

WHEN YOU TURN

18

A Legal Survival Guide

CALIFORNIA
LAWYERS

FOUNDATION

REACHING THE AGE OF MAJORITY

The age of majority is a term used to describe the time in life after which a person is legally no longer considered a child. Historically, the age of majority was set at 21 in most states. But after the 1971 ratification of the 26th Amendment to the U.S. Constitution giving 18-year-olds the right to vote in federal elections, most states, including California, lowered their age of majority to 18. (FC § 6502; 52 USC § 10701).

This does not, however, mean that you now have all the rights and privileges available to adults. Some come at an earlier age, while others come later. For example, you may be issued a provisional driver's license at age 16, but you cannot purchase alcoholic beverages until age 21. What the age of majority has really come to mean is that point when an individual is treated as an adult for most purposes.

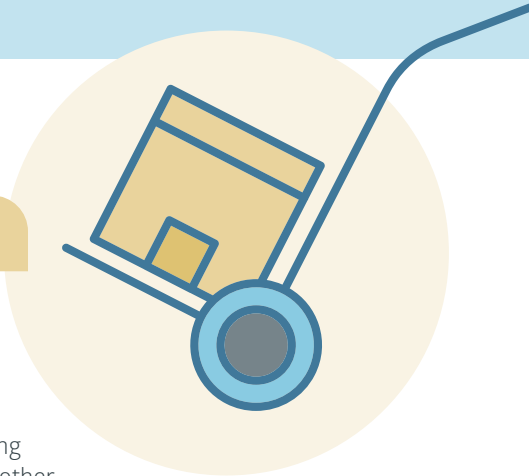


AT THE AGE OF MAJORITY, TEENAGERS ACQUIRE THE RIGHT TO:

- Enter into binding contracts.
- Buy or sell property, including real estate and stock.
- Marry without the written consent of a parent (or guardian) and a judge.
- Sue or be sued in their own names.
- Compromise, settle or arbitrate a claim.
- Make or revoke a will.
- Inherit property outright.
- Vote in federal, state and local elections.
- Consent to all types of medical treatment.
- Join the military without parental consent.

MOVING OUT

You may be renting your first apartment. You may be going away to college and leasing an apartment with other students. Or you may be saving up for the day when you can afford to move out on your own. In any case, you should know your rights and obligations if you plan to rent a place to live.



ARE ALL RENTAL AGREEMENTS ALIKE?

No. You might sign a lease — a contract that sets the conditions for renting the apartment — for a specific time period. Or the landlord may rent the apartment to you on a month-to-month basis. (Even with a month-to-month rental, however, your landlord must give you certain advance notice if he or she plans to raise your rent or ask you to move out.)

In addition, check the local rules for rental housing. Some cities have special ordinances limiting how much the rent can be raised and the situations in which a tenant can be evicted.

MUST A LEASE BE WRITTEN TO BE ENFORCEABLE?

Not unless the lease is for longer than one year.

WHAT ARE THE ADVANTAGES OF PUTTING IT IN WRITING?

With a written lease, you will have:

- A better idea of your rights and obligations.
- Some protection against dishonesty.

- Some protection against poor memory.

Printed-form leases, however, often favor the landlord. Keep in mind that you don't have to use the forms as printed. If your landlord agrees, you can modify the form to suit your situation. And if any outdated, legally invalid rules do appear in the signed lease, you are not bound by them.

WHAT IS A SECURITY DEPOSIT?

It is money that the landlord holds as security against property damages, unclean conditions and unpaid rent. A written lease usually outlines the way in which a security deposit will be handled and what the tenant — the person renting the apartment — needs to do to get it back. Check your local ordinances; they may regulate security deposits. The owner must return all of your security deposit no later than three weeks after you move, or tell you in writing why you will not get it back. Also, he or she must account for how your money was spent. (CC § 1950.5)

WHAT IF I DON'T PAY MY RENT ON TIME?

If you do not pay your rent when it is due, your landlord can give you a notice to pay up or leave within three days.

IS THE LANDLORD REQUIRED TO KEEP MY APARTMENT IN GOOD SHAPE?

The landlord's general duty, unless your lease says otherwise, is to keep the premises in a "reasonable state of repair." However, if something is damaged and the damage was your fault, you would be responsible for the repair. (CC §§ 1941.1, 1941.2)

You cannot be legally evicted for simply reporting building code violations to your local building inspector. When conditions are so bad that the premises are "uninhabitable," you should consult an attorney about possible claims against the landlord and about whether you can move out and avoid further rent. (CC §§ 1941-1942.5; H&SC § 17920.3)

CAN MY LANDLORD ENTER MY APARTMENT WITHOUT ASKING ME?

Yes, but only to protect the premises in emergencies or unusual situations. If a bathtub overflows in the apartment above yours, for example, the owner could check your apartment for water damage even if you are not home. The owner could enter your apartment during normal business hours for certain other reasons as well if he or she has provided a 24-hour written notice. For example, if you plan to move, the owner has a right to show the apartment to prospective tenants. Or the owner might need to have an electrician check the wiring. Any other such entry (without your permission or without advance notice) may be trespassing. (CC § 1954)

IF I DECIDE TO MOVE, DO I HAVE TO GIVE THE LANDLORD ANY ADVANCE NOTICE?

Yes. You must give reasonable notice before the end of a rental period — in most cases, that's a month's notice. However, if you would be breaking your lease by moving out, the requirements would depend on the terms of the lease. You could wind up liable for the period that the apartment remains unoccupied. (CC §§ 1946, 1951.2)

CAN MY LANDLORD EVICT ME?

It depends on your situation. Do you have a lease? Are you renting your apartment month-to-month? Did you violate your rental agreement? For more information, see the State Bar pamphlet *What Should I Know Before I Rent?*

IF I SIGN A LEASE WITH THREE FRIENDS AND THEY MOVE OUT, DO I HAVE TO PAY THE FULL RENT OR ONLY MY SHARE?

It depends on what your lease says. You will probably have to pay the full rent. You would then have a claim against your friends and could sue them.



IF I BREAK A LEASE, CAN I BE SUED?

You can probably be sued for:

- All unpaid rent.
- Any physical damage, including unusual cleaning expenses.
- Advertising expenses and other costs of re-renting the apartment.
- The landlord's attorney fees, if the lease provides for it. (CC § 1717)

CAN A LANDLORD LEGALLY REFUSE TO RENT TO ME BECAUSE OF MY RACE OR DISABILITY?

No. It is against the law to discriminate in renting, leasing or selling housing on the basis of race, national origin, sex, marital status, color, religion, sexual orientation or disability. (CC §§ 51-53, 1940.3; Govt.C § 12955)

TRANSITION SUPPORT FOR TEENS IN FOSTER CARE

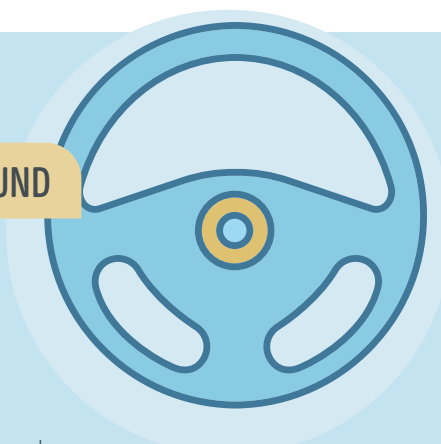
In the past, teens in foster care typically “aged out” of the system at age 18 and wound up on their own. But under new legislation, foster youth are eligible for extended support and benefits until they turn 21 if they meet certain criteria. (WIC § 10609.3)

GETTING AROUND

You may already have a driver's license, but now that you are 18, the law applies to you differently. For

example, you can now be employed as a driver. On the other hand, being caught with a beer or other alcoholic beverage — whether you are in a car or far from one — could still result in the temporary loss of your driving privileges.

The greatest change may be that the law now holds you (not your parents) responsible for your actions. At age 18, you assume liability for your own traffic violations or accidents. It is your responsibility to know and follow the rules of the road described in the California Driver Handbook. When you were younger, your parents could be held legally responsible for at least some damages and financial losses caused by your actions.



DO I NEED MY OWN CAR INSURANCE?

It depends on your circumstances. By law, the car that you drive must be insured. And you must carry proof of insurance or certain other financial responsibility when driving. (VC § 16020) Typically, your parents could simply add you to their policy if you are living at home and will be driving the family car. But if you plan to move out or go away to college and take the car with you, your parents should contact their insurance agent or insurance company to discuss the change. Depending on the situation, you might need to purchase your own insurance at that point.

If you buy a car on your own, you will need your own insurance. And it is a good idea to bring proof of it (or certain other financial responsibility) with you to the DMV when you register your car. Also, when you buy a car, you will receive the California Certificate of Title (commonly known as the pink slip) as your proof of ownership. The seller is required to sign the pink slip and notify the DMV within five days to finalize the transfer and be discharged from liability. You, as the buyer, must record the pink slip with the DMV within 10 days. (VC §§ 4150, 5600, 5900, 5902). For more detailed information on California's car insurance requirements and low-cost automobile insurance program, go to dmv.ca.gov or call **1-800-777-0133**.

...GETTING AROUND...

IF I DON'T ALREADY HAVE A DRIVER'S LICENSE AT AGE 18, HOW DO I GET ONE?

First of all, you no longer have to meet the special requirements and restrictions that apply to younger drivers. For example, you do not have to complete formal driver's education or training to apply for a driver's license. Instead, you must simply:

- Complete a Driver License or Identification Card Application and pay a nonrefundable fee.
- Give your true full name.
- Give a fingerprint scan.
- Pass a vision exam.
- Provide your Social Security number or other appropriate identifier.
- Verify your birth date and legal presence.
- Have your picture taken.
- Pass a written exam on traffic laws and signs.
- Sign a declaration that you will take a chemical test if requested.

You will then be issued an instruction permit that will allow you to drive on public roads if accompanied by someone over 18 years old. (He or she must be sitting close enough to grab the steering wheel if necessary.) Then, to get your actual driver's license, you must pass a driving test and provide proof of financial responsibility. For more information, visit the California Department of Motor Vehicles (DMV) website at dmv.ca.gov.

ARE THERE ANY SPECIAL REQUIREMENTS FOR A MOTORCYCLE LICENSE?

Yes. If you are between 18 and 21, you would have to complete an approved motorcycle rider training class before applying for a permit. Then you would have to have the permit for six months before such a license could be issued. Also, keep in mind that you must wear an approved helmet when riding a motorcycle — either as the driver or passenger — or you would be breaking the law. (VC §§ 12509.5, 27803)

WHAT COULD HAPPEN IF I DRIVE AFTER DRINKING A BEER OR TWO?

You would be putting yourself and others in danger. Motor vehicle crashes are the leading cause of death for 15- to 20-year-olds. Statistics suggest that more than one-third of fatal car crashes involving 16- to 20-year-olds are related to drunk driving.

In addition, it is illegal for anyone to drive under the influence of alcohol. If you are under 21, you cannot drive with a blood-alcohol concentration (BAC) of 0.01 percent or higher. Drivers who are 21 or older cannot have a BAC of 0.08 percent or more. (VC §§ 23136, 23152(b))

If a police officer stops you for driving under the influence, he or she can administer a breath, blood or urine test to determine your blood-alcohol level. If you refuse to take the test, you could face serious penalties. You could be fined or jailed and have your

driver's license suspended or revoked for up to three years. (VC §§ 13353.1, 23136, 23612)

Also, you could still be convicted of DUI even if a breath, blood or urine test is not performed. A chemical test is not required for a conviction if the judge or jury concludes that the person under age 21 drank alcohol and drove a vehicle. And if you are convicted, it could mean a stiff fine, jail time and even suspension or revocation of your driver's license. (VC §§ 23140, 23536)

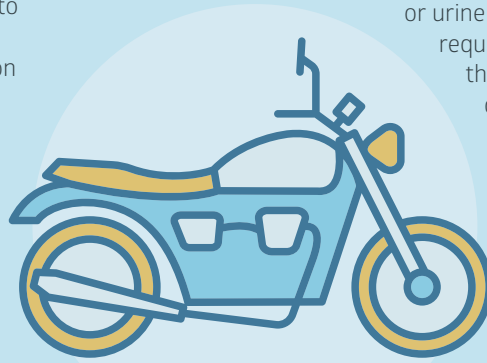
WHAT COULD HAPPEN IF POLICE CATCH ME DRINKING ALCOHOL AT A PARTY?

If you are under 21 and are cited, you could wind up with a suspended driver's license — even if you were nowhere near a car at the time. Young people between 13 and 21 can have their licenses suspended, restricted or delayed for up to one year for each offense related to the possession, consumption or purchase of alcohol. (B&PC §§ 25658, 25662; VC § 13202.5)

DO BICYCLE RIDERS HAVE TO FOLLOW THE SAME TRAFFIC LAWS AS MOTORISTS?

Yes, for the most part. Bicycle riders must stop at stop signs and red lights, ride on the proper side of the street, use bicycle lanes and give the right-of-way to all pedestrians. In addition, it is illegal to ride a bike while under the influence of alcohol or drugs.

Nighttime bicyclists must have a bike equipped with a white front light, red rear reflector, pedal reflectors and side reflectors or reflectorized tires. Wearing earbuds, earphones or a radio headset covering both ears is prohibited while riding a bike. And the number of people who can ride on a bike is limited to the number of seats. It is against the law to ride on someone's handlebars or center frame bar or over the rear tire. (VC §§ 21201, 27400, 21204)



LAWS THAT YOUNG DRIVERS SHOULD KNOW:

RECKLESS DRIVING: California law prohibits driving a vehicle on a highway or in an off-street parking facility in willful or wanton disregard for the safety of others or property. It also provides for more severe punishment for reckless drivers who cause injuries. (VC §§ 23103, 23104)

SPEED CONTESTS: Speed contests are against the law. A judge can suspend or restrict a first-time offender's driver's license for up to six months, impound the vehicle for 30 days and send the driver to jail for 90 days, as well as impose fines and community service. And if someone other than the driver is injured, the driver could face stiffer penalties. (VC §§ 23109-23109.2)

LITTERING AND THROWING OBJECTS AT OR FROM A VEHICLE:

California law makes it a misdemeanor to throw anything at or from a moving vehicle, and a felony to do so if the intent is to seriously harm someone. The law also prohibits littering or throwing lighted cigarettes from a motor vehicle; the penalties for doing so range from a \$100 fine to a \$1,000 fine and an order to pick up litter or clean graffiti for a first conviction. (VC §§ 23110-12, 42001.7)

HIT AND RUN: In California, you must stop after any accident in which someone is injured or another person's property is damaged. You also must exchange names, addresses, driver's licenses, vehicle licenses and other relevant information. If anyone is injured or dies in the collision, the accident must be reported within 24 hours to the California Highway Patrol (CHP) or to police. When property damage alone is involved, the maximum penalty for failing to report such damage or notify the property owner is six months in jail and/or a \$1,000 fine. If someone is injured, the penalty could be as stiff as a \$10,000 fine and/or one year in jail, in addition to any liability for the injury. (VC §§ 20001-08)

DRIVING WITHOUT A LICENSE: It is a misdemeanor to drive without a valid driver's license or permit in California. Also, by law, you must have your license with you when you drive. And if you drive with a suspended or revoked license, you could face up to six months in jail and/or a \$1,000 fine for a first conviction. (VC §§ 12500-27, 40000.11(b))

CELL PHONES AND DRIVING: It is against the law to use a cell phone while driving unless the device allows voice-operated and hands-free operation. It is illegal for anyone to use an "electronic wireless communications device" to text or write, send or read any other type of "text-based communication while driving." (Simply entering a phone number or name to make or receive a call would be an exception.) (VC §§ 23123, 23123.5, 23124)

SEAT BELTS/CHILD PASSENGER RESTRAINTS: It is illegal to operate a motor vehicle unless the driver and all passengers are properly restrained by safety belts. (VC § 27315) Violators can be fined. Children must be secured in federally approved safety seats until they are 8 years old. It is also recommended that children 8 to 12 years old be strapped into booster seats until they are big enough to fit properly in a seat belt. Children under 8 must sit in a back seat, if there is one, unless all rear seats are

already occupied by children under 7. Children who are under two years old must be restrained in a rear-facing car seat unless the child weighs 40 or more pounds or is 40 or more inches tall. Children in rear facing car sets are not permitted to ride in the front seat with an active air bag. (VC §§ 27360-27360.5, 27363) For more information, call the Vehicle Safety Hotline at 800-424-9393 or go to safercar.gov.

UNATTENDED CHILDREN: It is against the law to leave a child (age 6 or younger) unattended in a motor vehicle if the child will be at risk or if the engine is running and the keys are in the ignition. In such situations, the child must be supervised by a responsible person age 12 or older. (VC § 15620; PC §§ 192, 273a)

ROAD RAGE: A driver might cut you off and nearly cause an accident, but avoid taking matters into your own hands. Road rage can result in a six-month suspension of your driver's license (first offense) and an order to complete a "road rage" course, and could even land you in jail. You could be charged with assault with a deadly weapon and face up to four years in prison and a \$10,000 fine. (VC § 13210; PC § 245(a))

SMOKING, CARS AND KIDS: Do not smoke a tobacco or nicotine product (e.g. pipe, cigar, cigarette or vaping device) in a vehicle — whether it is moving or parked — if anyone under 18 is in the car. If you light up with an underage youth on board, you could be cited for an infraction and fined up to \$100. (H&SC §§ 118947-118949)

BLARING MUSIC AND LOUD HORNS: Think twice before cranking up your car's sound system or misusing your horn while on the road. Such noise could lead to a ticket or even, in some instances, misdemeanor charges. Generally, the car horn can only be used as a warning "when reasonably necessary to insure safe operation" of the car or as a theft alarm system. And your music (or other sound amplification system) is too loud if it can be heard from 50 feet away. This would not apply to certain sound systems, such as those used for emergencies, advertising or political events. (VC §§ 27001, 27007; PC § 415)

PASSENGERS IN THE TRUNK: Riding in the trunk of a car is illegal. In recent years, teens have been hurt and, in some cases, killed while riding in car trunks. If a driver allows someone to ride in the trunk, he or she has broken the law as well. (VC § 21712)

OBSCURING YOUR LICENSE PLATE: It is illegal to use or sell any product (such as a special coating) intended to obscure the reading of a car license plate by certain electronic devices. Such electronic devices include, for example, those operated by law enforcement and those used in connection with toll roads, high-occupancy toll lanes and toll bridges. Selling or using any such product could lead to a fine. (VC §§ 5201(d), 5201.1)

DRIVING WITH A GLOBAL POSITIONING SYSTEM (GPS): Mount a GPS carefully. If placed on the windshield, it can only be placed in a seven-inch square in the lower corner farthest away from the driver or in a five-inch square in the lower corner of the windshield closest to the driver. (VC § 26708(b)(12))

HAVING FUN

As a young adult, you will have many new opportunities for fun and games. Keep in mind, however, that there are legal limits. For example, if your parties

"disturb the peace," a police officer may be knocking on your door. If you disrupt a professional sporting event by throwing something onto the field, you could face a fine. And if you are subjected to dangerous rituals during your initiation into a college fraternity, someone could wind up in jail.

WHEN WOULD A PARTY BE DISRUPTIVE ENOUGH TO ILLEGALLY DISTURB THE PEACE?

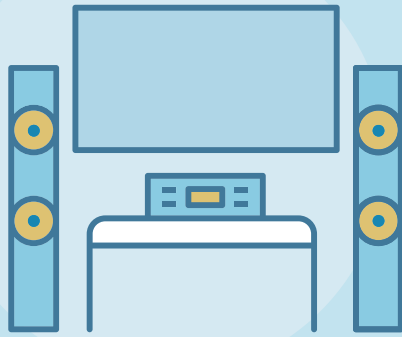
Police officers could break up your party—and, depending on the circumstances, make arrests—if the festivities include: fighting, loud music, rowdiness and/or loud, unreasonable noise. (PC § 415)

WHAT CAN I DO IF STRANGERS "CRASH" MY PARTY?

You can ask police to kick them out. Crashing a party is trespassing and is illegal. (PC §, 602.5)

ARE THERE LEGAL LIMITS TO WHAT CAN HAPPEN DURING A COLLEGE FRATERNITY INITIATION?

Yes. It is against the law for any initiation or pre-initiation into a student organization to involve hazing. Hazing is defined as any method of initiation or pre-initiation into a student organization which causes (or is likely to cause) physical danger or harm, or personal degradation or disgrace resulting in physical or mental harm to any former, current, or prospective student of any



educational institution in California. Express or implied consent of the victim is not a defense. If you participate in hazing, whether actively or by acquiescence, you could be fined up to \$5,000 and/or imprisoned. (PC § 245.6; 5 CFR 41301) You could also be liable for civil damages.

WHAT COULD HAPPEN IF I'M CAUGHT SPRAY-PAINTING GRAFFITI?

Expressing yourself with spray paint on someone else's property could land you in jail, or even prison, and could cost you as much as \$50,000 in fines, depending on the extent of damage. You also could be required to pay for repairing the damaged property and be forced to work on a work crew to remove graffiti in your area. (PC § 594)

DO I NEED A SPECIAL LICENSE TO OPERATE A MOTORBOAT?

No. But take the time to learn the speed limits and right-of-way rules. And if you plan to tow a water-skier, know where and how to do it. As the boat operator, you could be held responsible for any accidents. And while alcohol may be present on a boat, it is illegal for the driver to be under the influence. If a drunken boat operator is at the helm when a fatal accident occurs, he or she could be charged with gross vehicular manslaughter. (PC §§ 191.5-193.5) If you are under 21, you cannot operate any recreational vessel or water ski with 0.01 percent or more blood-alcohol concentration. (HNC § 655.6)

ROWDY FAN LAW

If you try to distract a player or interfere with a play at a professional sporting event by throwing an object onto or across the court or field, you will be breaking the law. Nor can you, as a spectator, enter the court or field during the event without official permission. If you violate this law, you could face a fine of up to \$250. Owners of professional sporting facilities must post notices describing the illegality of such conduct and the potential punishment. (PC § 243.83)

ALCOHOL AND DRUGS

Alcohol is the most widely used substance of abuse among adolescents in the United States. Six out of every ten high school seniors have consumed alcohol at some point during their lives and 14 percent have engaged in binge drinking. Roughly one in two say they have tried some type of illegal drug. But drinking alcohol under the age of 21 or using certain drugs without a prescription is illegal, and it can wreak havoc on your health and life.

In recent years, the use of MDMA (ecstasy) and the non-medical use of certain painkillers, such as Vicodin and OxyContin, by teenagers has raised concerns. In addition, certain so-called "club drugs" have been associated with "date rape" in which a drug is



slipped into an unsuspecting victim's drink to pave the way for a sexual assault. And in a recent survey, a troubling number of teens — one in 16 high school seniors — admitted using marijuana every day. The survey also revealed a significant increase in vaping by adolescents, making it the second most common form of substance use among adolescents. This is concerning given recent reports of respiratory illnesses, in some cases resulting in death, associated with the use of vaping products.

WHEN I TURN 18, CAN I LEGALLY BUY ANY TYPE OF ALCOHOLIC BEVERAGE?

No. In California, it is against the law for anyone under 21 to buy (or attempt to buy) any alcoholic beverage. The law defines an alcoholic beverage as any drink that contains at least one-half of one percent alcohol. (B&PC §§ 23004, 25658(b), 25658.5) Nor is it legal to sell or give an alcoholic beverage to anyone under 21, or to allow anyone under 21 to drink alcohol in a bar, restaurant or store. If you look younger than 21, you will be asked to prove your age. And if you can't provide ID, the clerk can't sell alcohol to you. (B&PC §§ 25658(a), 25658.4, 25659)

COULD I GET IN TROUBLE FOR USING SOMEONE ELSE'S DRIVER'S LICENSE OR ALTERING MY OWN TO MAKE IT APPEAR THAT I AM 21?

Yes. Either way, you would be breaking the law. Also, the person who provided you with the false identification would be committing a crime as well. You cannot lend, borrow or alter a driver's license or other identification in any way. (B&PC §§ 25660.5, 25661; VC § 14610)

ARE THERE LAWS THAT ADDRESS UNDERAGE DRINKING AT PARTIES?

Yes. A police officer (who lawfully enters the gathering) can seize alcoholic beverages from anyone under 21 at an unsupervised social gathering. Under California law, an unsupervised social gathering is a public party or event that is attended by 10 or more people under age 21 and is not supervised by a parent or guardian of any of the participants. (B&PC § 25662(b))

The punishment for violating liquor laws varies. The offender may be found guilty of an infraction or a misdemeanor. Young people under 21 who violate the law may also have their driver's licenses suspended (or even revoked) for up to a year for each offense related to the possession, consumption or purchase of alcohol. Or, if the minor (age 13 or older) does not yet have a license, he or she would be delayed in receiving one. This is true even if the offense does not involve an automobile. Also, for their first offense, young people may be asked to pay up to \$250 in fines or perform community service. A young person convicted of a second or subsequent offense will be fined up to \$500 or be required to perform more community service. (B&PC §§ 25658, 25662(a); VC § 13202.5)

State legislators and many communities around the state have taken steps in recent years to help curb underage drinking. Social hosts over 21 can already be sued if they provide alcohol to an under-age drinker, who then causes an injury or death. The California Supreme Court has ruled that social hosts under age 21 may also be held legally responsible if they charge admission to a party where alcohol is served and an under-age drinker causes an injury or death. A growing number of cities and counties have enacted Social Host Accountability ordinances as well. While such ordinances vary, they generally hold the hosts of underage drinking parties (or the residential property owners who allowed the party) accountable for any drinking and loud, unruly behavior that takes place. The consequences may be fines that increase with each violation, the obligation to pay the costs of responding to the party or breaking it up and community service.

IF I CALL 911 BECAUSE ONE OF MY FRIENDS NEEDS MEDICAL HELP AFTER A NIGHT OF DRINKING ALCOHOL, COULD I BE ARRESTED FOR UNDERAGE DRINKING?

No. If someone needs help, call 911. Under such circumstances, you could not be prosecuted for buying, possessing or consuming alcohol even if you are underage. You must, however, stay at the scene until medical help arrives and cooperate with law enforcement. And this immunity would not protect you from being prosecuted for driving under the influence or for your involvement in any other activity made dangerous by the consumption of alcohol. (B&PC § 25667)

WHAT COULD HAPPEN IF I AM ARRESTED FOR DRUG POSSESSION?

It would depend on the type and amount of drugs, as well as other factors. More than 135 controlled substances carry a felony charge (a serious criminal charge) for possession alone. Such drugs include heroin, cocaine, LSD, amphetamines and barbiturates, among others. Conviction for felony drug possession could land you in jail or state prison. (H&SC § 11350)

The punishment for possessing marijuana — the most commonly used controlled substance — is less severe. If you are under 21 years of age, possession of 28.5 grams of marijuana (or eight grams of concentrated cannabis) or less would be considered an infraction (a less serious criminal charge) and could land you a fine of up to \$100, drug education or counselling and community service. Possession of the same amount on school property during school hours, however, could mean 10 days of jail time and/or a \$500 fine. (H&SC §§ 11357)

In California, you may be able to undergo a drug treatment program instead of prosecution if you are a first-time drug offender and not a felon. And if you successfully complete the program, the drug charges could be dismissed. (PC §§ 1000-1000.5, 1211)

However, if you are arrested with more drugs than someone might reasonably possess for personal use, you could face more serious charges of possession with intent to sell. (This is a felony even if possession of the particular drug alone would not be a

ALCOHOL AND THE LAW

IT IS ILLEGAL TO:

- Drink while driving, or to possess any open alcoholic beverage in the car (or off-highway vehicle) or drive while under the influence of alcohol. (VC §§ 23152, 23220-23226)
- Be drunk or under the influence of drugs in public or on a public highway and be in a condition that poses a threat to oneself or others. (PC § 647(f); VC §§ 23152, 23220)
- Possess or drink liquor (or sell or give it to anyone else) at any public school or on school grounds, with some exceptions. (B&PC § 25608)
- Allow anyone under 21 to hang around a location where liquor is sold (except for a restaurant). (B&PC §§ 25657(b), 25665)
- Have any open alcoholic beverage in any city- or county-owned park or certain other public places without a special license or unless you are recycling the container. (For this law to be in effect, the city or county must have its own local rule—also called an ordinance—prohibiting opened alcoholic beverages in specific areas. (B&PC § 25620)

IF YOU ARE UNDER 21, YOU CANNOT:

- Possess liquor on any roadway or in any public place; carry liquor in a car; or be a passenger in a car carrying liquor unless you're accompanied by a parent, responsible adult relative or any other adult designated by the parent or legal guardian — even if the container is sealed. (B&PC § 25662; VC § 23224)
- Enter and remain in a bar without lawful business. (B&PC § 25665)
- Be hired to work in any establishment whose main business is selling alcoholic beverages for use on the premises. If you are under 18, you cannot work anywhere in which alcoholic beverages are purchased for take-out (a liquor or convenience store, for example) unless you are under the continuous supervision of someone who is at least 21. (B&PC § 25663)

STERIODS AND YOUR HEALTH WARNING

Use of steroids to increase strength or growth can cause serious health problems. Steroids can keep teenagers from growing to their full height; they can also cause heart disease, stroke and damaged liver function. Men and women using steroids may develop fertility problems, personality changes and acne. Men can also experience premature balding and development of breast tissue. These health hazards are in addition to the civil and criminal penalties for unauthorized sale, use or exchange of anabolic steroids. —*By law, this notice must be posted in all locker rooms in athletic facilities, including health studios, colleges and schools with middle and high school-aged students. (CC § 1812.97)*

felony.) If convicted, you could face up to five years in prison and a \$50,000 fine, depending on the type of drug and the quantity. (H&SC § 11351-11352.5)

A drug conviction could endanger your future schooling as well. If you are convicted of possession or distribution of a controlled substance, you could be barred from receiving benefits — including student grants and loans — from any program using federal funding, except for certain long-term drug treatment. (21 USC § 862)

For more information on the nature of misdemeanors, felonies and other crimes, see the section entitled Crimes and Consequences on page 13.

IF I GET CAUGHT SELLING DRUGS AT A SCHOOL WOULD I FACE A STIFFER PENALTY?

Yes. State law imposes severe penalties on anyone 18 or older who illegally sells or gives a controlled substance to a minor. If you do so at a public park, playground or school or within 1,000 feet of one during school hours, you could face more than nine years in prison. (H&SC §§ 11353-11353.6)

IS IT AGAINST THE LAW TO POSSESS A CONTROLLED SUBSTANCE PRESCRIBED FOR SOMEONE ELSE?

Yes. The unauthorized possession of certain types of prescription drugs, including narcotic painkillers, could land you in jail or even prison. Also, keep in mind that the non-medical use of someone else's prescription drugs can be just as dangerous — and illegal — as using illegal street drugs. (B&PC § 4060; H&SC §§ 11007, 11350)

COULD I GET IN TROUBLE JUST FOR HOLDING A FRIEND'S ROACH CLIP OR DRUG PIPE?

Yes. Possession of drug paraphernalia — any equipment designed to help grow, make or use a controlled substance — is illegal. Also, it is against the law for you to be present anywhere (a party, for example) where controlled substances are being used illegally if you are participating or assisting others in their use. (H&SC §§ 11014.5, 11364-65)

COULD I LOSE MY DRIVER'S LICENSE IF I'M CONVICTED OF DRUG POSSESSION?

Yes. In California, your license can be suspended for one year if you are between 13 and 21 years old and you are convicted of drug or alcohol related offenses. Also, successive offenses could result in further suspension or delay of driving privileges. The suspension, restriction or delay of your license would be in addition to the penalty imposed for the conviction. (VC §§ 12806, 12809, 13202.5)

IF I USE STEROIDS TO BUILD UP MY MUSCLES AND IMPROVE MY GAME, AM I BREAKING THE LAW?

Yes. All non-medical use of anabolic steroids is illegal. And if you are convicted of distribution, you could face imprisonment and a fine. (H&SC §§ 11056(f); 11377, 11378) Data suggests that steroid use among 12th grade boys has decreased in recent years in the wake of tightened laws, educational efforts and scandals involving professional athletes. In addition, California Interscholastic Federation rules now require all participating high school athletes to sign a pledge that they will not use anabolic steroids (without a prescription) or dietary supplements banned by the U.S. Anti-Doping Agency. State law-mandated rules require the students' parents (or guardians) to sign notifications about the restrictions as well. (Ed.C §§ 49030, 49033; 21 USC § 802) For more information on drug abuse, visit the National Institute on Drug Abuse website at drugabuse.gov.

KEY CODE ABBREVIATIONS

B&PC BUSINESS AND PROFESSIONS CODE

CC CIVIL CODE

CCP CODE OF CIVIL PROCEDURE

Ed C EDUCATION CODE

ELC ELECTIONS CODE

FC FAMILY CODE

FGC FISH AND GAME CODE

Govt.C GOVERNMENT CODE

HNC HARBORS AND NAVIGATION CODE

H&SC HEALTH AND SAFETY CODE

IC INSURANCE CODE

Lab.C LABOR CODE

MVC MILITARY AND VETERANS CODE

PC PENAL CODE

RTC REVENUE AND TAX CODE

USC UNITED STATES CODE

VC VEHICLE CODE

W&IC WELFARE AND INSTITUTIONS CODE

Note: The symbols § and §§ refer to "section" and "sections" in the laws cited throughout the guide.

MONEY MATTERS



You can now sign legal contracts, open bank accounts and apply for loans on your own. Such independence, however, could also make it easier to get in over your head. Many young people do. If you are 18, your parents do not have to bail you out financially — it's their choice. You have many options these days in how you handle your money — from debit cards to online banking to money transfers via your smart phone. Before you make any financial decisions in these tough economic times, learn the benefits, pitfalls, rules and restrictions.

WHAT IS A CONTRACT?

A contract is an agreement between two or more competent parties. Contracts may be oral or written and must be legal. A contract could, for example, involve a large purchase, such as a new car, for which you agree to make installment payments. Or you might sign a contract to lease an apartment for a year or to buy an insurance policy with annual premiums or to accept the terms of a new job.

WHO CAN MAKE A CONTRACT?

You can — if you're at least 18 years old and of sound mind. When considering any contract, however, take some precautions:

- Read the contract completely before signing it.
- Do not sign anything until you fully understand the agreement.
- If you don't agree with something in the contract, talk to the other party about altering or removing it.
- Do not sign a contract with blank spaces — fill them in or cross them out.
- Be sure to keep a signed copy of the contract.

WHAT HAPPENS IF I BREAK A CONTRACT BECAUSE I DIDN'T UNDERSTAND IT?

Not understanding a contract generally is not an excuse for breaking the agreement. It's up to you to understand the terms of the contract before you sign it. Breaching a contract — failing to pay a debt according to the contract's terms, for example — can lead to serious consequences:

- You could be sued and be required to appear before a judge. If you lose your case, you may have to pay the judgment plus interest and, in some cases, the other side's costs and attorney fees if the contract requires it.
- If you have an unpaid debt, you may be able to work out an agreement to pay your debt over time. If so, make sure it is in writing.
- You could file for bankruptcy, which may allow you to dismiss your obligation to pay certain debts and allow you to rearrange debts and work out payment plans. Bankruptcy may give you a fresh start. But it would also have a bad effect on your credit rating and make it harder for you to get a loan in the future.

WHAT SHOULD I ASK BEFORE OPENING A BANK ACCOUNT?

First, find out what types of accounts are available and what type of account would be right for you. You might choose an account geared for students, for example. Ask about the interest rate, fees and services available on the account. Ask about online banking and the bank's overdraft program. And ask if you would be required to maintain a minimum balance in the account.

Also, before you consider applying for any bank product online, make sure you're dealing with a legitimate financial institution. For guidance, call the FDIC (Federal Deposit Insurance Corporation) at 877-275-3342 or go to Bank Find at fdic.gov (click on Consumers & Communities, then Bank Find).

WHAT IS THE DIFFERENCE BETWEEN AN ATM CARD AND A DEBIT CARD?

An ATM (Automated Teller Machine) card can be used for basic banking — to deposit funds into your bank account or withdraw money. You simply insert your card into an ATM and enter a personal identification number (PIN). If the transaction will include any surcharges or fees, you must be informed and be given an opportunity to cancel the transaction cost-free.

A debit card is used to electronically transfer funds from the cardholder's account. You could use it, for example, to buy groceries at a supermarket. According to one recent survey, consumers now use debit cards more often than credit cards, cash or checks. Be careful, however, when carrying or using such a card. The user generally does not need a PIN to access your account. So, a thief could take your card shopping and empty your bank account. If you lose your debit card or someone else uses it without authorization, however, you might not be liable for more than \$50 if you notify the debit card company as soon as you realize the card is missing. (CC §§ 1748.30, 1748.31)

WHAT HAPPENS IF I SPEND MORE MONEY THAN I HAVE IN MY BANK ACCOUNT?

It depends. If you do not have enough money in your account to cover an ATM cash withdrawal or a debit card purchase, the transaction will probably be declined — unless you have agreed to the bank's overdraft coverage and fee. If the bank approves the transaction, however, and you have not agreed to the bank's overdraft services, the bank cannot charge you an overdraft fee. (15 USC § 1693o-2)

If you write a check with insufficient funds in your account, the bank may return it to the person who tried to cash it. That person could charge you up to three times the amount of the check in penalties. (Also, writing a check when you have insufficient funds to pay it may be a crime.) Or the bank might pay the check, require you to make a deposit, then charge you a fee. (CC § 1719; PC § 476a) Ask about your options. For example, you might choose to link your checking account to a savings account for less costly overdraft coverage. Also, some banks will send you emails or text alerts whenever your account balance gets low.

What is a prepaid reloadable card? Typically, funds are loaded onto this card in advance and can be easily reloaded. This may be a convenient option and may take away some of the overspending risks associated with a credit card. But if you decide to use a prepaid card instead of a traditional bank account for your basic banking needs, make sure you understand the terms and risks. FDIC officials have warned that many prepaid cards have fees and fewer protections than traditional bank accounts.

...MONEY MATTERS...

WHY NOT USE A CREDIT CARD INSTEAD OF A DEBIT CARD, PREPAID CARD, CHECKS OR CASH?

There's nothing wrong with using a credit card, as long as it is you controlling the card and not the other way around. A well-managed credit card can help you build a good credit rating. Federal legislation, however, recently made it more difficult for anyone under 21 to get a credit card. If you are under 21, you must now have an adult co-signer or provide proof that you have the income to pay off your credit card debt. Credit cards are not the same as cash—you must pay interest and other fees to use them. In addition, late payments can tack on penalty fees and damage your credit. And if you only make the minimum monthly payments, you could wind up paying much more than you borrowed in the first place. By law, credit card companies must tell you how the interest charges would add up if you only paid the minimum each month and what your total cost would be. (CC § 1748.13; 15 USC § 1637)

WHAT SHOULD I DO IF I LOSE A CREDIT CARD?

Report the loss or theft immediately to the bank or company that issued the credit card. If you report the loss promptly, you will not be held responsible for more than \$50 of unauthorized charges on the card. (CC § 1747.10)

WHAT IS A CREDIT REPORT?

A credit report is a summary of your debts and a history of how promptly you have paid your bills. The information comes from the companies where you have credit accounts and from public court records. It is collected and stored by companies, often called credit bureaus, which make the information available to creditors whenever you apply for a loan or credit card or make a purchase through installment payments. (CC § 1785.10)

Under federal law, you have the right to one free credit report every 12 months from each of three major credit-reporting agencies. Check your reports for inaccurate data that could hurt your ability to get credit or a loan. Also, incorrect information can be a red flag that someone is using your identity to get credit without your knowledge. (For information on ordering credit reports, see Top 10 Tips for Identity Theft Prevention on page 21.)

HOW LONG DOES IT TAKE TO FIX BAD CREDIT?

It depends on the seriousness of your past problems. The files could go back seven years (or 10 years for bankruptcies). You may obtain your file to review what has been collected from your credit history. In California, if you have been denied credit based on credit report information, you can get a free copy of the report from the credit bureau if you ask for it within 60 days. And if it contains mistakes, you have the right to ask for corrections. (CC §§ 1785.15-1785.16)

WHAT IS COLLATERAL?

Collateral is an item of value that is accepted by the lender as back-up payment in case you are unable to repay your loan. (CC § 1812.2) If you buy a car, for example, and agree to installment payments, the car itself may be the collateral. The lender could then repossess the car if you fail to make your payments.

CAN A LENDER HAVE DIFFERENT RULES FOR MAKING LOANS TO WOMEN, MEN OR MINORITIES?

No. It is unlawful for a creditor to discriminate against any applicant on the basis of race, sex or marital status. Lenders can only make distinctions based on the applicant's credit rating. (CC § 1812.30; 15 USC 1691)

MARRIAGE & PARTNERSHIPS



At age 18, you no longer need parental consent, and are now free to allow your teenage love to blossom into a legally binding marriage or domestic partnership. Legally, in California at age 18, matters of the heart may become contracts in conjunction with law: Marriage or Domestic Partnerships. At age 18 or 55, marriage is a legal commitment and should be a decision based on a "want to" and not a "have to". Marriage is not a solution if you have to get out of your parent's house, if you have to runaway, or if you have to be free of parental control. Instead, marriage is a serious commitment with real legal consequences. Marriage is not intended to be temporary, and should only be entered into if you want to be in a serious legal commitment with your spouse or partner.

ARE DOMESTIC PARTNERSHIPS LEGAL IN CALIFORNIA?

Yes, same sex couples can be married via Domestic Partnership In California. Legally, domestic partnerships include all of the rights and responsibilities common to marriage, and are functionally equivalent to civil unions offered in several other states. Domestic Partnerships are treated substantially equivalent to a heterosexual marriage, and both create a legally binding union, at law.

WHAT IF I DECIDE TO GET MARRIED OR ENTER A DOMESTIC PARTNERSHIP, WHAT DO I NEED TO DO?

First, you must satisfy the initial requirements for marriage in California (FC §§ 300, 359; H&SC § 103175):

- (a) 18 years or older is the legal age without parental consent.
- (b) Neither party may currently be married to each other or another individual(s).
- (c) Both parties must present a valid ID (i.e., Driver's license, military ID, passport, or green card, etc.). (FC § 354)
- (d) A competent adult witness: The public marriage license requires the signature of one witness, and if desired, may include an

additional witness. (FC § 422(b)).

(e) Requirement to sign an affidavit that you have received a health department brochure containing information about genetic defects, diseases, AIDS (including the availability of testing) and domestic violence. (FC §§ 355, 358)

Next step is to locate your local County Clerk's office for filing your application. There is no requirement to select the County Clerk's office in the county where you reside, nor is it required to select the County Clerk's office in the county where you are getting married, so long as it is located within the State of California. Once selected, apply for a marriage license at the County Clerk's office and pay the required application fee. California marriage license fee varies by county, and is required at the time of application under CA Marriage License laws requirements.

Lastly, you will need an authorized official (generally a clergy member, judge, legislator, member of Congress or someone else) who is legally authorized to perform marriages, to perform the marriage ceremony. (FC § 420, 400).

CAN SAME-SEX COUPLES GET MARRIED IN CALIFORNIA?

Yes. In 2008 a state Supreme Court ruling legalized same-sex marriage in California, but a ballot initiative called Proposition 8 banned it within the same year. A federal Court subsequently declared the ban unconstitutional. On June 26, 2013, the U.S. Supreme Court sent the issue back to federal court, which upheld its original ruling. On June 28, 2013 California counties were allowed to issue marriage licenses to same-sex couples. (FC § 308.5)

Independent of State Supreme Court rulings, California continues to maintain domestic partnership law, which is a State law that entitles registered domestic partners to virtually the same "rights, protections and benefits" and "responsibilities, obligations and duties under the law" as married couples. For example, registered domestic partners may adopt each other's children, acquire property rights, and obtain health care coverage as a spouse. An additional benefit can also file joint state income tax returns and legally change their married names. (FC §§ 297.5, 298.6; Lab.C §§ 230.2, 233; R&TC §§ 17021.7, 18521)

WHAT IS MARITAL PROPERTY?

California is a Community Property state, and marital property will be divided accordingly, California does allow for Separate Property to be provided to each spouse. The definition of Community Property is "all property, real or personal, wherever situated, acquired by a married person during the marriage while domiciled in this state. CA Fam Code § 760 (2016) Separate property is defined in California as an asset owned prior to the date of marriage, acquired after the date of separation, or acquired after the date of marriage and prior to the date of separation by way of inheritance or gift. Therefore, assets and wages earned or obtained during a marriage are Community Property and both spouses have equal ownership and control. Separate Property, on the other hand, will remain 'separate' to the spouse who had it, and he or she will not have to share equal ownership and control. Additionally, a gift "earmarked" for one spouse, or an inheritance to either spouse would qualify as Separate Property. (FC §§ 750-752, 760, 770-772)

WHAT IS A PRENUP AGREEMENT?

A A prenup is an abbreviation of "prenuptial agreement". A prenuptial agreement (aka "premarital agreement") is a legally binding contract between you and your prospective spouse, before getting married. This agreement is completed and signed before you and your spouse are married and explains each spouse's rights and obligations when married. Each prospective spouse has an opportunity to enter into a prenup to protect themselves and their things, in the event they separate and divorce. While you and your spouse are free to agree to almost anything, before or after your married, California law does not allow any terms in the agreement that violate public policy or to be criminal. For example, the Court would not accept an agreement that the wife rob a bank on their 3rd wedding anniversary and the husband to receive, no more than, \$15 for his payment as the get-away driver. Additionally, nothing in the agreement can put child support in jeopardy. It is also required that a spouse have independent legal counsel (attorney) if he or she wants to waive future spousal support. (FC §§ 1500, 1610-1613).

A postnup is an abbreviation of "postnuptial agreement". A postnuptial agreement is a legally binding contract between you and your prospective spouse, after getting married. This agreement is completed and signed after you and your spouse are married. A postnup works the exact same way as a prenup, with the only difference being when the agreement is entered. Postnup's are completed and signed only after your legally married, as opposed to, before marriage (prenup).

NOW THAT WE ARE MARRIED, DOES MY SPOUSE HAVE TO SUPPORT ME?

Yes, both spouses are obligated to provide for the support of the other spouse, both spouses are also required to provide financial support for any minor children of the marriage. Either spouse can be held liable for necessities, such as living expenses (housing, electric, water etc.) paid to the other, or paid to support any minor child(ren). (FC §§ 3900 et seq., 4300 et seq.)

I NO LONGER WANT TO BE MARRIED; HOW DO I GET DIVORCED?

In California, there are only two grounds to dissolve your marriage (aka divorce): (1) irreconcilable differences and (2) incurable insanity. (FC § 2310(b)) No other reason will be accepted to dissolve your marriage. For example, a cheating spouse (aka adultery) is not a legal ground for divorce in California. You or your spouse will need to file a divorce petition (known as a dissolution of marriage in California). You may want to consult an attorney for legal advice and representation in your divorce. As required by law, a judge will make court orders regarding child custody, child support, spousal support for either spouse, and property division.

In California, the general rule, is that all Community Property assets and debts are divided equally, with each spouse receiving an equal share of %50. If you and your spouse want to agree to a different percentage split, i.e., 70/30, you may do so by agreement. Additionally, if you and your spouse desire an amicable divorce and can agree on the terms, you can prepare a Marital Settlement Agreement ("MSA"). A Court will accept and a



...MARRIAGE & PARTNERSHIPS...

judge will sign a properly executed MSA, in lieu of, a judge making Court orders. You may want to consult an attorney to prepare and file your MSA.

CAN I GET DIVORCED FROM MY DOMESTIC PARTNERSHIP?

Yes, any legal relationship in California can be dissolved, regardless of whether your union is same-sex or domestic partnership. In any event, such partners have the exact same rights and obligations that apply in a divorce (dissolution of marriage). Matters such as child support, child custody, alimony and distribution of property will be resolved in Court or by agreement (MSA). In limited circumstance, such as when a domestic partnership lasts fewer than five years, produces no children, no unpaid debts, signed agreement of both partners etc., the domestic partnership can be terminated without filing a dissolution in any Superior Court of California. Instead, the law provides that "a registered domestic partnership may be terminated without filing a proceeding for dissolution of domestic partnership, by the filing of a Notice of Termination of Domestic Partnership with the Secretary of State." (FC §§ 299-299.3)

For more information, see the State Bar pamphlet What Should I Know About Divorce and Custody? Information on-line can be found here calbar.ca.gov

WHAT IF I CAN'T AFFORD TO SUPPORT MY CHILDREN AFTER MY DIVORCE (DISSOLUTION) ?

There is a legal requirement to provide support for all minor children of a marriage, and in certain cases, to provide support to your spouse/partner. Child support is required in California, and (a) your child, (b) the child's other parent or (c) the Department of Child Support agency has a right to sue you for financial support. The Court can also make an order to have your paycheck garnished, which would automatically deduct the support payment from your paycheck. (CCP §§ 706.011(c), 706.030; FC §§ 297.5, 3900)

CAN I LOSE MY PARENTAL RIGHTS?

Yes, parental rights are not guaranteed, and can be terminated for the following reasons:

- a. (A) Abandonment (FC § 7822, PC § 270) For example, leaving your child with a grandparent for extended period of time (months or years) with no visitations, no phone calls, and/or limited to no contact with child.
- b. (B) A continuing need for protection or services for the child (PC § 270) Repeated abuse (FC § 7823) For example, Child Protective Services must investigate many concerns regarding your child, and/or many referrals for CPS protection have been received regarding your child.
- c. (C) Your failure to assume parental responsibility, moral and financial (FC §§ 7820 et seq.)

DEALING WITH DOMESTIC VIOLENCE

HOW DO I DEAL WITH DOMESTIC VIOLENCE?

Absolutely no one has a right to hurt you! You have rights and protections provided to you under California law. (FC § 6200-6219)

In California, neither spouse is property of the other spouse, as marriage is a union that either party may leave at any time. No one, including your partner, boyfriend, girlfriend, or any family member has the right to physically hurt you, emotionally abuse you, or threaten you. A marriage/partnership may have arguments, yelling and screaming, but it becomes illegal when it escalates to Domestic Violence. Domestic Violence is defined as any of the following (FC § 6320):

- To intentionally or recklessly cause or attempt to cause bodily injury.
- Sexual assault.
- To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.
- To engage in any behavior that has been or could be enjoined.
- Abuse is not limited to the actual infliction of physical injury or assault.

Domestic Violence laws protect against many different circumstances, ranging from emotional to physical abuse. It can range from verbal threats, social media threats, annoying phone calls and stalking (such as following a person to and from work), to unwanted sexual touching and physical hitting (i.e., slap in face, spitting, punching, kicking, etc.) Domestic violence also includes destruction of the victim's personal property, and violence/abuse near minor child(ren).

I AM SCARED OF MY SPOUSE OR DOMESTIC PARTNER

Do NOT hesitate, if you are in immediate danger: call 911. Find a safe place, even if it is not inside the home, and wait for the police to arrive. In emergency situations, the police can contact an on-call judicial officer and issue an Emergency Protective Order (also called an EPO). Additionally, Superior Court can provide you immediate protection and can issue Temporary Restraining orders on the same day you file a request. There is no filing fee to request a Domestic Violence Temporary Restraining Order (DVTRO); both the EPO and DVTRO prohibits an abuser from coming within a certain distance of you, and lasts for a specific amount of calendar days, and may also grant you temporary custody and additional protections for your children (i.e., preventing DV abuser from going to child's school/daycare). At a later court hearing, you can ask that the DVTRO be made "permanent," which will allow you and/or your minor child to be protected for up to five years, and can be renewed. The law provides as much protections as possible, but do not harbor a false sense of security, a restraining order may lower the risk of violence, but it does not eliminate it. (FC §§ 6250, 6300 et seq.)

CAN I SEEK A CRIMINAL COMPLAINT AGAINST MY ABUSER?

Yes. If you have been abused, call the police immediately. Do not hesitate to seek hospital treatment and keep a record of all your injuries, including the names of witnesses, police officers and medical attendants. You should also keep copies of all medical reports to present at your hearing.

Survivors of domestic violence can also keep their home addresses confidential through the California state program called Safe

at Home (p: 877-322-5227, e: safeathome@sos.ca.gov). For additional forms of assistance (i.e. shelters, relocation funds and free counseling, contact the National Domestic Violence Hotline at 800- 799-SAFE (7233), TTY, call 800-787-3224. For financial assistance in caring for yourself and/or minor child(ren) contact CalWORKs(TANF), CalFresh(SNAP) or WIC (babies and children), benefits are not only provided to mothers, but also to fathers, other guardians, or foster parents caring for minor child(ren).

CRIME AND CONSEQUENCES

Suppose you get caught shoplifting videogames at age 16. You might be lectured and driven home in a police car for a first offense. But if you did the same thing at age 18, you would probably be arrested and, depending on your record, you might be sent to jail for up to a year. If you had a history of theft, you could even be imprisoned for longer.

Once you turn 18, you face much more serious consequences for breaking the law. The juvenile justice system, which puts greater focus on rehabilitation, will no longer handle your case. Instead, you will now — if you commit a crime — face adult penalties.

WHAT IS A CRIME?

A crime is doing something illegal — such as destroying someone else's property or using illicit drugs — that is punishable by a fine and/or imprisonment. (PC § 15)

ARE THERE DIFFERENT LEVELS OF CRIMES?

Yes. Crimes are divided into three general categories:

Felonies are the most serious and can result in a fine and/or commitment to county jail or state prison for more than a year. In addition, certain felony convictions can lead to life in prison without the possibility of parole — or even the death penalty. (PC § 17)

Misdemeanors are less serious crimes that are not classified as a felony or an infraction. They are punishable by a fine and/or up to one year of jail time. (PC § 17)

Infractions usually do not involve any time in jail, but do require a court appearance and/or payment of a fine. If charged with an infraction, you are not entitled to a jury trial or an attorney at state expense. Some traffic violations are infractions.

Some crimes are punishable as misdemeanors or felonies. Such crimes — known as wobblers — are considered felonies until judgment is imposed by a court.

WHAT COULD HAPPEN IF I DO SOMETHING ILLEGAL WITHOUT REALIZING IT WAS A CRIME?

You are still guilty of the crime. Ignorance of the law is not an

excuse. Ask yourself if what you are doing will harm somebody or damage someone else's property. If it will, it's wrong and may be a crime. (PC §§ 26, 27)

WHAT DO I DO WHEN A POLICE OFFICER STOPS ME BY SURPRISE?

If a police officer stops you at any time, submit to their request to stop and remain alert. If they are not in uniform you may ask to see their badge. If they are in an unmarked car and you feel unsafe, slow down, put on your hazard lights, pull over in a well-lit populated area, and call 911 to describe what is happening.

Police may detain you in a public place, even without an arrest warrant, if they have a reasonable suspicion that you've been involved in a crime. Police can also conduct a pat-down search or 'frisk' to see if you're carrying a weapon if they can justify their belief that you are armed and dangerous.

You are free to ask police 'am I being detained', and if they do not respond that you are, you may ask 'am I free to leave'.

Be alert to the things you say, even jokingly. Police can use any information they gather during this process and recall it in any eventual prosecution of you, regardless if you did what they accused you of doing.

WHAT HAPPENS IF I AM ARRESTED?

You will be searched, handcuffed and taken to a police station. You also will be advised of your rights, commonly known as a "Miranda" warning, under the United States Constitution. (Miranda v. Ariz. 384 U.S. 436)

The Miranda warning reads: *"You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?"*

After you have been read the Miranda warning, you will be asked if you understand them. You for instance might respond:

- 'Yes, I understand my rights.' And you may decide to continue answering their questions.
- Alternatively, you may respond 'Yes, and I invoke my right to remain silent and would like to speak to an attorney.'

Then, remain silent and do not continue speaking, even if the officers seem friendly, or use emotional tactics to compel you to continue answering their questions. You do not have to explain yourself.

Be careful what you say to anyone at the police station — even if you are behind closed doors. You have no right to privacy in a



...CRIME AND CONSEQUENCES...

police station. When you make a phone call, police may listen in to your conversation but, not if it is with your attorney.

Once you have identified yourself, you can refuse to discuss your case with police. Law enforcement officers cannot threaten you or force you into answering questions. Nor can they offer you leniency in exchange for any written or oral statements. Also, you have the right to have an attorney present. If you cannot afford to hire an attorney, the court will appoint one for you. (PC §§ 686(2), 851.5)

You may, however, choose to answer questions, sign papers or submit to tests. Just be aware that such information, if given voluntarily, can be used as evidence against you in court.

ARE POLICE ALLOWED BY LAW TO LIE ABOUT EVIDENCE AGAINST ME?

Yes, police can use a number of strategies, including tricking or lying to you or others about evidence, DNA, witnesses, recordings they have collected - and anything they can use to compel you or others to speak. (People v. Farnam (2002) 28 Cal.4th 107; Hawkins v. Lynaugh (5th Cir. 1988) 844 F.2d 1132 and People v. Dominick (1986) 182 Cal. Ap. 3d 1174 |

Police may also be very friendly, seem like they want to help, and may even urge you that you don't really need an attorney to answer simple questions, or otherwise engage you to speak to them. They can also appear to coach you by implying needing an attorney suggests your guilt, or that refusing to cooperate will somehow hurt your case.

Police may also ignore your request for an attorney, at which time you should remain silent and repeat that 'I am invoking my rights to an attorney and cannot speak to you until I have done so.' (People v. Jablonski (2006) 37 Cal. 4th 774)

CAN THE POLICE EVER SEARCH ME, MY HOME OR MY CAR WITHOUT A WARRANT?

Yes, in certain situations. If you are arrested, police can search you for weapons, evidence or illegal or stolen goods. If you are arrested in your home, police can search the immediate area in which you are arrested as well. Other rooms — even other parts of the same room — would be off limits, unless the police believe that other suspects are hiding. During the search, police could seize any evidence of a crime, such as stolen property or drugs, which is in plain sight.

Your home also can be searched without a warrant in an emergency, such as if police are trying to prevent the destruction of evidence. And if police have good reason to believe that your car contains illegal or stolen goods or evidence, they can search your car, including the trunk, as well. Or, if police stop your car for any legal reason — such as a broken taillight — they can take any illegal goods in plain sight. (H&SC § 11479; PC §§ 833, 833.5)

WHAT HAPPENS AFTER I HAVE BEEN ARRESTED AND BOOKED?

Typically, you would be taken to court for an "initial appearance" within 24 hours. If you were arrested on a weekend, however, you may have to wait until Monday morning (or later in the instance of holiday weekends) until court reopens. (PC § 859b)

WHAT DO I DO IF I CAN'T AFFORD AN ATTORNEY?

You are entitled to an attorney. At your initial appearance, tell the judge that you wish to speak to someone from the local public defender's office. Generally, the judge will postpone your case to give you time to contact a public defender. (PC §§ 858, 859, 866.5, 987)

CAN SOMEONE BAIL ME OUT?

In most cases you will be offered to post a bail bond that would allow you to remain free while the prosecutor pursues your case. It always depends on the circumstances of your case, and bail amounts are increased significantly the more crimes you are accused of committing. Bail is designed to guarantee your appearance in court. The court will often require that a certain amount of money be deposited with the clerk of courts. Usually, the court allows the deposit of a bond which you can secure from a private bail bonds agency, which typically cost 10% of the amount of the bail. The agency keeps that amount if you win or lose your case. For higher bond amounts you or someone you know would have to offer significant collateral, like the title to a home, to ensure you will return to court. Typically a member of your family or friends, must obtain the funds, deposit the money or secure the bond, then show the receipt at the jail in order to get you released.

In many situations, you could be released on your own recognizance, or released with your promise to appear in court or other appointments on time without posting any bail. Your attorney or Public Defender should request this from the judge on your behalf. People most likely to be released on personal recognizance have lived in the community for longer periods, are employed and may be subject to losing your job, and those who have family and children they need to care for. (PC §§ 815a, 823, 859a, 1268-1276.5)

WHAT HAPPENS IF I HELP A MINOR BREAK THE LAW?

If you help a minor commit a crime, you could face criminal charges as well. (PC §§ 30-31)

WHAT COULD HAPPEN IF I LIE OR FILE A FALSE POLICE REPORT?

It is against the law to make a false police report, give false information to a police officer or turn in a false fire alarm. In addition, you should tell the truth if you are questioned as a witness. To lie under oath is itself a crime. (PC §§ 118, 148.4, 148.5)

WHAT CAN I DO IF I THINK A POLICE OFFICER IS MISTREATING ME?

If you are being placed under arrest, cooperate with the officer — even if you think he or she is out of line. You can, if you choose, protest and seek lawful remedies against the officer later. For example, you could hire an attorney, seek help from a legal aid organization if you cannot afford to hire an attorney, or take your case to a special law enforcement agency, private agency or organization set up to handle such complaints. (PC § 834a)

If an unusually serious offense is involved or you wish to bypass such channels, you could contact the district attorney's special investigations division.

Or, if a federal law may have been violated, you might contact the U.S. Attorney General or FBI. Police may not handle every situation



WHAT ARE SOME CONSEQUENCES OF HAVING A CRIMINAL RECORD?

- A driver's license may be denied on the basis of a criminal record, and many jobs require a car. (VC §§ 13202, 13210, 13350 et seq.)
- A criminal record might prevent a person from being accepted by the college or university of his or her choice.
- A person who has been convicted of a felony may be prevented from entering the armed forces or, if accepted, may not be given a commission or a security clearance. (10 USC § 504)
- A person who has been convicted of a felony and is imprisoned or on parole does not have the right to vote. (El. C §§ 2101, 2150, 2212)
- Many businesses require employees to be bonded. An insurance company usually refuses to bond anyone who has been convicted of a felony.
- Some employment may be closed to those convicted of crimes or those who, while minors, committed offenses that would be considered crimes if committed by an adult.
- If you are not a citizen and you are convicted of violating any law or regulation of a state, the U.S. or a foreign country, you could be deported and prohibited from returning to this country. (8 USC §§ 1182, 1227) Also, law enforcement agencies are required to notify U.S. Immigration Services regarding the arrest of anyone who is not a citizen. (PC §§ 834b, 834c, 1016.5, 5026; Govt. C § 68109)

properly. But keep in mind that a police officer's behavior is often in response to provocation, a complaint from another citizen, mistakes made under pressure or doubt as to what the law is.

Good police community relations are a two-way street with both sides either contributing to the problem or to its solution.

COULD I BE TRIED AS AN ADULT EVEN BEFORE I TURN 18?

Maybe. It would depend on the nature of your crime. If you are at least 14, you can be tried as an adult for certain offenses (generally serious and violent crimes, such as murder, aggravated sexual assault, illegal use of a firearm and gang-related crimes). Prosecutors make such decisions on a case-by-case basis. (PC § 26; W&IC §§ 602, 607(b), 707)

WHAT IS THE "THREE STRIKES LAW"?

Under the "three strikes law" (the California Career Criminal Punishment Act), a third criminal conviction could mean, in certain situations, a prison sentence of 25 years to life. If you have been convicted of two violent or serious felony crimes (strike one and two) and you commit a third serious or violent felony, you could be subject to the "three strikes law." If you have a prior juvenile record, it could count if you were at least 16 when you committed any previous violent or serious crimes. (PC § 667) Prosecutors and judges have some discretion in their application of the three strikes law.

CAN I GET MY JUVENILE CRIMINAL RECORD SEALED?

Maybe. A California juvenile court record may be sealed when you turn 18 or five years after your last juvenile court case ended.

You must ask the juvenile court to seal the record. (W&IC § 781) However, if you were 14 or older when you committed a felony, a serious misdemeanor or certain vehicle violations, the juvenile court does not have to seal your record. (PC § 851.7; W&IC §§ 707(b), 781(c))

Sealing a California juvenile court record means that those charges, arrests and probation status reports contained in the record cannot be seen by anyone without the person's permission. Once a record is sealed, you can legally tell any future employer or school admissions officer, for example, that you were never arrested. (PC § 851.7(b); W&IC § 781(a))

IF MY RECORD IS SEALED, IS IT REALLY OUT OF REACH?

Yes, for the most part. But even when a record has been sealed by the court, a partial record remains with local police, the State Bureau of Criminal Identification and Investigation, and the FBI. (W&IC §§ 781, 826) Once a record has been sealed, the police, probation department and court cannot legally release any information about it or even provide clarification of any information that may help the person who was convicted. In some instances, the consequences of simply having a criminal record can be more severe than the punishment for the crime.

ARE THERE STATE AND FEDERAL CRIMINAL LAWS?

Yes. In California, most criminal laws can be found in the California Penal Code, but criminal acts also are defined in other parts of the law. For example, some city and county ordinances — such as curfew laws, laws against smoking and laws requiring smoke detectors — are considered criminal laws as well.

In addition, the federal government has its own system of courts, law enforcement agencies and laws. Known as the United States District Courts, federal trial courts also have their own sentencing provisions and correctional agencies. Many federal criminal laws relate to acts involving U.S. governmental agencies, such as the U.S. Postal Service and the U.S. Treasury, and to crimes involving interstate commerce. Most federal crimes are felonies punishable by more than a year in prison.

GANG VIOLENCE AND THE LAW:

It is not against the law to belong to a street gang. However, if you are convicted of a gang-related crime, you could pay a stiffer price for what you did. Committing a violent felony with fellow street gang members, for example, could tack 10 additional years onto your prison sentence. This "gang" sentencing enhancement would apply even if you are only an "associate" or friend of the gang members. Such enhancements apply to anyone convicted of a gang-related crime. Some cities in California and other states also have been granted civil injunctions restricting the members of certain gangs from gathering together in business establishments or public places in specific neighborhoods. Such injunctions may prohibit the gang members from wearing clothing that bears gang insignia, for example, or from talking on cell phones in certain areas. Under public nuisance law, cities have imposed up to six months in jail or a \$1,000 fine against gang members who violate the injunction. (CC § 3480; PC §§ 186.25, 186.26)

GUNS AND OTHER WEAPONS



Due to a change in California law, when you turn 18, you are still not old enough to buy a firearm including a shotgun or rifle. You must be 21 to buy a firearm unless you are a member of law enforcement, in military, or have a hunting license. But be aware of the responsibilities, safety rules, and dangers associated with firearms. Nationwide, about 31,000 people die from firearms-related accidents, homicides and suicides each year. In 2011 (the latest statistics available at the time of publishing), handguns were used in about seven out of 10 firearm homicides and about nine in 10 nonfatal firearm violent crimes, according to the Bureau of Justice Statistics. In the same year, about 26 percent of robberies and 31 percent of aggravated assaults involved a firearm, such as handguns, shotguns or rifles.

WHAT ARE SOME OF THE LAWS REGULATING GUNS AND OTHER WEAPONS?

It is illegal to:

- Leave a loaded gun in a place where a child can retrieve it. The potential penalty is a fine and imprisonment. (PC §§ 25100, 25110)
- Conceal a weapon on your body or in your car without a special permit. (PC §§ 25400, 26150)
- Carry a loaded firearm in a vehicle, in a public place or in any other area where it is forbidden. (PC §§ 25300, 25850, FGC § 2006)
- Possess a firearm within 1,000 feet of any K-12 school. (PC § 626.9)

- Give, lend or possess blackjacks, billy clubs, sandbags or metal knuckles. These can be taken and destroyed by the police. (PC §§ 21810, 22210, 22290)
- Carry, sell, lend or give away a switchblade knife or similar type of knife if the blade is two or more inches long. (PC § 21510)
- Possess a stun gun, any kind of unguarded razor blade or any knife longer than 2-1/2 inches on school grounds. (PC §§ 626.10)
- In addition, California requires a 10-day waiting period and a criminal record check for most gun buyers. (PC § 26815)

COULD I GET IN TROUBLE FOR SIMPLY POINTING A GUN AT SOMEONE?

Yes. It is against the law to threaten anyone with a deadly weapon (except in self-defense) or to carry such a weapon without a license. This includes tear gas weapons, such as mace. In addition, using tear gas is illegal unless it is done in self-defense. (PC §§ 245, 417, 22810)

ARE THERE ANY RESTRICTIONS ON WHERE I CAN PRACTICE MY SHOOTING?

Yes. You cannot shoot any firearm from or onto a public road or highway in any city. It also is against the law to shoot a firearm at any house, vehicle, building or aircraft and, of course, at any other human being. (PC §§ 246, 374c)

DO I NEED A LICENSE TO HUNT?

Yes. In California, you must have a license to hunt birds and other animals. In addition, you will need a "certificate of completion" of a course in hunter education, principles of conservation, and sportsmanship to get such a license. (FGC §§ 1054.2, 3031, 3049-3054)

WHAT ARE SOME COMMON FEDERAL CRIMES?

- Transporting a stolen vehicle across state lines. (18 USC § 2313)
- Mailing matter that is obscene or incites crime. (18 USC § 1461)
- Transporting or importing narcotics. (21 USC § 952)
- Forgery of government checks. (18 USC § 513)
- Possession of stolen mail and items — such as credit cards — that have been stolen from the mail (18 USC § 1708)
- Robbery or burglary of a bank or savings and loan institution. (18 USC § 2113)

In addition, federal courts handle all state law violations committed on federal property, such as at a national park or federal office building.

TOO CLOSE TO THE ANIMALS

Don't step into that animal pen or climb that fence at the zoo. You may be breaking more than the zoo rules. It is against the law to enter any animal enclosure (cage, stall, pen, aquarium or tank) without authorization at a zoo, circus or other public exhibit featuring live animals. Unless you have permission or are on the zoo staff or are a public officer doing your job, you would be guilty of an infraction or a misdemeanor. (PC § 602.13)

HATE CRIMES



A hate crime

is a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race or ethnicity, religion, sexual orientation or association with any person or group that has one or more of these actual or perceived characteristics. (PC § 422.55) In California, the law also specifically prohibits anyone from damaging property or using force or threats of violence to interfere with someone else's rights because of any of these actual or perceived characteristics. (PC § 422.6)

WHAT ARE SOME EXAMPLES OF HATE CRIMES?

Hate crimes take many forms. Such a crime could be a physical assault, an attempted assault or simply the threat of an assault. It could be any crime motivated by the offender's bias (as defined in PC § 422.56). A threatening phone call, a swastika on your door, a burning cross on your lawn, paint splatters on your car or other damaged property, if excessive, could be evidence of a hate crime. (PC §§ 190.03, 422.6, 422.7, 594.3, 11410, 11411, 11413) A hate crime

is different from a hate incident, which is hate-motivated conduct (such as a bigoted insult, taunt or slur) that is protected by the individual's First Amendment right to freedom of expression.

HOW CAN I STOP SOMEONE FROM HARMING ME?

If you know the person's identity, you could ask the court for a restraining order. Your city attorney, county district attorney or the California Attorney General's office can request such an order for you. Or the district attorney or city attorney might decide to seek a civil injunction on behalf of the State of California, and request that each person who violated your rights pay you a \$25,000 penalty. (CC § 52.1) For more information on getting help, visit oag.ca.gov/hatecrimes.

WHAT WILL HAPPEN TO THE PERSON WHO HARMED ME?

If there is enough evidence of a hate crime, the county district attorney could prosecute your alleged attacker. And depending on the facts of the case, your assailant could face jail and a fine, or even prison. If the crime is a hate motivated felony, the judge may add years onto the offender's prison sentence. The judge could order "restitution" as well. This means that the convicted person would have to pay you back for "actual damages" or losses. Such costs might include your medical bills, for example, or the expense of removing racist slurs from a fence. (PC §§ 422.6, 422.7, 422.75, 422.85)

CIVIL LAWS AND LAWSUITS



In general, legal actions are divided into two categories: criminal and civil. Civil actions are lawsuits in which someone sues someone else for monetary damages (money) or something else to compensate for an injury or damaged property. Or a lawsuit could demand future protection of some type. When you turn 18, you can sue — or be sued — in civil court.

WHAT IS A TORT?

It is the legal term for certain kinds of injuries or damage that could lead to a lawsuit. If you commit a tort (injuring someone or damaging someone's property or reputation), you could be sued. It doesn't matter whether you injured the person on purpose or by accident. (Some torts are also crimes, so you could be tried in two courts for the same conduct.) And if you are found liable, you could be ordered to pay all resulting damages. (CC § 3333)

Examples of torts include:

- **Negligent driving:** causing injuries and/or damaging property. (CC §§ 1714, 3333.4, VC §§ 23103-23105)
- **Assault:** unlawfully attempting to touch or hurt another person. (PC § 240)
- **Battery:** intentionally touching another person without his or her consent. (PC § 242)
- **False imprisonment:** keeping someone in a room, car or other place so he or she can't leave. (PC § 236)
- **Defamation:** an unlawful written or spoken attack on the reputation or good name of a person. (CC §§ 43 et seq.)

IS THERE ANY TIME LIMIT FOR FILING A LAWSUIT?

Yes. There are statutes of limitations — laws that set time limits for filing various types of lawsuits. For example, the time limit is generally two years from the time of the injury for personal injury lawsuits. (CCP § 335.1) And for lawsuits involving damage to real or personal property, it is three years from the date the damage occurred. (CCP § 338)

If the injury or damage occurred when you were a child, however, the time clock usually does not start ticking until you turn 18. If you were injured in a traffic accident at age 11, for example, you could wait until two years after your 18th birthday to file suit. (CCP § 352)

COMPUTERS, MOBILE DEVICES, & THE INTERNET

You socialize on Facebook, “tweet” on Twitter, upload videos to YouTube and photos to Instagram. You research school papers online. You may even buy birthday gifts, do your banking and make weekend plans online. For many in your generation, today’s expanding Internet has become an important part of day-to-day life. But while it may open new doors, this world also puts you at risk in new ways. You cannot always be sure who’s on the other end of an online conversation. You could be targeted by cyberbullies. You could lose job opportunities by revealing too much on a website. Someone could misuse your private information if you’re not careful. And if you hack into someone else’s computer or download certain material, you could wind up in trouble.



IS DOWNLOADING INFORMATION, PICTURES, OR MUSIC FROM THE INTERNET EVER AGAINST THE LAW?

Yes, sometimes. It is illegal, for example, to pirate or download copyrighted material (such as music) without authorization. You could also get into trouble if you download sexual pictures of children or young teens. Possession of or control over “child pornography” is a crime — and could land you in prison. If you are convicted of possessing (or attempting to possess) such material, you would have to register as a sex offender for life. Delete any email with an attached photo of child pornography immediately. (PC §§ 290, 311.11)

COMPUTERS, THE INTERNET AND THEFT:

The law prohibits:

- Pirating or downloading copyrighted material (such as music) without authorization. (PC §§ 502(c), 653h) Under federal law, criminal copyright infringement, including infringement without monetary gain, is punishable by up to five years in federal prison and a fine of \$250,000. (18 USC § 2319(b), 3571(b)(3))
- Accessing someone else’s computer without authorization. (PC § 502(c))
- Devising and executing schemes to obtain money, property or services with false or fraudulent intent through a computer. (PC § 502.7)
- Deleting, damaging or destroying systems, networks, programs, databases or components of computers without authorization. (PC § 502(c)(4))
- Disrupting or denying access to the authorized users of a computer. (PC § 502(c)(12))
- Introducing contaminants or viruses to a computer. (PC § 502(c)(8))

IS IT SAFE TO GIVE OUT PERSONAL INFORMATION ONLINE?

It is never completely risk-free. So, if you do provide personal data online, take some precautions. For example, never give personal identifying information (such as your Social Security number) to solicitors or agencies that contact you first — even if the email or online advertisement looks official. It can be difficult to distinguish legitimate solicitors from those who want such information for fraudulent purposes.

If you shop online, look for indications that the website is secure before you enter a credit card or other personal data. (See *Top 10 Tips for Identity Theft Prevention* on page 21.)

IF I MEET SOMEONE ONLINE, WHAT’S THE HARM IN SHARING MORE ABOUT MYSELF?

It may seem safe — and even easier than in person — to share your innermost secrets with someone via the Internet. Your newfound friend may seem to understand you better than anyone else. The problem is that you do not really know who is on the other end of the online conversation. Protect yourself. Avoid revealing personal identifying information, such as your name, where you live or where you go to school, to anyone you meet online. He or she may not be anything like the person portrayed in your online friendship — and may have dangerous motives in mind.

More information on Internet safety can be found at missingkids.com and at fbi.gov. For tips on online privacy, see *Top 10 Tips for Identity Theft Protection*, page 21.

WHAT IS SEXTING?

The definitions for this new term vary. To some, *sexting* is when a young person sends or posts a sexually explicit image or message to a peer via a cell phone or the Internet. Others include sexually suggestive images and messages in the definition. One survey found that one in five teenagers had sent or posted nude or semi-nude photos or videos of themselves and that almost twice as many had sent or posted sexually suggestive messages. Most of the teens said the messages or photos were intended for a boyfriend or girlfriend. But sexting can have serious, unintended consequences. Such material can easily be transmitted for countless others to see — leading to embarrassment and humiliation. And depending on the message and/or photo, it could (and has in some states) potentially lead to criminal charges as well.

Both federal and state law make it illegal for anyone (even minors) to possess or distribute child pornography. State law also prohibits sending a minor “harmful matter” intended to arouse and seduce the young person. And if convicted of such a crime, you could be ordered to register as a sex offender as well. (PC §§ 288.2, 290, 311.1(a), 311.11(a); 18 USC §§ 2252A, 2256)

WHAT IS CYBERBULLYING?

Cyberbullying, too, has various definitions. In general, it refers to when a youth uses a cell phone, computer or other electronic communications device to taunt, harass, torment, humiliate or threaten another youth. Some researchers say the behavior must be repeated and cause harm to be characterized as cyberbullying. A *cyberbully* might post altered, humiliating photos of a classmate online, for example, or launch an online campaign of vicious rumors about a peer. Experts say cyberbullying can lead to anxiety and depression in young victims and, in some cases, may have even led to suicide. In a recent survey of young people (ages 10 to 18), close to one in six said they had been cyberbullied.

Legislators, school officials and courts around the country are

struggling to address the problem without trampling on young people's First Amendment right to free speech. California schools are required to adopt a policy prohibiting harassment, intimidation or bullying. (Ed.C §§ 234) California law also gives school administrators grounds to suspend or recommend expulsion for students who are caught cyberbullying in certain circumstances.

In many cases, such behavior may not break the law. In certain serious cases, however, a young cyberbully could potentially face criminal charges. State law prohibits the use of phones or other electronic communications devices to intentionally annoy someone with repeated calls or electronic contacts, obscene language or threats. Or, depending on the circumstances, a cyberbully could face charges for seriously threatening someone's life, committing a hate crime, cyber-stalking or using electronic means to reveal personal information about someone that would threaten that person's safety. State legislation also makes it illegal to try to harm someone by credibly impersonating a real person on a website or by other electronic means. (Ed.C §§ 32261, 48900; PC §§ 422, 422.6, 646.9, 653m, 653.2) And young people, parents and schools have been sued in cyberbullying-related cases as well.

WHAT ARE LOCATION-SHARING SERVICES?

They are services that share the user's physical location with others via their smart phones or social networking sites. Location-sharing may be a great way to track down your friends or to let your parents know when you are stuck in traffic. But there are obvious risks as well. If you let too many people know where you are — and where you are not — you could also be more vulnerable to stalkers. Or to an angry ex-boyfriend. Or to the burglar who now knows the coast is clear. Take the time to check the service's privacy controls; you may be unintentionally sharing your location with people you don't even know.

I'VE SEEN SOME GREAT DEALS AND CHANCES TO WIN BIG ON THE INTERNET. SHOULD I BE SKEPTICAL?

Absolutely. Internet crime is increasingly common. In 2018, FBI received a total of 351,936 complaints with losses exceeding \$ 2.7 billion. Victims report fraudulent Internet auctions, credit card fraud, scams impersonating the FBI, identity theft, fake emails seeking disaster relief donations and purchased merchandise that was never delivered. For more information on common types of Internet fraud and how to protect yourself, go to fbi.gov. Victims can file complaints with the Internet Crime Complaint Center (a partnership between the FBI, the National White Collar Crime Center and the Bureau of Justice Assistance) at ic3.gov.

ARE MY PERSONAL "TEXTS" AS PRIVATE AS A PERSONAL PHONE CALL?

Not necessarily. In California, it is generally illegal to record private phone conversations without the consent of everyone on the line. (PC §§ 631-632) Your texts, however, are written messages that can be easily forwarded to your ex-boyfriend or even your entire high school class without your knowledge. Ever written something embarrassing or hostile? Something that you wish you could take back? Once you push "send," however, it may be too late.

Text messages also leave a written record that could eventually wind up in the hands of your employer, the government or the police. In 2010, a U.S. Supreme Court decision concluded that a government employer did not violate a public employee's rights by reading his personal texts — some of them sexually explicit — sent from a work-issued pager. The employer — who read the

TIP

Out in public, use public Wi-Fi "hotspots" only for non-sensitive activities like research and Internet surfing. Don't do your banking where you buy your lattes, and be careful about typing your passwords.

For more information, go to oag.ca.gov



texts while auditing the agency's pager usage — disciplined the employee.

On the other hand, in 2014, the U.S. Supreme Court decided that police may not inspect an arrestee's cellphone without a warrant.

CAN MY BOSS LEGALLY MONITOR MY EMAILS AND THE WEBSITES THAT I VISIT WHILE I'M AT WORK?

Probably. You should not expect privacy when you use your workplace computer to send emails and browse the Internet. However, check with your employer regarding the privacy policy for your particular workplace.

PRIVACY AND TEENS

Can your boss legally read your personal text messages? Can a doctor reveal your medical diagnosis to anyone who asks? Can the school principal search you for drugs? Privacy issues are at the heart of many legal battles. As a child, you rely on others — your parents or other adults — to protect your privacy. The law provides added safeguards as well. But when you turn 18, it will be up to you to protect your own privacy and, if necessary, assert your legal rights. This might seem like an impossible task at times in a world filled with cell phone cameras, online social networking, GPS tracking and new technology that collects and shares information. But how you behave can make a difference. When you share something personal, make sure you understand the potential consequences. You could be giving up your legal right to privacy by posting that picture or personal story.

This does not mean that your right to privacy is absolute. For example, the U.S. Constitution protects only the reasonable expectation of privacy from government intervention. This has been a point of controversy in court cases involving students who have been searched by school officials or randomly tested for drugs. In one case involving student athletes and random drug testing, the U.S. Supreme Court said that the reasonableness of a search is determined by comparing the impact on the individual's privacy rights with the legitimate governmental interest — and ruled that the invasion of the student's privacy was permissible. You may have a greater right to privacy in your home, but there are limits there as well. For example, your roommate generally could allow police to search the common areas of your shared apartment (such as the living room) but not your private bedroom. And in certain circumstances, police could legally search you, your home or your car without anyone's consent (see *Crimes and Consequences* page 13). Nor should you expect complete privacy in the workplace. Depending on the circumstances, your employer might be able to legally read those texts that you sent to your boyfriend from work or the email sent from your office computer (see *Computers, Mobile Devices and the Internet*).

PROTECTING YOUR IDENTITY

Identity theft—using someone's personal identifying data for unlawful purposes—is a serious crime. (PC § 530.5) More than 8 million American adults fell victim to such theft in 2010 at an enormous cost—\$37 billion, by one estimate. In addition, the average victim spent 33 hours trying to fix the problem and clear up his or her records. Such thieves may rummage through your trash, steal your wallet or “skim” encoded data off of your credit card. Or they may go “phishing” on the Internet (using misleading emails and fraudulent websites to trick you into revealing personal data). Or they could plant “spyware”, software that collects personal information as it is keyed into your computer.

HOW CAN I PROTECT MYSELF AGAINST IDENTITY THEFT?

In today's society, there is no way to protect yourself completely. Personal identifying information is used routinely to access one's bank account, for example, or to apply for a loan. In some cases, you will be required to provide such information. Still, you can take certain steps to help avoid identity theft. For some tips, see page 21, *Top 10 Tips for Identity Theft Prevention*.

HOW DO I KNOW IF SOMEONE IS USING MY IDENTITY TO RUN UP BILLS?

Unfortunately, some identity thieves go undetected for long stretches of time. The victim only discovers the situation after an unsolicited credit card arrives in the mail or a debt collector calls

about an unpaid—and unfamiliar—debt. Be sure to check your credit report at least once a year. If you have not yet established a credit history as a teenager, don't be alarmed if you initially receive “report not found.” This should be good news. If, however, you find inaccurate information on your report, contact all three major credit bureaus:

- **Experian:** 1-888-397-3742 / experian.com (credit reports, security freezes)
- **Equifax:** 1-800-685-1111 / equifax.com (credit reports, security freezes) 1-800-525-6285 (fraud assistance service center)
- **TransUnion:** 1-800-888-4213 / transunion.com (credit reports) 1-800-680-7289 (fraud reports, alerts) / 1-888-909-8872 (security freezes)

If you're an identity theft victim, you are entitled to receive one free copy of your credit report from each of these credit bureaus each month for up to 12 consecutive months. You can also put a security alert or freeze on your credit accounts. (CC §§ 1785.11.1, 1785.11.2, 1785.15) And if someone is convicted of the theft, you could, by law, get some restitution to repair your damaged credit. (PC § 1202.4)

WHAT ELSE SHOULD I DO IF I THINK SOMEONE IS USING MY IDENTITY TO GET CREDIT?

Take action immediately. For guidance, visit the websites of the California Office of Privacy Protection (oag.ca.gov/privacy), the Identity Theft Resource Center (idtheftcenter.org), the Privacy Rights Clearinghouse (privacyrights.org) and the Federal Trade Commission (ftc.gov). You should file a police report, register a complaint with the Federal Trade Commission (FTC), fill out the FTC's ID Theft Affidavit, and contact all affected creditors. Also, you will need to send certain information to the businesses, banks and credit card companies where your identity was used to obtain credit.

STAYING PRIVATE IN PUBLIC: HOW TO LIMIT YOUR EXPOSURE ON SOCIAL NETWORKING SITE

- Most social media automatically set your settings or profile so “everyone” can see who you are and what you do. You can decide how public you want to be. Regularly visit your profile to customize your privacy settings to suit your tastes.
- Keep your circle of friends recognizable. If you let an unknown person view or your page, his or her unknown friends can have access to your information too. Judge strangers as strangers, just as in the “real” world.
- You can say no when your profile suggests adding a friend or feature or app to your settings. If you change your mind, you can add them later.
- If you share things like your pet's names, don't use those names in your passwords. Bad guys scan social media pages for that kind of information to help them discover your online passwords.
- Take a minute and think about what you share online. Don't discuss medical conditions or anything you wouldn't want to see on a billboard.
- Don't post your home address or phone number.

- Protect your email address — don't post it. Use your account's messaging tool instead.
- Be careful about revealing where you are, also known as your “real-time” location. Check your name to see how easy it can be for someone to track you.
- Never post that you'll be away from home.
- Don't provide your full birth date in your profile — omit the year.
- Don't label or “tag” photos with names on your web pages. Ask friends and family who post photos of you and your family not to tag the photos they post.
- Use a strong password for access to your social media pages and NEVER share it. Do not save login information on your device.
- Protect your account from getting hacked. Use strong password-like strategies for answers to security questions. For example, answer “What was your first pet's name?” with “D0n41Duck%.”
- Protect your information by protecting your computer with the best security software available.

For more information, go to oag.ca.gov

1. Protect your Social Security number. Don't carry your Social Security card in your wallet. If your health plan (other than Medicare) or another card uses your Social Security number, ask the company for a different number.

2. Fight “phishing”—don't take the bait. Scam artists “phish” for victims by pretending to be banks, stores or government agencies. They do this over the phone, in emails and in the regular mail. Don't give out your personal information—unless you made the contact. Don't respond to a request to verify your account number or password. Legitimate companies will not request this kind of information in this way.

3. Keep your identity from getting trashed. Shred or tear up papers with personal information before you throw them away. Shred credit card offers and “convenience checks” that you don't use.

4. Control your personal financial information. California law requires your bank and other financial services companies to get your permission before sharing your personal financial information with outside companies. You also have the right to limit some sharing of your personal financial information with your companies' affiliates.

5. Shield your computer from viruses and spies. Protect your personal information on your home computer. Use strong passwords with at least eight characters, including a combination of letters, numbers and symbols, easy for you to remember, but difficult for others to guess. Use firewall, virus and spyware protection software that you update regularly. Steer clear of spyware. Download free software only from sites you know and trust. Don't install software without knowing what it is. Set Internet Explorer browser security to at least “medium.” Don't click on links in pop-up windows or in spam email.

6. Click with caution. When shopping online, check out a website before entering your credit card number or other personal information. Read the privacy policy and look for opportunities to opt out of information sharing. (If there is no privacy policy posted, beware! Shop elsewhere.) Only enter personal information on secure web pages with “https” in the address bar and a padlock symbol at the bottom of the browser window. These are signs that your information will be encrypted or scrambled, protecting it from hackers.

7. Check your bills and bank statements. Open your credit card bills and bank statements right away. Check carefully for any unauthorized charges or withdrawals and report them immediately. Call if bills don't arrive on time. It may mean that someone has changed contact information to hide fraudulent charges.

8. Stop pre-approved credit offers. Stop most pre-approved credit offers. They make a tempting target for identity thieves who steal your mail. Have your name removed from credit bureau marketing lists. Call toll-free **1-888-5OPTOUT (567-8688)** or opt out online at **optoutprescreen.com**.

9. Ask questions. Ask questions whenever you are asked for personal information that seems inappropriate for the transaction. Ask how the information will be used and if it will be shared. Ask how it will be protected. Explain that you're concerned about identity theft. If you're not satisfied with the answers, consider going somewhere else.

TIP

Online Resumés: Do not (never—no way) put your Social Security number on your resumé. You don't need to write it in the blank spot on the job application either. Legitimate employers will require your Social Security number late in the hiring process. Also, use a disposable email address and a post office box for your resumé.

— Source: California Office of Privacy Protection



10. Check your credit reports—for free. One of the best ways to protect yourself from identity theft is to monitor your credit history. You can get one free credit report every year from each of the three national credit bureaus: Equifax, Experian and TransUnion. Request all three reports at once, or be your own no-cost credit-monitoring service. Just spread out your requests, ordering from a different bureau every four months. (More comprehensive monitoring services from the credit bureaus cost from \$44 to more than \$100 per year.) Order your free annual credit reports by phone, toll-free, at **1-877-322-8228** or online at **annualcreditreport.com**. Or you can mail in an order form.

Source: California Office of Privacy Protection / privacy.ca.gov

WORKING AND TAXES

At age 18, you no longer need a special work permit to get a job. At the same time, however, child labor laws no longer protect you from exploitation. Still, as an employee, you do have certain rights as well as responsibilities. In most cases, for example, your employer must pay you California's minimum wage. And with some exceptions, your employer must give you regular breaks, overtime pay, workers' compensation insurance and unemployment insurance.



WILL I BE OFFERED A WRITTEN CONTRACT WITH A JOB?

Probably not. Most employment contracts are oral. However, an employment contract must be in writing if you get paid on commission. (Lab. C §2751).

IS THERE ANY GUARANTEE THAT I CAN KEEP MY JOB IF I DO MY BEST?

Unfortunately, jobs don't come with warranties. Generally, an employer can fire an employee without providing a reason. There are exceptions: An employer may not fire or discriminate against someone based on race, sex, color, disability, marital status, age, sexual orientation, national origin, ancestry or religion. (Govt.C §§ 12940, 12948; Civil Rights Act of 1964 Title VII)

WHAT IS SEXUAL HARASSMENT?

It is another form of illegal discrimination prohibited by federal and state law. In general, it is unwelcome sexual behavior on the part of a supervisor, co-worker or client. Such conduct could be sexual comments, pressure for sexual favors, inappropriate touching or even a sexual assault. Or it might be one employee subjecting another to unwelcome sexual jokes or images. Sexual harassment does not have to be of a sexual nature, it includes harassment because of a person's sex such as offensive remarks about a person's gender. (CC § 51.9; Govt.C § 12950)

WHAT CAN I DO IF I EXPERIENCE DISCRIMINATION IN THE WORKPLACE?

You could contact the California Department of Fair Employment and Housing (DFEH) at **1-800-884-1684 (TTY-1-800-700-2320)** or, via email, at **contact.center@dfeh.ca.gov**. For more information, visit the department's website at **dfeh.ca.gov**. Or you could contact your local Equal Employment Opportunity Commission (EEOC).

CAN MY EMPLOYER DEDUCT ANYTHING FROM MY PAYCHECK?

Yes, but only for certain purposes. For example, your employer could deduct funds for:

- Tax withholdings.
- Union dues.
- Any losses caused by your dishonesty, willful misconduct or gross negligence.
- Specific deductions that you previously gave written authorization to the employer to make.

WHAT IS F.I.C.A.?

Federal Insurance Contributions Act (F.I.C.A.) taxes, also known as Social Security, are payroll taxes that provide retirement, disability and death benefits to workers. The employer pays half of the premium and you pay the other half.

DO I NEED A SOCIAL SECURITY NUMBER TO GET EMPLOYMENT?

Yes, unless you are ineligible for a Social Security number. Then you would need an Individual Taxpayer Identification Number (ITIN) instead. A U.S. resident who is not a citizen and a foreign national filing a U.S. tax return are examples of individuals who might need an ITIN. Your employer is required to report your wages to the Internal Revenue Service (IRS)—the agency that collects federal taxes from taxpayers. The IRS, in turn, uses your *Social Security* number or ITIN to process your federal tax payment. For more information, check with your local Social Security office or go to **ssa.gov**. Or call **1-800-772-1213 (TTY-1-800-325-0778)**.

WHAT IS WORKERS' COMPENSATION INSURANCE?

It is insurance—paid for by employers—that provides compensation and medical benefits to workers who are injured on the job. By law, employers must carry workers' compensation insurance. (Lab.C §§ 3700)

Such insurance is also intended for workers who develop occupational diseases caused by their jobs. It is not meant to replace a worker's personal insurance plan. (IC §§ 11630, 11650-11664)

WILL I GET BACK ANY OF THE TAX THAT I PAY?

Maybe. You (or your accountant) must complete an income tax return each year and mail it to the Internal Revenue Service and the California Franchise Tax Board no later than **April 15**. If it turns out that you paid too much tax for your level of income, you would be entitled to a refund. (26 USC § 6402; RTC § 19302) For more information on employment issues, see the State Bar pamphlet *What Are My Rights as an Employee?* (available in English and Spanish).

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