

THE LAW AND YOU

Each state has particular laws that deal with acts usually committed by young people. Just because someone is under the age of 17 (considered a juvenile) does not mean that laws do not apply to them. Juveniles can be tried as adults for some serious crimes and repeat offenses. In Wisconsin, you can be tried as an adult if you are as young as 10 in some cases.

Sometimes, students wonder if they have any say in the judicial system. Usual questions are:

- What can I do when the School Board and I disagree on discipline?
- Do I have a choice when Family Court decides who I'll live with?
- What protection do I have if the police stop me?

Legal rights are sometimes hard to figure out, even for adults. For any questions regarding your legal rights and responsibilities, you can call one of the numbers below.

Juvenile Justice(715) 261-7500

Can answer your questions or tell you who to call, even if you're not in trouble, but just want some information about juvenile law.

Public Defender(715) 842-1603

Provides legal counsel in juvenile cases.

TEEN DRIVING

Wisconsin's Graduated Driver Licensing System

Wisconsin teens are subject to a graduated driver licensing system.

At age 15½, you may get a temps-instruction permit if you're enrolled in a behind-the-wheel driver education course. With a temps-instruction permit, you may only drive with an adult sponsor, during which time you need to get 30 hours of driving experience over 6 months to get a probationary license.

You may then get the probationary license at 16, after completing driver education and passing a road test. With this license, you may drive alone without your adult sponsor. For the first nine months (or until you reach age 18, whichever comes first) you can only have one passenger other than immediate family or a qualified adult, and there's no driving between mid-night and 5 a.m. (with some exceptions.)

For more information about Wisconsin's graduated licensing system, log on to the **Department of Transportation** website:

www.dot.wisconsin.gov/drivers/drivers/index.htm.

Wisconsin's Seat Belt Law

All **drivers** of motor vehicles and **all of their passengers** age 8 and older must wear safety belts (children under 8 must be restrained in an appropriate child safety restraint). Drivers will be held accountable for passengers of any age who are not properly restrained. Fines including all costs for *the driver who lets a passenger ride without restraint* are \$10 (total), unless the passenger is less than 8 years old.

Texting and Driving

Effective December 1, 2010 texting while driving is against the law in Wisconsin. Offenders face a fine of \$20-\$400, and a possible 4 points assessed on their driving records.

ALCOHOL, DRUGS AND DRIVING

More than half of all fatal car accidents involve alcohol or drugs. No one can tell in advance how they will be affected by alcohol, prescription and nonprescription drugs, or street drugs.

Driving ability is reduced greatly with only a small amount of alcohol or drugs. It is important to ask the doctor about side effects of any prescription or medicine. Drugs, including over-the-counter medications, can also affect a person's driving.

Anyone under the influence of alcohol or drugs must not attempt to drive. It is very dangerous to get into a car driven by someone under the influence.

ALCOHOL LAWS

In Wisconsin, you don't have to be guilty of "drunk driving" to have your license revoked. If you're a juvenile, you risk losing your driving privileges if you violate any of these three laws:

1. Underage Drinking

In Wisconsin, if you are under the age of 21, it is illegal for you to possess or consume alcoholic beverages, or go to a bar or liquor store, without being accompanied by a parent, guardian, or spouse who is of legal drinking age.

In addition, you may not acquire alcoholic beverages – or even try to acquire them, say with a false ID – **even if you are with** a parent, guardian or spouse. It is also illegal for someone else to try to get it for you.

That's the law. If you break it, you risk a minimum 90-day suspension of your driving privileges (even if you weren't driving) and a maximum fine of between \$50 and \$500.

2. Absolute Sobriety

If you are under the age of 21, Wisconsin law requires that you remain absolutely sober if you are driving a motor vehicle. That means you may not have a blood alcohol level over 0.00%. If you are found to have even a slight blood alcohol level, you are guilty of violating the Absolute Sobriety law.

The penalty is a mandatory 90-day suspension of your driving privileges, a fine in the amount of \$389.50, and 4 points assessed on your driving record. If a passenger under 16 years of age is in the vehicle, the fine is increased to \$641.50 and suspension of your driving privileges increases to six (6) months.

3. Operating a vehicle While Intoxicated

If you drink and drive, you may be charged with OWI if your blood alcohol level is 0.08% or over on a first offense. This is serious traffic offense and if you are 16 or older, you'll be treated as an adult.

Penalties for a first offense are:

- A fine - \$692 - \$930
- **Plus** a 6- to 9-month revocation of your driving privileges
- **Plus** 6 points assessed on your driving record
- **Plus** an alcohol assessment
- **Plus** an Ignition Interlock Device installed in your vehicle for 1 year (if your blood alcohol level is 0.15% or greater) which requires you to pay an initial installation fee as well as monthly maintenance fees.

• **NOTE:** If there is a passenger under the age of 16 with you, the fine increases to \$994 - \$2,200, you must serve a minimum of 5 days in jail, and could be sentenced to up to 180 days in jail.

For more information about alcohol, drugs and driving, call:

Alcohol & Drug Education for Young Adults . . . (715) 675-3331 ext. 4518

Offers alcohol and drug education courses at NTC for those court-ordered for first-time underage drinking.

Prime for Life AODA Program (715) 359-5360

Area guidance counselors teach a risk-reduction curriculum to youth who have been cited for underage drinking violations, through Marathon County Restorative Justice Program.

DRUG LAWS

The possession, use or selling of marijuana is against the law. The potential penalty for possession of a small quantity of pot can include or exceed one year in juvenile supervision.

The penalties for offenses involving hard drugs like cocaine, speed, crack, or large amounts of marijuana can be very harsh.

If you have information about drug sales or other illegal activities in your school or neighborhood, you may alert law enforcement *anonymously* through:

Text-A-Tip Text “MCTIP” plus your message to 274637

This process is completely secure when you use your cellphone to text “MCTIP” plus your message to 274637 (CRIMES). You’ll get an automatic confirmation with a unique Tip ID. To submit follow-up information, you simply reply. You may terminate contact by texting STOP into the system at any time, or by manually selecting the “Terminate Thread” button from within the application.

SEXUAL ASSAULT LAWS

If you are under 16 in Wisconsin, you may not consent to sexual contact. “Contact” isn’t just sexual intercourse. It can even mean touching either under or on top of clothing.

If your partner is 17 years old or older and you are under 16, your partner may be charged with felony sexual assault for having sexual contact with you.

If you are under 16 and your partner is under 16, you could both be charged with a crime.

If you are over 16, you can legally consent to sexual contact, but not sexual intercourse.

If you are 18 you may legally have sexual contact with another consenting adult.

Regardless of age, it is important to remember: every person has the right to say “no.” **Under the law, “no” means “no.”**

For more information about the legal consequences of sexual behavior, you may contact:

Marathon County District Attorney’s Office (715) 261-1111

Offers information about how Wisconsin law affects minors who engage in sexual activity.

See also SEXUAL ASSAULT OR RAPE, page 51.

ARREST

Actually, juveniles aren't "arrested" in Marathon County, they're "taken into custody". You could be taken into custody if you are suspected of a **criminal offense** (breaking a law, like stealing) – just like an adult could be arrested. Other offenses, like truancy, running away or being uncontrolled, are called **status offenses**, and apply only to juveniles. You could also be taken into custody if you are suspected of a status offense.

If the police stop or pick up you or someone you're with, you have many of the same rights and obligations as adults. If this happens, here are things you need to know:

- Do not resist being taken into custody. The most important thing to do is to cooperate with the police – your attitude and cooperation will have a direct effect on how you are treated.
- The police expect people to cooperate when they are questioned, regardless of their age. You should give the police your name, address, phone number, and date of birth and your parent's name and phone number. But if you want to wait until you have a lawyer before answering further questions, you have that right just as adults do.
- Ask the police to call your parents or another trusted adult.
- You have the right to a lawyer. In most cases, if you're charged with a crime, and do not have a lawyer of your own, one will be provided for you. **One exception is if you are stopped for underage drinking. In Marathon County, juveniles charged with underage drinking are not guaranteed a court-appointed lawyer.**

SEARCH WARRANTS

A search warrant is a document signed by a judge giving permission to search a house, car, store, locker, or other property. In the following situations, the police can search without a warrant:

- If there is reason to believe a young person has broken or is about to break a law
- If a car is believed to have been involved in a crime, it may be searched
- If a person gives permission for the search
- If the police are searching for a dangerous person who goes into the home
- If someone is taken into custody, a thorough search will be made to locate weapons and assure evidence will not be destroyed
- If the police believe a weapon is in a car, they may search unlocked parts
- If the driver is taken into custody, any part of a car may be searched (trunk, locked glove compartment)

If you are involved in a search or seizure of items, cooperate with the police. Pay attention to what is happening. Remember as many details as you can. You may have to say what happened later in court.

THEFT

Taking things that do not belong to you without the permission of the owner is theft. When items stolen are taken from a store it is often called "shoplifting." There is no difference between shoplifting and retail theft. The penalties are the same.

PRANKS

A simple prank, like removing hubcaps or spraying graffiti, can bring a serious charge against you, and your sentence may include juvenile detention. A juvenile record can haunt you for the rest of your life. What you might think of as a prank could hurt others, and it could also hurt your chances at a successful future.

WEAPONS LAWS

A young person who is stopped by the police and found to have a gun or other weapon or firearm can be arrested and charged with possession of a concealed weapon.

Check with the city in which you live for the laws about the possession of weapons and firearms. Laws vary according to city or state.

WHAT TO DO IN CASE OF A CAR ACCIDENT

Do not panic!

If there are injuries, call **9-1-1** at once.

The drivers of the cars should exchange names, addresses, phone numbers, names of insurance companies and driver's license numbers.

All accidents involving damage must be reported to the police. Drivers should not move their cars until the police arrive.

Whatever you do, do not run away from the scene of an accident!