motor.

MUNICIPAL COURT: Courts with authority confined to a city or community in which they are established and that have jurisdiction extending to city ordinances such as traffic offenses and criminal misdemeanors.

MURDER: The intentional killing of another person without legal justification.

NARCOTICS: Addictive drugs, such as opium and cocaine, that reduce pain, alter mood and behavior, and usually induce sleep.

NEGLIGENCE: An unintentional tort that occurs when a person fails to use reasonable care causing harm to a person or his or her property.

NO ELECTRONIC THEFT ACT: Passed into law in 1997, NET allows for criminal enforcement of U.S. copyright laws against people who have no profit motive.

PEDESTRIAN: A person who is walking.

PERJURY: Intentionally providing false information under oath.

PETITION: To file charges or to make a request of a court or public official.

PHISHING: Sending e-mail to a user falsely claiming to be a legitimate organization, such as a bank, eBay account or Internet service provider, asking for the user's password, social security number, bank account numbers and credit card accounts. This information is then used for identity theft.

PLAGIARISM: The copying of someone else's work and representing it as your own.

PLAINTIFF: The party who brings an action (a complaint or lawsuit) against the defendant in a civil case.

PLAINTIFF'S ATTORNEY: The attorney who represents a party making a complaint in civil court.

POSSESSION: Possession is not limited to ownership. It can also include knowingly being in the presence of or having control over an area containing illegal items.

PRECEDENTS: Court decisions that serve as a guide on legal questions in future similar cases.

PROBATION: A period of supervised release given by a court instead of, or upon release from, detention.

PROSECUTING ATTORNEY: An attorney who represents the government in a criminal case.

PUBLIC LEWDNESS: When a person exposes his or her private parts in a public place where he or she is likely to be observed by someone else.

RAPE: Forced sexual intercourse with another person. Any sexual intercourse, consensual or not, by a person aged 16 or older with a person under the age of 16.

REASONABLE DOUBT: The standard that must be met by the prosecution in a criminal case to overcome the belief that a person is innocent until proven guilty. A reasonable doubt is doubt that would cause a reasonable person to hesitate before acting in a matter of importance. It does not mean an absolute certainty.

REASONABLE PERSON: The idealized standard of how society expects its members to act.

REASONABLE SUSPICION: An objective basis, supported by specific facts, for suspecting a person of criminal activity.

RECEIVING STOLEN PROPERTY: Buying or accepting of property known to be or suspected to be stolen.

RESTITUTION: The return of goods to the rightful owner and payment for property loss, damages and time.

ROBBERY: Theft by the use of force; taking a person's personal property by use of force or by scaring someone into handing over anything that belongs to him or her.

RULE OF LAW: The principle that everyone, including government officials, must respect and obey the legal system and its laws.
SCHOOL FUNCTION: Anything sponsored and controlled by school officials even if the event is held off school property.

SCHOOL GROUNDS: Areas defined as part of a school campus including the main campus, auditoriums, sporting arenas, football and baseball fields, tracks, vocational facilities and the cafeteria.

SCHOOL RESOURCE OFFICER (SRO): A full-time law enforcement officer in the schools with the goal of creating and maintaining a safe educational environment. SROs keep peace in schools. They are advisors and counselors, liaisons between schools and the police, and law-related education teachers.

SEDATIVES: Substances that depress or slow down the body’s functions, inducing sleep or sedation.

SEXUAL ABUSE: Forcible sexual contact with another person or sexual contact with a person less than 16 years of age.

SEXUAL CONTACT: Any contact on the person of another that involves touching of sexual organs or intimate body parts of that person.

SEXUAL MISCONDUCT: Illegal sexual activities other than those defined as sexual abuse or sexual contact.

SHOPLIFTING: Type of theft that involves the taking of merchandise from a store without paying or intending to pay.

SLANDER: A spoken false statement that harms someone’s reputation.

SMALL CLAIMS COURT: A civil court with jurisdiction of claims up to $5,000.

SODOMY: Sexual intercourse involving oral or anal sex between unmarried persons, by force, or with someone under the age of 16.

SOFTWARE PIRACY: The unauthorized duplication of computer software. Copying software is an act of copyright infringement, and is subject to civil and criminal penalties.

SPAM: Unsolicited, bulk e-mail also known as electronic junk mail.

STATUTE: A law enacted by the legislature at the federal or state levels.

STIMULANTS: Substances that temporarily increases the function of the heart, lungs, brain and nervous system.

STREET GANG: A group of three or more persons who join together for the purpose of committing crimes.

SUNSHINE LAW: A law that requires all public officials to conduct their meetings openly.

SUSPENSION: Disciplinary action for misconduct that temporarily removes a student from school or class.

TEEN COURT: A pretrial diversion program of the juvenile court that allows juveniles charged with a delinquent act the option of facing their peers for punishment, instead of going to juvenile court.

TERRORISM: A violent criminal act committed with the intent to intimidate or threaten the general public or to influence the policy of government.

THEFT: The taking of property or depriving someone of his or her property without the intent to return it.

TOBACCO: An agricultural crop usually rolled in paper and smoked. Sometimes tobacco leaves are “dipped” or “chewed” so the nicotine is absorbed via the gums.

TORTS: The law of private wrongs, governing the behavior of persons and setting out their obligations toward each other.

TRESPASS: Intentionally going onto property that you do not own or have the right to be on, including fishing or hunting on the property or throwing things onto the property.

TRIAL: A formal proceeding before a judge and/or jury to determine the outcome of an issue before the court.

TRUANCY: Absence of a student from school without permission.

UNITED STATES CODE (U.S. CODE): A collection of all the laws passed by the U.S. Congress and approved by the President.

U.S. CIRCUIT COURT OF APPEALS: Intermediate federal appellate courts that review decisions of lower federal courts.

U.S. COPYRIGHT ACT: Law passed by the U.S. Congress that provides for the basic rights of copyright holders.


U.S. SUPREME COURT: The highest court in the country created by the U.S. Constitution. This court of final appeals reviews decisions from lower federal courts and state and territorial supreme courts.

VIOLATION: A violation is the least serious offense and does not result in loss of liberty. An example of a violation is a traffic ticket for which you may have to pay a fine or have your license suspended.

WITNESS: A person who testifies to what he or she has seen, heard or otherwise observed.

WORK PERMIT: A permit that allows anyone under the age of 16 to work outside of school hours or during vacation periods.
Your Turn

Why do we have rules and laws?

What rules apply to my family? What are the reasons for them?

What rules apply to me? What are the reasons for them?

It really bothers me when people break _____________________________ (rules), because:

What would life be like if we didn’t have rules and laws?
List five laws that make your life safer.

List your least favorite laws and explain why.

What new law would you like the legislature to pass?

What have you learned from *Play by the Rules*?

What is your favorite illustration in this book?
IMPORTANT NUMBERS & WEB SITES

911 is for emergencies only

POLICE_________________________________________________________

FIRE___________________________________________________________

AMBULANCE_____________________________________________________

LOCAL CRISIS CENTER____________________________________________

FAMILY PHYSICIAN________________________________________________

ANIMAL CONTROL________________________________________________

ALCOHOL & SUBSTANCE ABUSE HELPLINE
800.762.3790

POISON CONTROL
Alabama Poison Center
800.222.1222
www.alapoisoncenter.org

ALABAMA SAFE SCHOOLS HOTLINE
888.SAV.KIDS (888.728.5437)

INTERNET SAFETY
i-Safe
www.isafe.org
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