



# Teenage Choices and Legal Consequences

35th District Court

5/3/2010

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# Table of Contents

I.	Nation of Laws .....	5
A.	Criminal Law vs. Civil Law.....	5
B.	How You Are Charged—Criminal Offenses .....	5
C.	Consequences and Sentences .....	6
II.	How this affects you .....	6
A.	Offenses go on your record.....	6
B.	Money you have to pay .....	7
C.	Time you need to give up.....	7
III.	What can you do? .....	7
A.	Make better choices .....	7
B.	Help prevent others from committing offenses.....	7
C.	Think about the consequences .....	7
D.	Set up a Youth Crime Watch organization at your school.....	7
E.	Do the right thing .....	7
IV.	Criminal Laws .....	7
A.	Serious driving offenses.....	7
B.	Cigarette offenses (committed by minors).....	9
C.	Alcohol offenses (committed by minors).....	10
D.	Drug offenses .....	11
E.	Assault and Battery offenses.....	11
F.	Sexual offenses/dating violence .....	12
G.	Theft offenses.....	13
H.	Violent crimes/Hate crimes.....	13
I.	Electronic Transmissions.....	14
V.	Civil Laws.....	17
A.	Bullying and Harassment .....	17
B.	Property crime.....	17
C.	Stalking .....	18
D.	Traffic and non-serious driving offenses .....	19

## **Disclaimer**

\*All fees are accurate as of 5/1/2010 fees are subject to change without notice.

\*All cases are reviewed and tried on a individual basis and adjudicated accordingly.

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# I. Nation of Laws

## A. Criminal Law vs. Civil Law

### 1. Criminal Law

- a) Criminal Law: pertains to or is connected to the law of crimes, or the administration of penal justice, or which relates to or has the character of crime.
  - All criminal offenses carry the potential for jail or prison time
- b) Criminal Proceedings: instituted and conducted for the purpose of either preventing the commission of crime, or for fixing the guilt of a crime already committed and punishing the offender
  - Some step taken before a court against some person charged with some violation of the criminal law
- c) Criminal Action: proceeding by which a person charged with a crime is brought to trial and either found not guilty or guilty and sentenced; a suit or cause instituted to punish an infraction of the criminal laws
- d) Criminal Prosecution: an action or proceeding instituted in a court on behalf of the public, for the purpose of securing the conviction and punishment of one accused of crime
- e) Parties in a Criminal Action:
  - (1) *Prosecution/Prosecutor*: the government, state or community, as the party proceeding in a criminal action; one who instigates a criminal action by charging an individual with the commission of a crime
  - (2) *Defendant*: the person accused of committing a crime

### 2. Civil Law

- a) Civil Law: relating to private rights and remedies sought by civil actions; also relating to the state or its citizenry
  - (1) Civil infractions carry the punishment of fines
  - (2) Most driving offenses are civil infractions
- b) Civil Action: action brought to enforce, redress, or protect private rights. All types of actions other than criminal proceedings
- c) Parties in a Civil Action:
  - (1) *Plaintiff*: A person who brings an action; the party who complains or sues in a civil action seeking remedial relief for an injury to rights
  - (2) *Defendant*: the person defending or denying; the party against whom relief or recovery is sought in an action or suit

## B. How You Are Charged—Criminal Offenses

### 1. Juvenile vs. Adult (at age 17)

- a) You will either be charged and convicted as a juvenile or an adult
- b) If you're 17 or over you will be treated as an adult
  - (1) Once something goes on your adult record it will be there forever
  - (2) Adult offenses can only be expunged once and only for certain offenses
- c) If you're under 17 at the time of the offense you will be considered a juvenile, except in exceptional cases
  - (1) Extensive criminal history
  - (2) Particularly egregious offenses

## C. Consequences and Sentences

### 1. Purposes of Sentencing

- a) Punish the defendant for the bad choice he/she made
- b) Rehabilitate the defendant so he/she doesn't repeat the bad choice again
- c) Give back to the community whose laws have been violated

### 2. Felony vs. Misdemeanor

- a) Felonies are the most serious crimes and can be punishable by one year in prison up to life in prison
- b) Misdemeanors can be punishable by up to one year in jail
  - (1) The standard misdemeanor sentence is up to 93 days in jail or a \$500 fine

### 3. Jail

- All criminal offenses carry a risk of jail or prison time

### 4. Sentenced as an adult at 17 (when you commit the crime after 17<sup>th</sup> birthday)

- a) If you're 17 or over you will be treated as an adult for any offense
- b) If you're under 17 the offenses will be on your juvenile record

### 5. Offenses on your record

- a) Offenses that go on your adult record will be there forever
- b) Offenses on your adult record can only be expunged one time
- c) Offenses stay on your juvenile record until your 30<sup>th</sup> birthday if there is a conviction. If the charge is dismissed because of diversion/delayed sentencing or the prosecutor the record will be expunged w/ in 28 days after your 17<sup>th</sup> birthday (or at the end of the diversion/delayed sentencing if it runs past the 17<sup>th</sup> birthday).

### 6. Probation

- a) Probation is an order of terms and conditions placed upon the defendant
- b) Probation is in lieu of jail or prison time
- c) Defendants can be sentenced to probation which is a written order of terms defendants must comply with
- d) Violations of probation can result in jail time

### 7. Community service

- You may have to give up your time to do community service either as a part of probation or to pay off your fines

### 8. Work detail

### 9. Paying fees

- a) All offenses will have fees attached to them
- b) You can owe over \$300 for one infraction

### 10. Tickets/warrants

## II. How this affects you

### A. Offenses go on your record

#### 1. Getting into college

- Colleges will ask about your criminal record on applications

#### 2. Federal student aid

- You have to report any criminal record when you apply for student loans

3. Getting a job
    - (a) Employers look at your criminal record when making the decision to hire you
    - (b) Obtaining professional licenses required to work in certain professions requires the licensing board to examine your criminal history before licensing you
  4. Driving privileges can be revoked, suspended, or restricted
- B. Money you have to pay**
1. Need to get job
    - Most teenagers cannot afford to pay the fines for the infractions and need to get a job to do so
  2. Pay money saved for school/other things
    - You may have to pay money you have saved for school or a car to pay the court fines
  3. Credit issues
- C. Time you need to give up**
1. Time in jail/house arrest
  2. Time on probation
    - You not only have to be on probation for some offenses, but you will have certain programs you need to complete while on probation
  3. Time spent doing community service
    - You may be ordered to do community service as a part of probation or to pay off your court fines
  4. Time you can't travel outside of Michigan
    - When you're on probation you cannot travel outside Michigan

### **III. What can you do?**

- A. Make better choices
  - Assume that everything you do could be proven in a court of law
- B. Help prevent others from committing offenses
  - Try to convince others that these things are wrong and going to be a lot of trouble
- C. Think about the consequences
  1. Think about the long run and what you may be getting yourself into
  2. Realize that any civil or criminal infraction will have fines and other punishment associated with it
  3. Remember, you are not invincible and can always get caught
- D. Set up a Youth Crime Watch organization at your school
  1. Help make others aware of these offenses and the consequences through Crime Watch
  2. Spread the information you know
- E. Do the right thing

### **IV. Criminal Laws**

- A. Serious driving offenses
  1. Traffic violation connected with fatal accident
    - a) Manslaughter
    - b) Six points added to your driving record

2. Leaving the scene of an accident
  - a) If you leave an accident that resulted in vehicle damage it is a misdemeanor punishable by up to 90 days in jail and/or up to \$100 in fines
  - b) If you leave an accident that caused another person to be injured it is a misdemeanor punishable by up to one year in jail and/or \$1,000 in fines in addition to having your license suspended
  - c) If you leave a fatal accident it is a felony punishable by up to five years imprisoned and/or up to \$5,000 in fines
3. Committing a felony using a vehicle
  - Six points will be added to your driving record
4. Operating while intoxicated or under influence of controlled substance OR operating while visibly impaired
  - a) You consent to being tested for alcohol content as a Michigan driver and if you refuse to be tested you will get six points added to your driving record (four for operating while visibly impaired)
  - b) Even for a first conviction it is mandatory that your license is suspended for six months
  - c) You will be required to have five days to one year of consecutive jail time and/or 30 to 90 days of community service for a second conviction
  - d) Driver responsibility fee of \$1,000 for two consecutive years
5. Open alcohol container in vehicle
  - a) You cannot transport open alcohol in the passenger compartment of a vehicle unless the vehicle does not have a trunk compartment
  - b) Misdemeanor
    - (1) You may also be ordered to perform community service and undergo substance abuse and screening and assessment at your own cost
    - (2) Two points will be added to your driving record
6. Reckless driving
  - a) Driving on a road, frozen public lake, or other place open to the general public including parking lots, in willful or wanton disregard for the safety of people or property is reckless driving
  - b) *Examples:*
    - (1) Speeding 15 mph or more over the posted limit
    - (2) Changing/using lanes erratically/improperly
    - (3) Following too closely
    - (4) Drag racing (four points)
  - c) This is a misdemeanor punishable by:
    - (1) Up to 93 days in jail and/or up to \$500 in fines, and
    - (2) Six points will be added to your driving record, and
    - (3) Driver responsibility fee of \$500 for two consecutive years
  - d) Reckless driving resulting in serious impairment of bodily function to another person is a felony punishable by up to five years imprisonment and/or a fine not less than \$1,000 nor more than \$5,000 as well as possible vehicle forfeiture
  - e) Reckless driving resulting in the death of another person is a felony punishable by up to 15 years imprisonment and/or a fine not less than \$2,500 nor more than \$10,000 as well as possible vehicle forfeiture

7. Fleeing/eluding a law enforcement officer

- a) You cannot willfully fail to pull over when signaled, you cannot increase your speed when signaled to pull over, you cannot turn your lights off when signaled, or otherwise attempt to flee
- b) Six points will be added to your driving record
- c) Degrees of offenses:
  - (1) Fourth degree fleeing and eluding: committing any one of the actions listed in subsection (a); felony punishable by not more than two years imprisoned and/or up to \$500 in fines
  - (2) Third degree: felony punishable by up to five years imprisoned and/or up to \$1,000 in fines if one or more of the following apply:
    - (a) The violation resulted in a collision or accident
    - (b) A portion of the violation occurred in an area where the speed limit is 35mph or less
    - (c) You have prior conviction for fourth degree fleeing and eluding or attempted fourth degree fleeing and eluding
  - (3) Second degree fleeing and eluding: felony punishable by up to 10 years imprisonment and/or a fine of up to \$5,000 if one or more of the following apply:
    - (a) The violation resulted in a serious injury to an individual
    - (b) You have one or more prior convictions for first, second, or third degree fleeing and eluding or attempted first, second, or third degree fleeing and eluding
    - (c) You have any combination of two or more prior convictions for fourth degree fleeing and eluding or attempted fourth degree fleeing and eluding
  - (4) First degree fleeing and eluding: the violation results in the death of another individual; felony punishable by up to 15 years imprisonment and/or up to \$10,000 in fines

8. Driving while license suspended

- a) First violation up to 93 days in jail and/or a fine of up to \$500
- b) Driver responsibility fee of \$500 for two consecutive years
- c) Second violation up to one year in jail and/or a fine up to \$1,000
- d) Car can be immobilized
- e) Additional period of suspended license or revoked license

9. Unlicensed Person Driving

- a) Misdemeanor offense punishable by not less than two nor more than 90 days in jail and/or a fine of up to \$100
- b) Additional driver responsibility fees from the state are imposed in addition to the courts' punishment because it is a serious offense

B. Cigarette offenses (committed by minors)

- 1. It is illegal for anyone over the age of 18 to sell, give, or furnish any tobacco product to a minor
  - This is a misdemeanor offense punishable by a fine of up to \$50 for each violation

2. A minor shall not do any of the following:
  - a) Purchase or attempt to purchase a tobacco product
  - b) Possess or attempt to possess a tobacco product
  - c) Use a tobacco product in a public place
  - d) Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his/her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product
3. Violations by minors:
  - a) First violation: Misdemeanor punishable by a fine of up to \$50 each violation (fines vary by community). The court can also impose any of the following:
    - (1) Perform not more than 16 hours community service in a hospice, nursing home, or long-term care facility
    - (2) Participate in a health promotion and risk reduction program at your own cost
  - b) Second violation: in addition to participation in a health promotion and risk reduction program, the court may order the individual to perform not more than 32 hours of community service in a hospice, nursing home, or long-term care facility
  - c) Third violation: in addition to participation in a health promotion and risk reduction program, the court may order the individual to perform not more than 48 hours of community service in a hospice, nursing home, or long-term care facility
4. There is a high amount of violations with use of other illegal drugs
5. The punishment is intended in part to show the dangers to your health and addictive nature of tobacco products

### C. Alcohol offenses (committed by minors)

1. Zero Tolerance—It is illegal for someone under the age of 21 to:
  - a) Consume alcohol
  - b) Have any bodily alcohol content
  - c) Buy alcohol
  - d) Have alcohol in their possession regardless if they consumed it or not
  - e) Use a fake ID to obtain alcohol
  - f) Transport unopened alcohol container in a motor vehicle
  - g) Allow any person to use your motor vehicle after they have been drinking
  - h) Stealing alcohol
2. Minor In Possession (MIP)
  - If you have any bodily alcohol content it is possession under Michigan law
3. Sentences: (age:17-20yrs old )
  - a) First violation: up to \$100 fine and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation, may be ordered to perform community service, all substance abuse screening and assessment at your own expense
  - b) Second violation: in addition to substance abuse programs, assessment, screening, and community service, imprisonment of up to 30 days (only if the minor has been found by the court to have violated an order of probation, failed

to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine that conviction or adjudication) and/or up to \$200 fine

- c) Three or more violations: in addition to substance abuse programs, assessment, screening, and community service, up to 60 days in jail (only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine that conviction or adjudication) and/or up to \$500 fine
- d) Using a fake ID to buy alcohol: imprisonment of up to 93 days and/or a fine of up to \$100
- e) Suspension of drivers license by secretary of state

4. One time public act will allow this to be taken under advisement if you plead guilty

#### D. Drug offenses

1) Michigan's 7411 law: will keep one drug offense off your public record

2) If you possess again:

- a) You will go to jail
- b) It will go on your record
- c) You will lose your driver's license (even if you weren't driving at the time of the incident)
- d) You will not likely be able to get hired
- e) You will not be eligible for federally funded student loans

3) The Court can require you to:

- a) Undergo assessment where it is determined whether you are likely to benefit from rehabilitative services including drug or alcohol education and treatment programs and pay the cost of such services
- b) Attend a course of instruction or rehabilitation program on the medical, psychological, and social effects of the misuse of drugs

4) Marijuana laws

- a) Possession of marijuana is a misdemeanor punishable by one year in jail and/or \$2,000 fine
- b) Sale of marijuana is a felony punishable by a minimum of up to four years in jail and/or \$20,000 fine
  - (1) If you sell to a minor or near school property you can get up to double the penalties listed
- c) Smoking marijuana in any public or private property is a misdemeanor punishable by up to 93 days in jail and/or up to a \$100 fine

#### E. Assault and Battery offenses

1. Assault: acting in a threatening manner to put another person in fear of immediate harm

2. Battery: trying to or actually physically striking another

3. These are misdemeanors punishable by up to 93 days in jail and/or up to \$500 in fines

4. Other consequences:

- a) Probation charges
- b) Conviction of either may make employers less likely to hire

## F. Sexual offenses/dating violence

1. Michigan age of consent is 16 years
  - You **CANNOT** consent unless you are 16 years old no matter what
2. Sexual conduct (felony):
  - a) Sexual penetration (including oral sex) with another person if:
    - (1) Victim is under 13 years of age
    - (2) Victim is at least 13 but less than 16 years of age and:
      - (a) The actor is a member of the same household as the victim
      - (b) The actor is related to the victim by blood or affinity
      - (c) The actor is in a position of authority over the victim and used the authority to coerce the victim to submit
      - (d) The actor is a teacher, substitute teacher, or administrator of a school
      - (e) The actor is an employee or volunteer of a school
  - b) Felony punishment:
    - (1) From life imprisonment without parole to 15 years in prison
    - (2) If the violation was committed by someone 17 years or older upon someone under 13 years old the minimum sentence is 15 years in prison and lifetime electronic monitoring
  - c) Resistance by the victim is not required: no means no, mentally or physically incapacitated victim means no
3. Sexual Contact (misdemeanor):
  - a) Sexual contact is:
    - (1) Intentional touching of the a person's intimate parts; or
    - (2) Intentional touching of the clothing covering the immediate area of the person's intimate parts
    - (3) That can reasonably be construed as for a sexual purpose or in a sexual manner
  - b) A person is guilty of criminal sexual contact if:
    - (1) The victim is at least 13 years of age yet still under 16 years of age, and the actor is five or more years older than that person
    - (2) Force or coercion is used to accomplish the sexual contact
    - (3) The actor knows or has reason to know the victim is mentally incapable, mentally incapacitated, or physically helpless
    - (4) The victim is related to the actor by blood or affinity
    - (5) The victim is at least 16 years old but less than 18 years old and a student at a public school and:
      - (a) The actor is a teacher
      - (b) The actor is a substitute teacher
      - (c) The actor is an administrator of the school
      - (d) The actor is another employee of the school
  - c) Misdemeanor punishment: up to two years in jail and/or a fine of up to \$500.
  - d) Resistance by the victim is not required: no means no, mentally or physically incapacitated victim means no

4. Indecent exposure:

- a) A person shall not knowingly make open or indecent exposure of his/her person or of the person of another
  - (1) This means mooning, flashing, and pantsing people
  - (2) Also “sexting” pictures
- b) This is a misdemeanor punishable by no more than one year in jail and/or \$1,000 fine

5. Rape:

- a) Non-consensual sexual intercourse committed by physical force, threat of injury, or other duress
- b) Lack of consent can include the victim’s inability to say “no” due to the effects of drugs or alcohol
- c) Rape can occur when the offender and victim have a pre-existing relationship—“date rape”

6. Statutory Rape:

- Someone of consenting age (16 years) having sexual conduct with someone under the age of consent (16 years)

G. Theft offenses

1. Stealing from another person any of the following:

- a) Money
- b) Goods
- c) Bank notes, bonds, draft, order, certificate
- d) Book of accounts concerning money or goods due or to be delivered
- e) Embezzling from employer money, goods, or services that have value

2. If the value of the property stolen is less than \$200

- Misdemeanor punishable by up to 93 days in jail and/or a fine of up to \$500 OR three times the value of the property stolen, whichever is greater

3. If the value of the property stolen is between \$200-\$1,000

- Misdemeanor punishable by up to one year in jail and/or a fine up to \$2,000 OR three times the value of the property stolen, whichever is greater

H. Violent crimes/Hate crimes

1. Violent crimes:

- a) Aggravated assault, armed home invasion, armed robbery, arson, assault and battery, assault with a deadly weapon, extortion, felony weapons charges, homicide, kidnapping, manslaughter, premeditated murder, sex crimes, terrorism, vehicular manslaughter, and violent crime in aid of racketeering
- b) Sentences depend on the crime and its severity as well as prior criminal history

2. Hate crimes:

- a) A person cannot maliciously and with specific intent to intimidate or harass another person because of that person’s race, color, religion, gender, sexual orientation or natural origin doing any of the following:
  - (1) Causing physical contact with another person
  - (2) Damage, destroy, or deface any real or personal property of another person
  - (3) Threaten, by word or act, to do either of the above if there is reasonable cause to believe that one of the above acts will occur

- b) This is a felony punishable by up to two years in jail and/or up to a \$5,000 fine
  - If the victim brings a civil action against the defendant for this violation, he/she may recover reasonable attorney fees and costs and damages in the amount of three times the actual damages or \$2,000 whichever is greater

## I. Electronic Transmissions

1. Cell phone, MySpace, Twitter and Facebook pictures, posts, and messages can cause a great deal of harm for you and in some instances be illegal
2. Criminal harassment:
  - a) A large number of states have stalking or harassment laws that specifically include form of electronic communication
  - b) Those that don't specifically include electronic communication can also apply to this form of communication making certain acts illegal
  - c) Comments and messages that include persistent and threatening communication, even if they're only taken out of context or misconstrued, may constitute criminal harassment
  - d) *Example*: one teen posted expletive comments on a fake MySpace claiming to be her former middle school principal; she was charged with criminal harassment
3. Sex/pornography offenses:
  - a) Sexting: the act of sending sexually explicit messages or photos via cell phone or online postings
    - A 2008 survey showed that about 20 percent of teenagers have sent nude or seminude pictures of themselves to friends or have posted them on a website
      - (a) About 22 percent of teenage girls
      - (b) About 18 percent of teenage boys
  - b) Child pornography and exploitation offenses: any visual depiction, including pictures, film, video, or computer generated image of a minor in sexually explicit conduct cannot be produced, distributed, received, or possessed by anyone.
    - (1) This means anyone under the age of 18 in any photo, video, or other message
    - (2) If you are sending nude or seminude photos of yourself or someone else you are breaking the law
      - (a) Even if the pictures you have are of yourself, if you are under 18 years old, it is against the law
    - (3) Sexually exploiting a minor via text messages can also be included in this area
    - (4) *Examples*:
      - (a) Six high school students are facing child pornography charges after three teenage girls took nude or seminude photos of themselves and shared them with their male classmates via cell phone. The female students all face charges of manufacturing, disseminating, and possessing child pornography while the boys face charges of possession. All students were ages 14-17.

- (b) One girl sent nude pictures of herself to her boyfriend and after they broke up he sent them to other girls at the high school. After months and months of harassment and bullying from her classmates and unsuccessful attempts to quash the incident both within the school and through the news, the young girl committed suicide.
4. Defamation: issuing false statements about another person which causes that person to suffer harm
- a) In Michigan any words imputing lack of chastity to any female or male are actionable both criminally and civilly
  - b) Usual instances of defamation:
    - (1) Attacking a person's character or standing
    - (2) Alleging that an unmarried person is unchaste
    - (3) Stating that a person is infected with a sexually transmitted disease
    - (4) Claiming that a person has committed a crime of moral turpitude
  - c) *Examples*:
    - (1) In Chicago a woman tweeted that her landlord condones mold in her apartment stating that they thought it was okay for her to sleep in a moldy apartment. The landlord is suing for damages due to the comment
    - (2) A former student at the University of Albany is suing her former classmates for defamation due to comments that were posted to embarrass and humiliate her. The student claims that her reputation and character were greatly injured by the comments which implied she as AIDS, uses drugs, and engages in deviant behavior.
5. Consequences
- a) Prison sentences for certain criminal actions
  - b) Having to register as a sex offender
    - (1) Your name, picture, address, and nature of the crime are all posted on public websites
    - (2) You will have to notify law enforcement of any change in address or employment
  - c) Harassment and ridicule from your classmates and others
    - Anything you put on the internet can be given to other people and used against you after a break up or during a fight with a friend
  - d) Consequences in school
    - If you're caught sexting or bullying another student via electronic communication schools can and will punish you
  - e) Decreased employment possibilities
    - Employers not only look at your criminal history, they often look at Facebook and MySpace to see what kind of person you are
  - f) Admission to college or other educational programs/scholarships
    - Schools are beginning to look at Facebook and the like when taking applicants for admission and scholarships to determine who represents what they want in a student
  - g) Termination of business relationships now and in the future

6. Why online social networking sites are dangerous
  - a) Everything you post is online forever
    - (1) It is virtually impossible to really delete things that have been online
      - (a) Even if you delete a picture, it is stored elsewhere and can be accessed
      - (b) Sometimes information is stored in electronic warehouses in foreign countries that are not subject to American laws
    - (2) Your tracks and footprints are there for anyone and everyone to see and dissect
  - b) Nothing you post is private
  - c) Anything you post can be publicly disseminated and twisted around by people
  - d) It is easy to track people based on these sites both on the internet and in the real world
    - (1) Most people have constant status updates
    - (2) IMs or away messages often have locations
    - (3) With the advent of GPS locating devices in phones people can see where you go if you allow your current location to be posted
    - (4) Twitter accounts track a great deal of what you do
      - These accounts can be found on other websites allowing more people to view your tweets
  - e) The posts and pictures can come back to harm you
    - (1) Years from now an employer can see a post or picture and choose not to hire you
    - (2) You could be creating a bad image for yourself and any organizations you represent
    - (3) Comments and pictures can be seen by anyone and offend people in any kind of relationship now or in the future
  - f) You could be stalked and/or harassed because of your pictures or posts
  - g) Sexual predators can reach you much easier knowing your routine based on posts and pictures
  - h) Identity theft is much easier as well
7. Tips for prevention
  - a) Don't lie about your age to get onto a site
  - b) Don't disseminate personal information such as phone number, address, school address, and the like
  - c) If you have a social networking profile make it private
    - This way anyone who wants to view your information has to be approved by you
  - d) Only allow people you know to become your "friends" on the sites
  - e) If something makes you uncomfortable or seems unusual tell someone
    - (1) If you or someone you know is being cyberbullied or cyberstalked report it
    - (2) If you're sent a message or pictures that make you uncomfortable report it
  - f) Report indecent posts to the site manager

- g) Don't post things you wouldn't want everyone to know about you
  - (1) Don't post comments or pictures that may entice people to stalk or harass you
  - (2) Email address or screen names
  - (3) Last name
  - (4) Where you work
  - (5) Class schedule
- h) Don't have specific locations in your away messages, status updates, or other posts
- i) Think about your privacy and security when posting comments and pictures
- j) Try to limit the amount of time you spend on these sites so it's harder for people to track you

## V. Civil Laws

### A. Bullying and Harassment

1. Bullying:
  - a) All schools in Michigan are required by law to have anti-bullying policies prohibiting bullying and harassment at school
  - b) Bullying and harassment: abuse of a pupil by one or more other pupils in any form
2. Harassment:
  - a) Conduct directed toward a victim that is:
    - (1) Repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress; and
    - (2) That actually causes the victim to suffer emotional distress
    - (3) This means conduct that continues without consent or in disregard of the individual's expressed desire that the contact be avoided or discontinued
  - b) This is a misdemeanor punishable by up to one year in jail and/or a fine up to \$1,000 and can result in a probation term of up to five years where the defendant refrain from any contact with the victim

### B. Property crime

1. Trespassing: entering on the land/premises of another without authority after having been forbidden to do so by the owner or occupant, remaining on the land/premises after being notified to depart by owner or occupant, enter or remain without authority on a fenced or posted farm property of another person without consent of owner or lessee
  - Misdemeanor punishable by up to 30 days in jail and/or a fine up to \$250
2. Home invasion: a person who enters a dwelling with intent to commit a felony, larceny, or assault within the dwelling; a person who enters a dwelling without permission with intent to commit a felony, larceny, or assault in the dwelling; a person who breaks and/or enters a dwelling without permission and at any time or in exiting commits a felony, larceny, or assault
  - a) First degree: at any time the person is armed with a dangerous weapon and another person is lawfully present in the dwelling
    - Felony: imprisonment up to 20 years and/or a fine up to \$5,000
  - b) Second degree: committing what is listed in the definition of home invasion
    - Felony: imprisonment up to 15 years and/or a fine up to \$3,000

- c) Third degree: breaks and/or enters with intent to commit a misdemeanor in the dwelling or breaks and/or enters and at any time commits a misdemeanor; breaks and/or enters a dwelling and violated a probation term, a parole term, a personal protection order term, or condition of bond/bail
  - Felony: imprisonment up to five years and/or a fine up to \$2,000
- 3. Vandalism: willful and malicious destruction or injury to the personal property of another person
  - a) Felony if:
    - (1) The amount of destruction was \$20,000 or more and the person has two or more prior convictions for committing or attempting to commit this offense
      - Punishable by up to 10 years imprisonment and/or a fine up to \$15,000 or three times the amount of destruction/injury whichever is greater
    - (2) The amount of destruction/injury is \$1,000 or more but less than \$20,000 and the person has one or more prior convictions of committing or attempting to commit this offense
      - Punishable by up to five years imprisonment and/or a fine up to \$10,000 or three times the amount of destruction/injury whichever is greater
  - b) Misdemeanor if:
    - (1) The amount of destruction/injury is \$200 or more but less than \$1,000 and the person has one or more prior convictions for committing or attempting to commit this offense
      - Punishable by up to one year in jail and/or a fine up to \$2,000 or three times the amount of destruction/injury whichever is greater
    - (2) The amount of destruction is less than \$200
      - Punishable by up to 93 days in jail and/or a fine up to \$500 or three times the amount of destruction whichever is greater

### C. Stalking

- 1. A willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested
- 2. Unconsented contact with another person that is initiated or continued without that person's consent or in disregard of that person's expressed desire that the contact be avoided
  - a) Following someone
  - b) Confronting that person in public or private property
  - c) Appearing at that person's workplace or residence
  - d) Contacting that person by phone
  - e) Sending email or electronic communications
  - f) Placing or delivering an object to property owned, leased, occupied by that individual
- 3. Misdemeanor punishable by up to one year in jail and/or a fine of up to \$1,000
- 4. Felony: if the victim is less than 18 years of age at any time during the course of conduct and the individual is more than five years older than the victim, punishable by up to five years imprisoned and/or a fine up to \$10,000

5. The court may place you on probation for up to five years which may include
    - a) Refraining from stalking any individual during probation
    - b) Refraining from having any contact with the victim
    - c) Being evaluated to determine psychiatric, psychological, or social counseling and receive counseling at own cost
- D. *Traffic and non-serious driving offenses* [Fines are those imposed by the 35<sup>th</sup> District Court; other districts may have different fines]
1. Speeding
    - a) 1-5 mph over limit: two points, \$125 fine
    - b) 6-10 mph over limit: two points, \$125 fine
    - c) 11-15 mph over limit: three points, \$135 fine
    - d) 16-25 mph over limit: four points, \$150 fine
    - e) 26+ mph over limit: four points, \$165 fine +\$5 per mile
  2. Moving violations
    - a) Cutting in and out of traffic: two points, \$125 fine
    - b) Drove in unsafe manner: two points, \$125 fine
    - c) Fail to signal: two points, \$125 fine
    - d) Fail to stop for school bus or school crossing guard: three points, \$225 fine
    - e) Improper passing: three points, \$125 fine
    - f) Red light: three points, \$125 fine
    - g) Right turn on red without stopping: three points, \$125 fine
    - h) Stop sign: three points, \$125 fine
  3. Obstructed vision
    - a) Two points, \$125 fine
  4. Squeal tires/Improper start
    - a) \$125 fine
  5. Disobey traffic control devices
    - a) Drove around railroad gates: three points, \$150 fine
    - b) Ignore left (or right) turn only sign: two points, \$125 fine
    - c) Ignore yield sign: two points, \$125 fine
  6. Turns
    - a) No turn on red: two points, \$125 fine
    - b) Right (or left) turn from wrong lane: two points, \$125 fine
    - c) U-Turn: two points, \$125
  7. Yield right of way
    - a) Fail to yield to emergency vehicle: two points, \$135 fine
    - b) Fail to yield to oncoming traffic: two points, \$125 fine
    - c) Fail to yield to pedestrian: two points, \$125 fine
  8. Defective equipment
    - a) Fines/costs waived if proof of repair shown to police department and ticket returned to court within 20 days from the violation issue date
  9. Insurance/Registration/Plates
    - a) No proof of insurance:
      - (1) If you can present to the court before the appearance date the proof of insurance, all of the original fines will be dropped and the most you will pay is \$25

- (2) If you are found to not have insurance:
  - (a) Your license may be surrendered and suspended
  - (b) The secretary of state will suspend your license for 30 days or until proof of insurance is submitted to secretary of state, whichever is later
  - (c) The secretary of state will not renew, transfer, or replace the registration plate for the vehicle involved or allow the purchase of a new plate until the proof of insurance is submitted
  - (d) Driver responsibility fee of \$200 for two consecutive years
- b) No registration:
  - (1) The registration on the plate must be attached to and displayed on the vehicle
  - (2) Fines/costs waived if proof of registration shown to police department and ticket returned to court within 20 days of violation issue date
  - (3) If the registration is not valid it is a misdemeanor punishable by up to 90 days in jail and/or not more than \$100 fine
    - (a) Police may also impound the vehicle until valid registration is obtained
    - (b) Towing, storage, and the care or preservation of the vehicle shall be owner's responsibility
- c) Plate violations
  - (1) Expired plate: \$130 fine
  - (2) Fail to transfer plate: \$130 fine
  - (3) Improper display of plate: \$125 fine
  - (4) Improper use of plate: \$130
  - (5) No license plate: \$130

10. Seatbelt

- (a) Each operator and front seat passenger of a vehicle shall wear a seatbelt
  - Violations are \$65 each
- (b) Each child between 4-16 years old must be secured in proper seat belt; children under 4 years old must be in a proper child restraint system
  - Violations of child restraint are \$125 each

11. Parking violations

- (a) Handicapped: \$160 fine
- (b) Vehicle running while unattended \$75 fine
- (c) All other parking violations \$75 fine

12. If you accumulate over seven points you will pay the following **driver responsibility fees:**

7 Points \$100	8 Points \$150	9 Points \$200
10 Points \$250	11 Points \$300	12 Points \$350
13 Points \$400	14 Points \$450	15 Points \$500

13. Insurance premiums will rise due to bad driving

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