



LAWS FOR YOUTH

COUNTY OF LOS ANGELES
CALIFORNIA

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California —

LAWS
FOR
YOUTH, 3D ED.

COUNTY OF LOS ANGELES
CALIFORNIA

LAWS FOR YOUTH

This booklet has been published by your county government in the public interest for distribution to the youth of Los Angeles County and to parents and interested agencies concerned with community welfare and law observance. Its purpose is to promote better understanding of the laws and, at the same time, to emphasize the responsibilities of good citizenship. By publishing this booklet and causing it to be distributed through channels where it will do the most good, the County of Los Angeles hopes to help bring about close cooperation between our citizens and law enforcement agencies in promoting respect for the law.

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The laws contained in this booklet apply to the State of California, all cities and unincorporated areas of Los Angeles County with a few exceptions where local option is permitted.

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FOREWORD

This third edition of "Laws for Youth" brings together, in simple language, a comprehensive listing of the laws relating to youth. It is designed to be used as a reference manual. There are new sections on the rights of young people and on the processes for changing the law.

The factual approach of the booklet provides a basis for the reader to evaluate the consequences of his or her actions as well as to obtain accurate information about his or her rights.

Perhaps the most significant ideas conveyed by the publication of "Laws for Youth" are the desire of officials to provide citizens dependable information about the law and to emphasize that the law is a dynamic process that both regulates and protects. By understanding the law we are better able to make improvements in both the rules that guide our behavior and the processes for changing those rules.

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Abbreviations of the particular code under which these laws are described in full include the following:	
B&P: Business & Professional Code	LACO: Los Angeles County Ordinance
CVC: California Vehicle Code	LC: Labor Code
CC: Civil Code	LAMC: Los Angeles Municipal Code
EC: Education Code	PC: Penal Code
H&S: Health & Safety Code	W&I.C.: Welfare & Institutions Code

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A MESSAGE TO THE PARENT

Most parents are concerned about the welfare of their children. Parents are the most important persons who help young people grow up to become civic minded, responsible adults who observe and respect the rights of others, the laws and regulations of the community, and the common rules of courtesy. Without such respect, a harmonious and productive life is difficult to attain.

Each parent must actively participate in raising his child in order to provide love, guidance, counseling, and control. The child first learns respect and trust from his relationship with his parents. Parents who use the policeman as a threat to an unruly child or who demonstrate resentment toward the police in general may instill in their children an animosity toward law and other forms of necessary social restraint.

It is most important that parents develop an open line of communication with their children from infancy. Parents must listen to what children are saying and sense what they are feeling. They must be responsive to human needs and find ways to meet these needs. They must provide understanding. A child must know that he can come to his parents for advice when he is in trouble.

Parents should know who their children's friends are. They should always be informed about the activities of their children. They should establish and enforce rules of conduct for their children as well as help them to develop attitudes and habits of self-discipline.

LOS ANGELES COUNTY DEPARTMENT OF COMMUNITY SERVICES

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Los Angeles, California 90012
Phone: 974-7671

Any concerned parent, friend, teacher or child in Los Angeles County desiring additional copies of this booklet or interested in developing projects or programs, may contact any one of the offices below, where qualified persons are equipped to assist in the areas of narcotics, crime and delinquency prevention.

DISTRICT OFFICES AND COMMUNITY SERVICES CENTERS

EAST DISTRICT OFFICE
529 North Azusa Avenue
Azusa, California 91702
PHONE: (213) 334-0295

EAST-CENTRAL DISTRICT OFFICE
2029 Keith Street, 2nd Floor
Los Angeles, California 90031
PHONE: (213) 223-3216

COASTAL DISTRICT OFFICE
1725 Main Street, Room 129
Santa Monica, California 90401
PHONE: (213) 870-0131, Ext. 481

SOUTH-CENTRAL DISTRICT OFFICE
4771 South Main Street, 2nd Floor
Los Angeles, California 90037
PHONE: (213) 232-2157

NORTH DISTRICT OFFICE
6622 Van Nuys Boulevard
Van Nuys, California 91405
PHONE: (213) 787-4920

ASIAN COMMUNITY
SERVICES CENTER
1816 South Figueroa Street
4th Floor
Los Angeles, California 90015
PHONE: (213) 747-7623

MARAVILLA COMMUNITY
SERVICES CENTER
4784 East Brooklyn Avenue
Los Angeles, California 90022
PHONE: (213) 263-2215

ECHO PARK COMMUNITY
SERVICES CENTER
1320 Glendale Boulevard
Los Angeles, California 90026
PHONE: (213) 384-1126

SOUTH COUNTY COMMUNITY
SERVICES CENTER
404 East Carson Street
Carson, California 90745
PHONE: (213) 834-6403

WHY WE HAVE JUVENILE LAWS

In general, the laws of the State of California apply equally to juveniles and adults. The only restriction is found in PENAL CODE SECTION 26.1 (P.C.), which states that persons under the age of 14 years are incapable of committing crimes in the absence of clear proof that they knew the wrongfulness of their acts. Proof of knowledge of the wrongfulness of the act may be shown by circumstances surrounding each case. Special laws concerning juveniles and minors are located in the WELFARE AND INSTITUTIONS CODE (W. & I.C.).

The basic purpose of juvenile laws is the protection of minors who are abused or neglected, the prevention of incorrigibility or delinquency, and the rehabilitation of those who get into trouble. The legal basis for this purpose is the Juvenile Court Law of California (originally enacted in 1903), which declares that *proceedings in a Juvenile Court are not criminal in nature and that all actions shall be on behalf of the minor*. In other words, the Juvenile Law is not designed as punitive. It is concerned with the protection, treatment and rehabilitation of those in need. *The penalties in this booklet refer generally to offenses, violations and crimes adjudicated in the Adult Criminal Court.*

Some Definitions

The term "*minor*" refers to any person under the age of 18 years, according to CIVIL CODE SECTION 25 (C.C.). The term "*juvenile*" refers to any person under the age of 18 years. The Juvenile Court has original jurisdiction over all persons under the age of 18 (W. & I.C. 603). Persons 16 through 17 years of age who have committed a public offense may be unfit for Juvenile Court and tried as an adult in the Adult Criminal Court (W. & I.C. 603).

Felonies are the most serious crimes. Robbery, murder and assault with a deadly weapon are examples of felonies. Such crimes may be punishable by confinement in a state prison.

Misdemeanors are crimes less serious than felonies. Loitering and unlawful assembly are examples of this type of offense. Imprisonment is usually limited to a maximum of one year in a penal institution other than a state prison.

Infractions, although not classified as crimes, are part of the criminal law. These may pertain to traffic, overtime parking or similar offenses. They are punishable by fines. There are many laws which are important for young people to know. There is not space to mention all of them or to present the full text with explanations of meanings, exceptions, and distinctions. Consequently, the laws selected for discussion below have been chosen for their relevance to the concerns of children and youth in their daily lives.

FAMILY AND SCHOOL

Family Law

Custody and Control

The CIVIL CODE (C.C.) gives parents of minor children the right to their custody and control. This may be lost generally only by separation or marriage dissolution of the parents, the adoption of the child by another person, the marriage or emancipation of the child or conduct on the part of the parents which justifies the appointment of another person as the guardian of the child (C.C. 197-200).

Custody includes the right to administer reasonable restraint and punishment. However, strictness must not endanger the health or welfare of the child. Any person who willfully causes or permits any child to suffer, or inflicts unjustifiable physical pain or mental suffering is violating the law (P.C. 273a).

Child neglect is unlawful. Parents must provide all their children with necessary food, clothing, shelter, medical or other remedial care (P.C. 270). They must not desert or abandon their children (P.C. 271). They must furnish support and education suitable to their circumstances (C.C. 196).

Support of Children

Parents are required by law to support their minor children. This duty is terminated on the emancipation of a child by lawful marriage or when the child attains majority except where the child is incapacitated and not capable of gainful employment (P.C. 270).

Earnings

The parent having custody of a child is entitled to the services and earnings of that child and may use the money as the parent sees fit for household expenses or otherwise. The parent may voluntarily relinquish this right (C.C. 211).

Property

A minor child can own and hold property by inheritance or gift. However, a guardian must be appointed to receive and manage the property. The minor cannot make a contract dealing with his real property or personal property not in his immediate possession or control until the age of 18 (C.C. 33).

Age of Majority

Minors are all persons under 18 years of age (C.C. 25). When the minor reaches the age of 18, he reaches the age of majority. At this time, the young adult assumes the responsibilities of adulthood. Generally, he may exercise the rights and privileges of adulthood with the exception of selling, purchasing or consuming alcoholic beverages (limited to adults of age 21 or older).

Runaways

Children having problems at home, school or in the community sometimes run away from home. Once located, they can be declared

to be wards of the court (W. & I.C. 601) and placed in a Juvenile Home or a foster home. A child having problems should try to resolve the problem with the help of a parent, pastor, teacher, counselor, local Juvenile Officer, Probation Officer or other appropriate persons. The Probation Department may decline to take any action, or it may place the minor on voluntary probation (W. & I.C. 654) or it may file a petition with the Juvenile Court seeking to have the minor declared a ward of the court.

Incorrigibles

If a child refuses to obey the reasonable commands of the parents, the parent may sign a statement to this effect and request assistance of the Probation Department in handling the child (W. & I.C. 601 and 652).

School Law

Attendance

There is, today, a place and an appropriate educational program in California's public schools for nearly every child and the right of the child to attend school is protected under the law. The intent of the legislature set forth in the EDUCATION CODE (E.C.) is that all children, ages 6-16, must attend school full-time unless exempted or graduated from high school (E.C. 12101).

The Code also provides for exemptions based upon circumstances such as full-time attendance in a private school (E.C. 12154) or instruction by a certified tutor with days, hours, and quality of instruction meeting state standards (E.C. 12155).

Truancy

Any child who is absent or tardy for three days or tardy in excess of 30 minutes on each of four or more days in any one school year without valid excuse is a truant (E.C. 12401). Habitual truancy may lead to referral to the Juvenile Court, where it will be determined whether the child will be returned to the community on probation or placed in a suitable foster home or camp facility (W. & I.C. 601).

Exclusion, Suspension, Expulsion

Decisions to interrupt or to terminate school attendance for any pupil should be made with full consideration for the rights and welfare of the pupil, and of other pupils, as well as the commitment of society to educational opportunity for all.

Children with filthy or vicious habits, or suffering from contagious or infectious diseases, may be excluded from school (E.C. 10552).

The following are some of the grounds for expulsion or suspension from school:

1. Continued willful disobedience or open and persistent defiance of the authority of school personnel (E.C. 10602).
2. Assault and battery against school personnel or other students (E.C. 10602).

3. Habitual profanity or vulgarity on school premises or while under authority of school personnel (E.C. 10602).
4. Organizing, joining or participating in a secret fraternity, sorority or club in any elementary or secondary school (E.C. 10604).
5. Refusing or neglecting to obey any rule or regulation of the school district, including conduct during travel to and from school (E.C. 10604.3).
6. Any minor willfully cutting, defacing or injuring any school property (E.C. 10606).
7. "Hazing" or any initiation into a student organization which might cause bodily danger or physical harm is a misdemeanor punishable by fine and/or imprisonment (E.C. 10851-2-3).
8. Smoking or having tobacco on school premises (E.C. 10602).
9. Using, selling or possessing narcotics or other hallucinogenic drugs (E.C. 10603).

When a student is suspended from school he is required to return at the end of the period of suspension to resume his studies.

When a youngster is **expelled**, education is still compulsory. The parent is required to find an alternative school or district and to enroll the child (E.C. 12101 and 12103).

This may include enrollment in private schools (E.C. 12154), enrollment in another district (E.C. 12102) or the use of a tutor (E.C. 12155). There are limits on suspension. It is to be used when other means of correction fail. If suspension is for three or more days, a conference must be requested with parents (E.C. 10607.5). If these methods fail, then the Board of Education may take action to **expel** the student from attendance at any of the schools in the district (E.C. 10604.3). The student and his parents or guardian are entitled to a hearing prior to any action by the Board to **expel** (E.C. 967). They are entitled to appeal any **expulsion** to the County Board of Education (E.C. 10608).

CAMPUS DISORDERS

It is a misdemeanor for any person whose presence or activities disrupt the school to remain there or re-enter within 72 hours after being asked to leave by an authorized school official (P.C. 626.8).

This law applies to all public and private schools other than colleges and universities.

Local police departments have the authority to take action on any campus to preserve the public order or to protect life or property.

Riot or urging a riot is unlawful (P.C. 404 and 404.6).

Whenever two or more persons assemble together to do an unlawful act, or do a lawful act in a violent, boisterous or tumultuous manner, such assembly is unlawful (P.C. 407).

P.C. 415.5 makes it a misdemeanor to maliciously and willfully disturb the peace in a public institution of higher education.

Jurisdiction

Although campus police regularly patrol the grounds and maintain order at the university, local law enforcement agencies may make arrests on university property if the land is within their jurisdiction (P.C. 415.5, 626.2, 626.6).

Freedom of Expression

The right to free expression is protected by law for all citizens, minors as well as adults. This freedom is found in the Fourteenth Amendment to the Constitution of the United States and in the Bill of Rights.

To help us live together in our communities and in our schools, these rights are subject to reasonable rules and regulations that state when, where and how we may express them.

Schools have rules and regulations that encourage students to exercise their rights, to protect the rights of others and to live within the law.

BROADENING HORIZONS

Entertainment

Dances

When anyone plans to sponsor a teenage dance, he should consult with the Police or Sheriff's Department well in advance to learn all the detailed requirements which must be met before a license or permit can be issued.

These requirements vary from community to community. There are usually minimum age requirements for attendance at public dances. For example, in the City of Los Angeles, persons under 18 years of age are not permitted to be in any public dance hall or dancing club (L.A.M.C. 45.14). The same restriction applies in the unincorporated areas of the County (C.O. 5860, Sec. 2063), except that persons under 21 years of age are not permitted to attend dances where alcohol is served (C.O. 5860, Sec. 2062.5). These age restrictions do not prevent a teenager from being present in a bona fide hotel, cafe or other place where meals are regularly served, even though a public dance is being held, so long as the teenager does not participate in the dancing (L.A.M.C. 45.14; C.O. 5860, Sec. 2064.5). Certain ordinances contain detailed provisions under which a properly recognized adult group may obtain a permit to sponsor an adequately supervised public dance for teenagers.

A public dance hall is a place where the general public is admitted. A school, playground or place where a private party is held is not usually considered to be a public dance hall. If the proposed dance is to be conducted to raise funds for a charitable cause, an additional clearance is required in some communities.

While the following statements are not "laws" for youth, they are guidelines to parental responsibility during social activities. Parents are legally responsible for their children. When youngsters leave the house, a parent should know the answer to such questions as the following:

Where are they going?

Who are their companions?

What do they intend to do?

How will they reach their destination?

When will they return home?

Parties

When the family plans a private youth party at home, there are a few simple rules which should be followed to prevent trouble:

Parents are legally responsible and should be home during the party.

Guests should understand that they may not extend the invitation to others.

Attendance should be restricted to those who are directly invited by the host or hostess. Uninvited persons should not be admitted.

Parents of invited boys and girls should make sure that the party will be adequately supervised before permitting their children to attend.

The parents of all the girls invited to an overnight "slumber party" should always call the mother of the girl giving the party to be sure that activities planned meet with approval.

Parents should know the names of all guests and, if possible, their addresses and telephone numbers.

If the party is "crashed" by unruly intruders, the Police or Sheriff's Department should be called and officers given full cooperation.

Beach Activities

Many beaches are regulated by Los Angeles County Ordinance (L.A.C.O. 9767). Other beaches are under the control of local city ordinances, and one should check to determine the appropriate set of regulations for the beach where one is. These rules are designed to enhance everyone's enjoyment. Not only does this ordinance promote a good time—but even more importantly—a safe time! Los Angeles County Ordinance 9767 provides that:

Swimmers and surfers must not go beyond 200 yards of the beach. No swimming is permitted in surfing areas. Surfing is not permitted in swimming areas or during certain hours. It is also unlawful to surf within 100 feet of a bather (Sections 55, 57).

Ball Playing. It shall be unlawful for any person to cast, toss, throw, kick, or roll any ball, tube, or any light object, other than inflated

rubber balls, not less than ten inches in diameter, upon or over any beach regulated by this Article, or upon or over any waters of the Pacific Ocean opposite such beach (Section 33.5).

Shooting. A person shall not discharge or shoot any firearms, air gun, slingshot or bow and arrow anywhere on a beach (Section 34).

Firecrackers, etc. A person shall not take or transport onto any beach, or have in his possession therein, or fire or discharge therein, any firecracker, rocket, torpedo or fireworks, unless he first obtains a permit to do so from the Director of the Department of Beaches (Section 35).

Fires. A person shall not light or maintain any fire on any beach (Section 39). Many beach cities have ordinances covering the use of their beaches. To determine whether fires are permitted on other beaches, local rules and regulations should be checked.

Animals. A person shall not bring onto a beach, or into the waters of the Pacific Ocean adjacent to any beach, any cattle, horse, mule, goat, sheep, swine, dog, cat or other animal (Section 41).

Motor Vehicles. If the Director finds that at certain times, or under specified restrictions, or at designated places, a person can so operate a motor vehicle so as not to interfere in any way with the use of any beach, he may grant such person permission so to operate such motor vehicle. Otherwise, a person shall not bring to, or operate on, any beach any motor vehicle, except as permitted by the Director, and subject to all of the conditions which are a part of such permission. If permission to operate a motor vehicle is granted, a person shall park such motor vehicle only in those areas designated by the Director for parking (Section 44).

Alcoholic Beverages. A person shall not enter, be or remain on any beach while in possession of, transporting, purchasing, selling, giving away or consuming any alcoholic beverages (Section 48).

Bathing. A person shall not swim, bathe or immerse himself in the waters of the Pacific Ocean opposite any beach regulated by this article more than two hundred yards from the shore except:

A person engaged in the sport commonly known as aquaplaning, water skiing, or any derivations thereof, provided that such person is at all times wearing a safety belt approved by the Director. A skin diver equipped with swim fins and a face plate if at all times he maintains within fifty yards of himself a boat, or a surf mat, paddle board or surfboard, upon which there is a rectangular flag, twelve by fifteen inches, orange-red in color, with a white diagonal stripe three inches wide running from one corner to the diagonally opposite corner. The flag shall be flown high enough so as not to touch the water (Section 55).

Boating. A person shall not operate any vessel within three hundred yards of the shoreline of any beach regulated by this article, except when necessary in taking it to or from its lawful mooring place, or when necessary in the case of emergency (Section 56).

Surfboards, Surfboards, Paddleboards and Similar Objects. A person shall not use, possess or operate in the waters of the Pacific Ocean, opposite any beach regulated by this article, any object commonly known as a surfboard, paddleboard or similar device (but not including surfmats and belly boards) at such times when said waters are restricted for swimming and bathing only.

Such restriction shall be effective when a yellow flag having dimensions of not less than two feet by two feet, and having a solid black circle in the center (commonly known as a "blackball flag") is prominently displayed from a lifeguard tower, lifeguard station, pier, or similar structure under the control of the Department of Beaches. At such times as the blackball flag is displayed, swimming and bathing only shall be permitted in the waters of the Pacific Ocean opposite those areas of the beach within 200 yards of the point of display of said blackball flag, provided, however, that where said blackball flag is displayed from consecutive operational lifeguard towers, lifeguard stations and similar structures under the control of the Department of Beaches along a beach regulated by this article, then all waters of the Pacific Ocean opposite said beach, shall be restricted to swimming and bathing only.

Such restrictions shall also be indicated by pairs of red flags put in place by the Director. At such times as said red flags are displayed, swimming and bathing only shall be permitted in the waters of the Pacific Ocean opposite those areas of the beach lying between a given pair of such red flags (Section 57).

Use of Inflated Equipment. A person shall not use in the Pacific Ocean opposite any beach regulated by this article, any inflated equipment of any kind except a standard surf mat which is:

1. Constructed of a durable material with a non-slippery surface.
2. So constructed that when inflated for use, it will not fold in any direction.
3. Not smaller than twenty-four inches by forty inches.
4. Not larger than thirty inches by sixty inches.
5. Equipped with a safety rope.

Beach hours, as determined locally, must be observed (L.A.C.O. 9767).

Outdoor Festival

Outdoor festivals are regulated by County and City Ordinance. A license must be obtained from the Public Welfare Commission or the licensing body of the appropriate city. "Outdoor Festival" means any festival, dance festival, "rock" festival or similar musical activity, at which music is provided by paid, professional or amateur performers or by pre-recorded means, which is held at any place other than in a permanent building or permanent installation constructed for such activities, to which members of the public are invited or admitted for a charge or free of cost and which is attended by more than five hundred persons (L.A.C.O. 2860, Sections 3201-3251).

TRAVEL

Using Bicycles

The first thing a new bicycle owner should do is record the correct frame number of his bicycle and keep in a safe place. This frame number will assist the police in recovering a stolen bicycle.

License and Transfer. All bicycles must be registered with the Police Department or Sheriff's Department. The license must be carried on the bicycle. Licenses are issued for a small fee by the Police Department, Sheriff's Department and many bicycle shops and other dealers in bicycles. Wherever a bicycle is sold or transferred, a change in ownership must be reported to the Police Department (L.A.M.C. 26.01) or Sheriff's Department (L.A.C.O. 3027, Sec. 1).

The purpose of this law is to discourage the stealing of bicycles and to enable the law enforcement agency to return the lost or stolen bicycles to the owners. If a bicycle is registered, the chances are twice as great that it will be recovered if lost or stolen. Thus, the small license fee is inexpensive "insurance."

It is unlawful for any person to buy, sell, receive, dispose of, conceal or have in his possession, articles from which the serial number or other identifying manufacturer's marks have been defaced or altered (P.C. 537e).

Traffic Rules. Parents are responsible for instructing their children to obey the "rules of the road," which are substantially the same for bicycle riders as they are for drivers of automobiles. Parents should make certain that their children . . .

Keep their bicycles in good repair and make a practice of locking them after parking in a safe place.

Walk their bicycles across busy streets.

Learn the dangers of riding double or indulging in horseplay.

Learn that it is illegal to ride by hanging on to a moving vehicle (C.V.C. 21203).

Know it is unsafe and unlawful to ride a bicycle during darkness without proper light (C.V.C. 21201).

Operating a Motor Vehicle

License. Laws concerning operation of a motor vehicle are located in the CALIFORNIA VEHICLE CODE (C.V.C.). It is unlawful to drive unless licensed (C.V.C. 12500). Any person who has completed a high school driver education program and who is 15 years and 6 months, or any person who is over the age of 17 years and 6 months, may apply to the Department of Motor Vehicles for an instruction permit. This must be kept in the immediate possession of the applicant when driving during the permit period of six months. The

applicant can only drive an automobile when accompanied by, and under the immediate supervision of, a California licensed driver, 18 years of age or over, not holding a probationary type license (C.V.C. 12509).

Influence of Alcohol. It is unlawful to drive while under the influence of intoxicating liquor or any drug (C.V.C. 23102).

Reckless Driving. Any person who drives any vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving (C.V.C. 23103).

Hit and Run. Hit and run is a serious crime. It is the duty of the driver of any vehicle involved in any accident, whether it be collision without injury, injury, or death to stop the vehicle at the scene of the accident and give his name, address, automobile registration number, the name of the legal owner, and upon request, exhibit his driver's license.

Throwing Objects. It is unlawful to throw any substance at a vehicle or any occupant thereof on a highway (C.V.C. 23110 (a)).

Motorcycles, Motor Driven Bikes, Mini-Bikes and Go-Carts

Mini-bikes, motorcycles, go-carts and all motor driven vehicles are under the jurisdiction of the Motor Vehicle Department and must be registered and licensed in order to be driven on public highways. A person with a driving instruction permit may operate a motorcycle but cannot carry a passenger, other than licensed instructors.

All motor driven vehicles require adequate safety provisions such as horn, mirror, light, etc. Young people and their parents should be particularly cautious in the use of mini-bikes and go-carts because their construction and size make them particularly vulnerable to accidents.

Legal Areas to Ride

Mini-bikes and other motor driven cycles of less than 15 gross brake horsepower are prohibited from state freeways.

It is also unlawful to operate any motor vehicle on state, county or municipal areas without authorization, in school yards, on posted hiking or riding trails, or on sidewalks.

Trespass

Every person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor:

Driving any vehicle, as defined in Section 670 of the Vehicle Code, upon real (land) property belonging to, or lawfully occupied by, another and known not to be open to the general public, without the consent of the owner, his agent or the person in lawful possession thereof (P.C. 602 (m)).

Illegal Use of Fire Roads

No person, except public officers acting within the scope of their duties, shall travel upon, or drive or park any motorcycle, motor scooter, or motor vehicle upon any fire road or firebreak beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owner or owners involved. No person shall park any vehicle so as to obstruct the entrance to any fire road or fire break.

Use of Motor Vehicles

No person shall operate any motorcycle, motor scooter or motor vehicle, except upon clearly established public or private roads within any hazardous fire area without first having secured a permit to do so from the Chief. No such permit shall be issued unless written permission from the property owner is first presented.

What is the Procedure when a Juvenile is Cited for a Traffic Violation?

If a juvenile receives a traffic citation for unlawful operation of a motor vehicle, he must appear before the judge of the Juvenile Court or a traffic hearing officer appointed by the judge. If it is found that he has, in fact, committed a violation, he may:

Receive a warning.

Be ordered to pay a penalty up to \$50 for each violation.

Have his driving privilege restricted, suspended or revoked.

Be ordered to attend traffic school.

Be placed under the supervision of a probation officer.

Be ordered to receive a combination of these penalties (W. & I.C. 564).

The violations for which the juvenile is cited are also reported to the Department of Motor Vehicles and become part of his driving record for a period of three years (W. & I.C. 565).

In addition, parents may be cited under Section 14607 of the California Vehicle Code if they knowingly allow their unlicensed child to operate a motor vehicle on the public streets. The penalty could be a fine of \$500 or six months in the county jail or both. Parents may also be held responsible for any damage or injury resulting from an accident in the operation of a mini-bike (C.V.C. 14607).

An instruction permit may be issued to a person 15 years and 6 months of age who has completed the driver training course. He must be accompanied by a licensed driver 18 years of age or older when driving during the permit period.

A person riding a motorcycle may drive with only an instruction permit. A person riding a motorcycle with an instruction permit is prohibited from driving on any freeway or after dark (C.V.C. 12509(D)).

Carrying a passenger on a motorcycle is not permitted except on a seat securely fastened in the rear of the driver and provided with footrests, or in a sidecar designed for that purpose, attached to the motorcycle (C.V.C. 27800).

The "rules of the road" below are suggested by the Department of Motor Vehicles when operating a motorcycle:

Never overestimate your ability or the mechanical performance of your motorcycle.

Continually scan the road ahead for grease, oil, water, sand or other debris.

Never ride on the white divider lines or squeeze through a space that is too narrow for safe riding.

Never attempt to pass on the right between curb lane traffic and the curb. You are in the driver's blind spot and he may turn right or park.

Always wear protective equipment, including helmet, gloves, glasses and, as an extra precaution, boots.

Liability of Parents for Acts of their Children

Parents who allow their youngster use of a motor vehicle should be certain he is capable of assuming the responsibility that goes with the privilege.

In addition to any other civil liability that may be imposed by law, the Vehicle Code provides that parents are liable for any damage to property caused by their minor driver (C.V.C. 17708).

Hitchhiking

It is unlawful to stand on a roadway for the purpose of soliciting a ride from the driver of any vehicle (C.V.C. 21957).

Any person who accepts a ride with a stranger is a candidate for an attack.

Although no official figures of crimes committed by hitchhikers on a nationwide basis are available, an article in the January, 1970, Readers Digest estimated that at least 35,000 assaults, murders and thefts of autos were committed by this group in 1969.

In the City of Los Angeles, 1,034 crimes involving hitchhikers occurred in 1969. These crimes were divided as follows:

Type	Hitchhiker Was Victim	Hitchhiker Was Perpetrator	Total Hitchhiker Involved	% Of Total Crimes
Robbery.....	189	369	558	4.7
Rape.....	403	64	467	22.1
Crimes Against Child.....	9	0	9	1.0

Employment

Permits and Hours

The minor must file a completed form of "Information of Work Permit" or "Intent to Employ" with the Office of Child Welfare and Attendance in his school district. All "Permits to Work" and "Permits to Employ" are issued only by the school authorities according to the EDUCATION CODE (E.C. 12251 and 12267). The LABOR CODE provides that failure to produce Permits to Work or to Employ is prima facie evidence of illegal employment of juveniles (L.C. 1304).

The number of hours and time a minor can work is limited. Juveniles under 18 years of age shall not be permitted to work before 5 a.m. or after 10 p.m. (L.C. 1391). No minor under 18 may be employed for more than 8 hours per day or more than 48 hours per week. On any day that a minor is required by law to be in school, the hours of work are limited to four (E.C. 12259).

Employers of minors, or their agents, must keep a separate register containing the names, ages and addresses of employed juveniles. They must keep posted in a conspicuous place a notice stating the hours of work. In addition, they must keep on file all permits and certificates, either to work or to employ. Records must be open to inspection (L.C. 1299).

Entertainment Industry Permits

The Division of Labor Law Enforcement issues permits for motion picture, theatrical, television, radio and modeling employment. Permits are required for both rehearsals and performances. Minors seeking this type of permit should first secure clearance from their local school districts before contacting the State Division of Labor Law Enforcement.

Flower Sales

Flower sales on, and adjacent to, streets and freeway off-ramps constitute a traffic hazard. It is a violation of the BUSINESS AND PROFESSIONS CODE for any person to place or cause to be placed, or to maintain or cause to be maintained, any advertising display upon private property without the lawful permission of the owner or lessee of the property on which the display is located (B. & P. 5310).

In addition, some municipalities have adopted ordinances which make it illegal to sell flowers or other products on a freeway on-ramp or off-ramp. Local governments should be contacted to determine if special ordinances apply.

Peddling Merchandise

Door-to-door or street peddling by boys under 10 and girls under 18 is unlawful. It is a misdemeanor for any person who, as a parent,

employer, or person otherwise having the care, custody, or control of any such juvenile, allows or employs said juvenile in the occupation of peddling (W. & I.C. 1303).

Where there is a legitimate solicitation of funds in a drive sponsored by the school they attend, juveniles must limit their activities to their families, neighbors and friends. In cases where juveniles are soliciting as part of a drive sponsored by the Little League, Boy Scouts of America, Girl Scouts of America, etc., they must be properly supervised. For example, one adult must accompany every two children, and the adult must have in his possession an identification card issued to him by the Social Service Department in the City of Los Angeles. Local governments should be contacted to determine if special laws apply.

Babysitting

The recommended minimum age of 14 is law in some communities. A girl should babysit only for persons approved by her parents. There should be arrangements with the family to have the babysitter escorted to and from their home at night, from door to door. The babysitter should have a list of emergency phone numbers and the phone number where the parents can be reached. The door should not be opened to anyone unless the parents have left their approval.

Sitters should not be permitted to have a guest, unless it is with specific permission of the hiring parents, and then only one friend of the same sex. The babysitter should check often to see that the children are safe and comfortable. Never leave the home until the parents return.

Medical and Medication Services

A minor fifteen years of age or older, who is living separate and apart from his parents or legal guardian, whether with or without their consent, and who is managing his own financial affairs, regardless of the source of the income, may give consent to hospital care, X-ray examination, anesthetic, medical or surgical diagnosis or treatment, to be rendered by a licensed physician, surgeon, or dentist. The consent of the parent, parents or legal guardian is not necessary. However, the physician, surgeon or dentist may, with or without the consent of the minor patient, advise the parents or guardian of the treatment given or needed, if he knows their whereabouts (C.C. 34.6).

A minor 12 years of age or older who may have come into contact with any infectious, contagious or communicable disease (which must be reported to local health officer) may give consent to the furnishing of hospital, medical and surgical care related to diagnosis and treatment. The consent of the parent, parents or legal guardian is not necessary. Such parents or legal guardian shall not be liable for payment in any such case. This means that youngsters suffering from venereal diseases can obtain the medical care needed in strictest confidentiality (C.C. 34.7).

Contracts

A contract is an agreement between capable, consenting parties to do or refrain from doing some lawful act which is supported by consideration (C.C. 1549 and 1550). Contracts may be oral or written. Some contracts entered into by a minor, according to legal prerequisites, are valid and binding with important exceptions (C.C. 34-36).

Minors are sometimes vulnerable to high pressure sales tactics. The law seeks to protect a minor from lack of sound judgment or imprudent acts because of his age (Sparks vs. Sparks, (1950), 101 CA 2d 129, 225, P2d, 238).

A minor cannot make any contract or delegate power regarding real (land) property or regarding personal property not in his immediate possession or control (C.C. 33).

If a minor is living alone, he may contract for the necessities of life, such as renting rooms, buying groceries, clothes and other necessities as defined by law (C.C. 36). A minor who is married has the same legal rights of contract as an adult (C.C. 25 and 34). A parent is not usually liable for contracts entered into by his minor child. He is responsible, however, if he has co-signed on a contract, or if he has entered into a contract on the minor's behalf. A parent may also be held liable on the minor's contract for the necessities of life if he fails to pay (C.C. 207). If a parent neglects to provide articles necessary for his child according to his circumstances, a third person may in good faith supply such necessities, and recover the reasonable value thereof in court from the parent, provided he proves that the parent had not supported the child and the third person contributed the necessities (C.C. 207), unless the child has abandoned the parent without just cause (C.C. 208).

Marriage

Marriage is governed by the law of the state where entered into. If valid there, its validity will also be recognized by every other state (Pearson vs. Pearson, (1875) 51 Cal 120).

Legal Age for Marriage

Any unmarried person of the age of 18 years or older, and not otherwise legally disqualified, is capable of consenting to and consummating marriage (C.C. 4101). Any of the above noted persons under the age of 18 years must have parental consent to marry and may also be required to have both parental and Superior Court consent before he or she is permitted to marry (C.C. 4101 (b)). In addition, all such persons under age 18 must participate in premarital counseling, if the court deems it necessary. (C.C. 4101 (c) amended by 1971 California State Legislation).

Rights Acquired Under a Marriage

The status of a minor changes when the marriage contract is consummated; the minor becomes emancipated. With emancipation, parental control over the minor ceases, giving him the right to live alone,

keep his earnings and no longer be responsible to his parents. Parents are also no longer responsible for the support of the minor. Another change in status is that a married minor has the same legal rights of contract as an adult. (C.C. 25, 5103, 1557).

Selective Service

The present Selective Service laws are in the process of being revised. While enlistment is on a voluntary basis at this time and there is no "draft" per se, this condition is subject to change in times of national emergency or declaration of war. Any questions about military service should be directed to the local draft board.

RESPECT FOR PEOPLE AND FOR PROPERTY

Crimes Against Property

Malicious Mischief

Every person who maliciously injures or destroys property not his own is guilty of a misdemeanor (P.C. 594).

A minor may be sued for damage for his willful misconduct or negligence (C.C. 1714).

In addition to any other liability that may be imposed by law, the Civil Code provides that parents are liable for any damage to property caused by the willful misconduct of their minor children. Liability under this particular code section is limited to \$2,000 (C.C. 1714.1) for any one act of misconduct. Another statute provides that parents are liable, without any limitations as to amount, for damage caused to school or library property by the willful act of their child (E.C. 28801, 10606).

Under more general rules of law, a parent may sometimes be held liable for damages caused by his or her child if the parent has participated to any material degree in the situation which resulted in the damage.

Another form of malicious mischief is that of giving a false fire alarm. If bodily injury or death is sustained by the unlawful act, the person setting off the alarm is guilty of a felony (P.C. 148.4).

Trespass

It is unlawful to enter privately owned lands, which are posted, real (land) property, or structures of any kind without the consent of the owner, his agent, or the person in lawful possession thereof (P.C. 602 (1)).

Theft

The taking or theft of any property is a crime. There are many degrees and forms of stealing or theft.

Shoplifting is the taking away of property from the store without pay, with the intent to keep the property (P.C. 484).

Parents should be watchful of their children's wardrobes and aware that, while it is normal for girls to trade clothes, this may be used as a coverup for shoplifting. Shoplifting is illegal. Moreover, continued success could lead to other crimes against property, such as burglary, robbery, etc.

Burglary is the entry into any house, room, apartment, garage, store, boat or locked motor vehicle with the intent to commit petty theft or any felony or grand or petit larceny (P.C. 459). A burglary of an inhabited dwelling or house trailer in the night time, or any other burglary committed by a person armed with a deadly weapon is burglary in the first degree, and is subject to greater punishment (P.C. 460).

Grand Theft is committed in any of the following cases: when the money, labor, or real or personal property is of a value exceeding two hundred dollars; when the property is taken from the person of another; when the property taken is an automobile, firearm, or animal (P.C. 487).

Receiving Stolen Property. Just as it is unlawful to steal, it is also unlawful to buy or receive property which is known to have been obtained by theft or extortion (P.C. 496). Where a person acquires property under questionable circumstances, it is his duty to be sure the property is not stolen. Beware of strangers selling watches in an alley or T.V. sets from the trunk of a car—you could be arrested for receiving stolen property.

Crimes Against Person

Robbery

Robbery is the felonious taking of personal property in the possession of another, from his person or immediate presence and against his will, by means of force or fear (P.C. 211).

Weapons

It is unlawful for a minor to possess a concealable firearm unless he has written permission of parent or guardian (P.C. 12021.5).

It is unlawful for a person under 18 years of age to own or possess a firearm (P.C. 12021.5), a spring or air gun, designed to shoot BB shot or other missile, and ammunition of any kind (whether containing an explosive or not) for use in any of the weapons described (L.A.C.O. 1567). A spring back (switch-blade) knife with a blade over two inches in length is an illegal knife and cannot be possessed by any person (P.C. 653K).

Every person is prohibited from drawing or exhibiting any firearm or deadly weapon in the presence of others in a rude, angry or threatening manner and prohibited from possession with intent to assault another (P.C. 417; 467).

It shall be unlawful for any person to sell, possess or discharge any firecracker or fireworks of any kind within the City of Los Angeles. (L.A.M.C. 57.55.01).

For further information regarding fireworks, refer to Section 12600, Health and Safety Code.

Assault

An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury upon another person (P.C. 240).

Assault with Deadly Weapon

It is unlawful to commit an assault upon the person of another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury (P.C. 245).

Battery

A battery is any willful and unlawful use of force or violence upon another person (P.C. 242).

Rape

Rape is an unlawful act of sexual intercourse accomplished with a female, not the wife of the perpetrator, under any of the following circumstances (P.C. 261):

1. Where she is incapable, through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent;
2. Where she resists, but her resistance is overcome by force or violence;
3. Where she is prevented from resisting by threats of great and immediate bodily harm, accompanied by apparent power of execution, or by any intoxicating narcotic or anesthetic substance, administered by or with the privity of the accused;
4. Where she is at the time unconscious of the nature of the act, and this is known to the accused;
5. Where she submits under the belief that the person committing the act is her husband, and this belief is induced by any artifice, pretense or concealment practiced by the accused, with intent to induce such belief.

Unlawful Sexual Intercourse

Unlawful sexual intercourse is an act of sexual intercourse accomplished with a female not the wife of the perpetrator, where the female is under the age of 18 years (P.C. 261.5).

Annoying Phone Calls

Every person who, with intent to annoy, telephones another and addresses to that other person any obscene language, threat to inflict injury to that person, to any member of his family or to his property, is guilty of a misdemeanor (P.C. 653M).

Morals Offenses

A wide variety of laws protect young people against immoral practices. All morals offenses (indecent exposure, molestation, etc.) should be immediately reported to the Police or Sheriff's Department, **EVEN IF THE IDENTITY OF THE OFFENDER IS UNKNOWN**. A person who can identify the offender has the responsibility to:

1. Make a report to the Police or Sheriff's Department immediately; and
2. Be prepared to cooperate as a witness.

By doing these things, parents will protect their own children and all other young people in the community. This cooperation may prevent more serious crimes in the future.

Child Abuse

Whenever a minor has physical injuries, which appear to have been inflicted upon him by other than accidental means by any person, school authorities are **required** to report such fact by telephone and in writing to the local police authority having jurisdiction, and to the juvenile probation department. This requirement is binding on any superintendent, supervisor of child welfare and attendance, certified pupil personnel employee, principal or teacher of any public or private school system. Immunity is extended to those required to report child abuse from both civil and criminal liability as a result of the reporting. The requirement to report child abuse and the ensuing legal immunity is extended to licensed day care workers and social workers as well (P.C. 11161.5).

In Los Angeles County, a further report is required to be made to the Department of Public Social Services if the child is one who has been declared a dependent child of the court (W. & I.C. 600 et seq).

How to Question the Molested Child

A parent who receives any report of sexual advances or acts from a child should use great care not to ask the child "leading" questions (and after that, did the man do such and such?) of the kind which may implant ideas in the child's mind or confuse the child. The parent should greet the child's initial report matter-of-factly, indicating neither belief nor disbelief. The child's story should be evaluated in light of his or her individual sexual knowledge and sophistication, and in light of the child's previously demonstrated propensity, if any, for telling "tall tales".

If, after carefully questioning the child, the parent is convinced that what the child has told him is the truth, the parent should obtain as much information from the child as possible concerning the identity of the suspected molester, and should then, promptly, notify the authorities.

Federal Crimes

In addition to laws enacted by the State of California, the government of the United States has enacted many laws which forbid harmful behavior. Generally, these federal crimes relate to acts involving government agencies, such as the Post Office and the Treasury, and to crimes committed in interstate commerce.

The Federal Government has its own system of courts and law enforcement agencies. The federal trial courts are known as United States District Courts. The federal courts also have their own sentencing provisions and correctional agencies. There is no federal Juvenile Court as such, but persons under age 18, who are convicted of federal crimes, may be sentenced to special youth institutions or placed on probation under the federal Juvenile Delinquency Act. Most federal crimes are felonies and are punishable by over one year's imprisonment.

Some common Federal Crimes are:

1. Transporting a stolen vehicle across state lines (18 U.S. Code 2312).
2. Making a false statement to the government with intent to defraud (18 U.S. Code 1001).
3. Mailing matter which is obscene or incites to crime (18 U.S. Code 1461-1463).
4. Transporting or importing narcotics (21 U.S. Code 841 (a) (1)).
5. Forgery of government checks (18 U.S. Code 845).
6. Possession of stolen mail and of items, such as credit cards, which have been stolen from the mails (18 U.S. Code 1708).
7. Robbery or burglary of a bank or savings and loan institution.

In addition, the federal courts will punish violations of all State laws, when committed on government property, such as a national park or a federal office building.

Alcohol and Drugs

Tobacco

The law prohibits selling or giving tobacco or cigarettes to any person under the age of 18 (P.C. 308). It is also unlawful for a pupil to smoke or have tobacco on school premises (E.C. 10602).

Intoxicants and Drugs

Alcohol and Liquor. Possession by any person under twenty-one years of age of any alcoholic beverage on any street or highway, or in any public place is a misdemeanor. This does not apply if the person is making a delivery in pursuance of the order of a parent or in pursuance of his employment (B. & P. 26552).

Under the Influence of Intoxicating Liquor or Drugs. Every person who is found in any public place under the influence of intoxicating liquor, or any drug shall be guilty of disorderly conduct, a misdemeanor (P.C. 647f).

Gluesniffing. Any person, who willfully ingests, inhales or breathes the fumes of glue or cement or other poisonous things, with intent to become intoxicated, is guilty of a misdemeanor (P.C. 381, 647f). Gluesniffing is an addictive habit, which results in intoxication, serious physical damage, severe personality changes and sometimes death.

Narcotics and Drugs. Purchase, possession, use or sale of narcotics and dangerous drugs is regulated by law because of the serious hazards involved. Drugs should be avoided because they are dangerous and because they are illegal. Students may be suspended or expelled from school for use, sale or possession at school or elsewhere (E.C. 10603).

The chart below indicates crimes and punishments related to narcotics and drugs according to the Health and Safety Code.

Note: These penalties apply to adults or minors adjudged to be adults by the court.

CRIME	PUNISHMENT	HEALTH AND SAFETY CODE
POSSESSION OF NARCOTICS	2 to 10 years, must serve 2 years. 1 prior felony, 5 to 20 years, must serve 5 years. 2 or more felonies, 15 to life, must serve 15 years.	11350
POSSESSION FOR PURPOSE OF SALE, OTHER THAN MARIJUANA	5 to 15 years, must serve 2½ years. 1 prior felony, not less than 10 years, must serve 6 years. 2 or more prior felonies, not less than 15 years, must serve 15 years.	11351
TRANSPORTATION OR SALE OF NARCOTICS, OTHER THAN MARIJUANA	5 to life, must serve 3 years. 1 prior felony, 10 years to life, must serve 10 years. 2 or more prior felonies, 15 to life, must serve 15 years.	11352
ADULTS SALES OF NARCOTICS TO A JUVENILE	10 to life, must serve 5 years. 1 prior felony, 10 to life, must serve 10 years. 2 or more prior felonies, 15 to life, must serve 15 years.	11353

CRIME	PUNISHMENT	HEALTH AND SAFETY CODE
IF A MINOR INVOLVES ANOTHER MINOR TO VIOLATE THESE PROVISIONS	State Prison not less than 5 years. Any prior felonies, not less than 10 years.	11354
SELL NARCOTICS OR DELIVER SUBSTANCE IN LIEU OF NARCOTICS	County Jail, not more than 1 year. State Prison, not more than 10 years.	11355
POSSESSION OF MARIJUANA	County Jail, for not more than 1 year. State Prison, 1 to 10 years. 1 prior felony, 2 to 20 years, must serve 2 years. 2 or more prior felonies, 5 to life, must serve 5 years.	11357
PLANTING, CULTIVATING, HARVESTING MARIJUANA	1 to 10 years, must serve 1 year. 1 prior felony, 2 to 20 years, must serve 2 years. 2 or more prior felonies, 5 to life, must serve 5 years.	11358
POSSESSION OF MARIJUANA FOR SALE	2 to 10 years, must serve 2 years. 1 prior felony, 5 to 15 years, must serve 3 years. 2 or more prior felonies, 10 to life, must serve 6 years.	11359
TRANSPORTATION, SALE OR OFFERING OF MARIJUANA	5 to life, must serve 3 years. 1 prior felony, 5 to life, must serve 5 years. 2 or more prior felonies, 10 to life, must serve 10 years.	11360
ADULT'S SALE OF MARIJUANA TO A JUVENILE	10 to life, must serve 5 years. 1 prior felony, 10 to life, must serve 10 years. 2 or more prior felonies, 15 to life, must serve 15 years.	11361
POSSESSION OF DANGEROUS DRUGS	County Jail, not more than 1 year, or 1 to 10 years State Prison. Any prior felony, 2 to 20 years, must serve 2 years.	11377

CRIME	PUNISHMENT	HEALTH AND SAFETY CODE
POSSESSION OF DANGEROUS DRUGS FOR SALE	2 to 10 years, must serve 2 years. 1 prior felony, 5 to 15 years, must serve 3 years. 2 or more prior felonies, 10 to life, must serve 6 years.	11378
TRANSPORTATION, SALE, FURNISHING OR MANUFACTURING OF DANGEROUS DRUGS	5 years to life, must serve 3 years. 1 prior felony, 5 to life, must serve 5 years. 2 or more prior felonies, 10 to life, must serve 10 years.	11379
ADULT'S FURNISHING OF DANGEROUS DRUGS TO JUVENILE	10 to life, must serve 5 years. 1 prior felony, 10 to life, must serve 10 years. 2 or more prior felonies, 15 to life, must serve 15 years.	11380
POSSESSION OF NARCOTIC PARAPHERNALIA	Not more than 1 year, County Jail.	11364
VISITING OR BEING PRESENT WHERE NARCOTICS ARE BEING USED	Not more than 1 year, County Jail, at least 90 days.	11365
ILLEGAL USE OF NARCOTICS	90 days to 1 year, County Jail.	11550

H. & S. 11372. For violation of any of crimes 11350, 11351, 11352, 11353, 11355, 11359, 11360, 11361, may fine up to \$20,000.

Crimes Against the Public Peace and Welfare Begging

Any person who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting money is guilty of disorderly conduct, a misdemeanor (P.C. 647 (c)).

Loitering and Curfew

Persons under the age of eighteen may not loiter about the public streets, avenues, alleys, parks or other public places between 10 p.m. and sunrise unless accompanied by parent, legal guardian or spouse. Loitering is defined to mean to idle, to loaf, to stand idly by or to walk, drive or ride about aimlessly without lawful purpose. It is a misdemeanor (L.A.C.O. 9258 and L.A.M.C. 45.03A).

Loitering at any time by any person upon any public highway, alley, sidewalk, crosswalk or other public way open for pedestrian travel in such a manner as unreasonably to annoy or molest any pedestrian thereon, or as to obstruct or unreasonably interfere with the free passage of pedestrians, is also a misdemeanor (L.A.C.O. 9648.21).

Unlawful Assembly

Whenever two or more persons assemble together with the intent to do an unlawful act, and separate even without doing or advancing toward it, or do a lawful act in a violent, boisterous, or tumultuous manner, then assembly is unlawful. Everyone participating is guilty of a misdemeanor (P.C. 407).

Rout

A rout is an unlawful assembly in which two or more persons, assembled and acting together, make any attempt or advance toward the commission of an act which would be a riot if actually committed. Everyone participating in a rout is guilty of a misdemeanor (P.C. 406).

Riot

A riot is an assembly of two or more persons acting together for purpose of disturbing the public peace, use of force or violence, or any threat to use such force or violence, if accompanied by immediate power of execution (P.C. 404).

Participation in a riot is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or both fine and imprisonment (P.C. 405).

Every person who, with the intent to cause a riot, commits an overt act or engages in behavior urging others to riot, or commits acts of force and violence or destruction of property, and at a time and place and under circumstances which product a clear, present and immediate danger of same, is guilty of a misdemeanor (P.C. 404.6).

Failure to Disperse

It is unlawful to remain at the place of any riot, rout, or unlawful assembly after lawfully being warned by a public officer to disperse. Everyone acting in such a manner is guilty of a misdemeanor (P.C. 416; 726).

Disturbing the Peace

It is a crime against public peace and welfare to maliciously and willfully disturb the peace or quiet of any neighborhood or person by loud or unusual noise, by tumultuous or offensive conduct, or by vulgar, profane or indecent language within the presence or hearing of women or children, in a loud or boisterous manner. Every violator is guilty of a misdemeanor. Upon conviction by a court, he is subject to a fine not exceeding two hundred dollars, or imprisonment in the

county jail for not more than 90 days, or both (P.C. 415). The law has been extended to include any person disturbing the peace and quiet, maliciously and willfully, of a state college, state university or junior college (P.C. 415.5 (a)).

Contributing to Delinquency

Any act or failure to act on the part of an adult, which causes a minor to fall under the jurisdiction of the Juvenile Court, constitutes contributing to delinquency. Examples are: the harboring of a runaway or the encouragement of truancy (P.C. 272).

Changing Society Lawfully

Personal responsibility and respect for law do not mean apathy and passive acquiescence to the "System". Youth in particular must be guided by their parents to understand that we are all a part of one big social system. Therefore, youth must learn how to participate effectively in the system.

The First Amendment to the Constitution guarantees freedom of speech and freedom of assembly. These provide the right to hold public meetings for the discussion of political and social matters, and to urge different viewpoints about these matters. These also provide the right to seek changes in governmental policy. Yet, in order that the rights of others not be violated, reasonable restrictions may be applied against the abuse of rights.

The right to free speech does not grant the right to physically compel or coerce others. The right to peacefully assemble for redress of grievances does not grant the right to obstruct or impede the public or injure property or property rights.

There are also problems of traffic control for pedestrians and motorists. There are considerations of conflicts of interest among different groups who might want to use a place at the same time.

For these and other reasons, the government has a rightful interest in making regulations regarding the time, place and manner of assemblies. With the increase in the number of mass demonstrations and protest marches in the last decade, regard for the law becomes ever more important.

In Los Angeles County there are seventy-eight different city governments. If a person is proposing to hold a meeting or a procession which would obstruct traffic, he should contact the appropriate official. If the event is to be held in a city with its own police department such as Los Angeles, Pasadena, Santa Monica or Beverly Hills, this is handled by the local police department. If the meeting is to be held in an unincorporated area or contract city, one should contact the Sheriff's Department for further information.

Contacting the officials is necessary in order to obtain a permit where required. Furthermore, the authorities are entitled to know of any

activity which may impede traffic or cause other problems. In this way, they can take appropriate action to protect the rights of demonstrators and the public.

The Legislative Process

In California all laws originate as bills. They are introduced in their respective houses, either by Senators in the Senate, or Assemblymen in the Assembly. These bills follow a process which includes investigation, public hearing, report by committee and then action.

Sources of bills in the Assembly are legislators, legislative committees, the governor or constituents. The Senate sources are usually state and local governmental agencies, business firms and associations.

Bills are introduced, assigned and considered in the House of its origin; this sequence is then repeated in the other legislative house. The Constitution requires that a bill must be read on three different days in each house, unless an exception is made by a 2/3 vote. If a bill is successful, any differences between the two houses are worked out before it is presented to the Governor.

If the Governor signs a bill, it becomes a statute and is chaptered. If he vetoes the bill, he returns the bill to the House of its origin along with his objections.

The House then reconsiders the bill. If the Legislature over-rides the veto by a 2/3 majority, the bill becomes law without the Governor's approval.

Statutes that are urgency measures become effective immediately. Other measures are effective 61 days after adjournment.

Rallies

A rally might be defined as a mass meeting or a gathering of people for a common purpose. When held on streets and public places they require a permit. Temporarily closing a portion of any street for special events such as a rally lies within the jurisdiction of local authorities (C.V.C. 2110 (e)).

Parades

A parade or march requires a permit in most cities. If not obtained, police can prevent the parade from taking place (C.V.C. 21100 (a)). In Los Angeles City, the permit must be obtained from the Police Commission. The application for a permit must be made at least 40 days and not more than 180 days prior to the event. There is a charge for the permit.

Sit-ins

Sit-ins are usually illegal because they frequently involve violation of a number of laws, such as trespassing or blocking the passage of pedestrians.

The police may remove and arrest anyone who enters lands, public or private, with the intent to interfere with or obstruct the lawful business or occupation of the owner (which may be the state, county, or city) (P.C. 602 (j)).

Furthermore, not all public property need be made available for demonstrators. Public officials have the right to exclude unauthorized intrusions into non-public parts of public property.

It is also a misdemeanor to refuse to leave a public building during hours of the day or night when it is regularly closed to the public (P.C. 602 (p)).

Picketing

Picketing is a legitimate exercise of free speech. However, the rights and interests of others must be protected also.

Pickets must not disturb the peace. They must be orderly. Their language must not be in a tumultuous and/or offensive manner. A person could be arrested for carrying an obscene sign in the presence of women and children.

Pickets must not interfere with the entry and exit of persons from the place picketed. Pickets cannot block the sidewalk. They must be spaced wide enough apart so that pedestrians can walk between them. They cannot engage in tactics which are physically coercive of others. Unauthorized use of private property is forbidden.

THE JUVENILE JUSTICE SYSTEM AND THE RIGHTS OF YOUTH

Youth have specific rights and responsibilities through every phase of the juvenile justice system.

Youth and the Police

If Stopped By An Officer—Do Not Run

It is the function of the police and within their duly constituted authority to enforce the laws, to apprehend delinquents, to investigate cases of abuse or neglect of minors and to determine if there is sufficient cause to bring a matter to the attention of the Juvenile Court or Probation Officer. In many cases, the police investigator will make proper disposition by counseling youth and parents or referring them to various community agencies.

Under What Circumstances Can a Juvenile Be Taken Into Temporary Custody?

Temporary custody is an investigative tool.

The officer need not have a warrant; he is empowered to act if he has reasonable cause for believing a law has been violated and that the

minor in question is the person responsible or has violated an order of the Juvenile Court. A police officer may also ask or order into custody a minor who is found in any street or public place suffering from sickness or injury which requires care, medical treatment, hospitalization or other remedial care (W. & I.C. 625).

It must be remembered that an officer may be acting on the basis of information that he has, but which is unknown to the person taken into custody. This being so, the person has no right to defy the officer by leaving the scene or by physically resisting the officer. If he does, he is violating the law by obstructing, resisting, or delaying the police officer in the execution of his lawful duties and can be arrested and prosecuted for this additionally (P.C. 148).

Where a minor is taken into temporary custody, the officer must advise him of his constitutional rights, including his right to remain silent, his right to have counsel present during any interrogation and his right to have counsel appointed if he is unable to afford counsel (W. & I.C. 627.5).

The minor thus has the right against self incrimination—he does not have to say anything to the officers and he cannot be punished in any way for refusing to talk or to confess (W. & I.C. 627.5).

In addition to the right to see an attorney before deciding whether to answer questions, an arrested minor has the right to request to see his parents or an adult relative or guardian (W. & I.C. 627.5).

If the minor asks to see an attorney or his parents, he may not be questioned further until he has seen one or both of them. Any statements made when these rights have been violated cannot be used as evidence (W. & I.C. 627.5).

Must You Let a Policeman Frisk You?

A person held in temporary custody by a peace officer may be frisked for weapons. When the officer feels there is a risk to his own safety or the safety of others, he is empowered to conduct a search (P.C. 833).

Whenever a peace officer has cause to believe that the person he is arresting may possess a dangerous weapon, the officer may search him for such a weapon (P.C. 833).

While a citizen is not required to agree to be searched, he has no right to physically resist or obstruct the officer.

What Constitutes a Lawful Arrest?

A peace officer may arrest a person, with or without a warrant, when he has reasonable cause to believe that the person has committed a public offense in his presence; or whenever he has reasonable cause to believe that the person to be arrested has committed a felony, whether or not a felony has in fact been committed (P.C. 836).

The person making the arrest must inform the person to be arrested of the intention to arrest him, of the cause of the arrest and the authority to make it, if it is not apparent that the arresting person is a police officer, unless the person is committing or is attempting an offense. This is evidenced by an officer in uniform telling a person he is being arrested for violation of Section 1-2-3-4 of the Penal Code (P.C. 841).

The officer may use **reasonable** force to effect the arrest (P.C. 835). This means all necessary force to prevent escape or to overcome resistance (P.C. 835 (a)).

What Happens If You Do Not Go to Court?

Under California law, if a minor is taken into custody by police and/or taken before a Probation Officer, **he is not considered to have been arrested or detained, unless the Probation Officer has actually filed a petition in the Juvenile Court.** If you have been in this position, remember that you need not state to anyone, such as an employer, that you were "arrested"—legally you have not been. (California Case Law TNG Superior Court 4 Cal 3d 767).

Police officers inform the person of his rights by stating the following admonition to the person arrested:

You have the right to remain silent. If you give up this right to remain silent, anything you say can and will be used against you in a court of law. You have the right to speak with an attorney and to have the attorney present during questioning. If you so desire and cannot afford one, an attorney will be appointed for you without charge before questioning.

Any person arrested has the right to make at least two completed telephone calls; one to an attorney, employer, or relative and one to a bail bondsman, immediately after he is booked (P.C. 851.5). An arrested minor is entitled to complete two telephone calls, **within three hours**, one to a parent or adult relative, one to an attorney (W. & I.C. 627.1).

What Constitutes "Interfering With An Officer?"

It is unlawful to willfully resist, delay, or obstruct a public officer in the discharge or attempt to discharge any duty of his office (P.C. 148).

Words may be construed as "interfering": for example, urging a crowd not to let the officer make an arrest.

Under What Circumstances Can a Policeman Disperse A Group of Teenagers?

It is impossible to cite every instance in which a police officer has the legal right to disperse a group of people. From a practical point of

view, if their activity appears illegal to him or constitutes a breach of the peace, and he asks the group to disperse because the activity is illegal, this gives him sufficient basis for his action.

What is the Recourse for Redress of Grievances and Injustices?

Determining the reasonableness of a police contact is a difficult job, even for a court. It can seldom be fairly evaluated by an untrained person, personally involved or in a volatile or tense situation. For this reason, a PERSON MUST SUBMIT TO AN ARREST, EVEN IF HE THINKS IT IS UNLAWFUL. AT A LATER TIME, HE CAN PROTEST AND SEEK LAWFUL REMEDIES AGAINST THE PEACE OFFICERS (P.C. 834a).

He may also request his attorney to institute legal proceedings or seek assistance from one of the many organizations formed to provide legal aid to those unable to employ counsel.

If a person feels that an officer has acted unreasonably in the performance of his duties, there are avenues of recourse for redress of grievances and injustices. He can take his case to special units of law enforcement agencies such as the **Internal Affairs Division of the Los Angeles Police Department** and the **Administrative Services Bureau of the Los Angeles Sheriff's Department**, or to various private agencies and organizations set up for this purpose.

If an unusually serious offense appears to be involved, or if a citizen wishes to bypass these channels, he should report it to the District Attorney's Special Investigations Division.

For situations where there is a violation of a federal law, such as one's civil rights, one might contact either the United States Attorney or the Federal Bureau of Investigation.

While it is sometimes true that a peace officer has acted improperly or illegally in a situation, it must be recognized that frequently his behavior is in response to provocation, mistakes made under the pressure of events 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.**

Youth and the Juvenile Court

The function of the Juvenile Court is to decide whether a child is in need of protection and should be adjudged a dependent child of the Court, or whether a minor is incorrigible or delinquent and should be adjudged a ward of the Court for the welfare of the minor and the good of society.

Included in the main jurisdiction of the juvenile court is any person under the age of 18 who comes within any of the following categories:

- A. A person from an unfit home, who is in need of proper and effective parental care or control, or who is not provided with the basic food, clothing and shelter, or whose home is an unfit place for him by reason of neglect, cruelty, or depravity of the person or persons in whose custody he is, or who is physically dangerous to the public because of a physical or mental deficiency, abnormality or disorder, may be adjudged to be a dependent child of the court (W. & I.C. 600).
- B. A person who persistently refuses to obey reasonable and proper orders and directions of a parent, guardian or school authority, or who is persistently truant from school, may be adjudged to be a ward of the court (W. & I.C. 601).
- C. A person who violates any law of the United States, or this State, or any ordinance of any city or county of this State, may be adjudged to be a ward of the court (W. & I.C. 602).

The Juvenile Court is a civil, not a criminal court. Therefore, if a minor commits an act which would be a crime if committed by an adult (W. & I.C. 602), the minor's case may be handled differently than an adult case. Minors under age 18 must be referred to Juvenile Court. If the juvenile is under 18 years of age at the time of the offense, the Juvenile Court must accept the case. If the juvenile is between 16-18 years of age at the time of the offense, he must be referred to the Juvenile Court, but may be declared unfit, or not amenable to the care and treatment available through the facilities of the Juvenile Court. The juvenile may then be prosecuted in the Adult Criminal Court. If declared unfit for Juvenile Court, the minor may be referred to the Adult Criminal Court and subject to penalties as described by the Penal Code (W. & I.C. 500 et seq).

The basic philosophy of the Juvenile Court is to protect dependent children and to rehabilitate, rather than punish, minors who get into trouble. Therefore, the concern is with care and treatment, not penalties.

The Juvenile Court may declare a minor a dependent child of the Court (W. & I.C. 600) or a ward of the Court (W. & I.C. 601 or 602). Services are available to dependent children of the Court and their families to try to resolve the problems that caused the Juvenile Court to become involved. The goal of the Juvenile Court is to keep families together, but, sometimes, for the minor's protection, placement out of the home is recommended.

After a minor is declared to be a ward of the Court or a dependent child, the Court may allow probation on a release basis, probation on a placement basis, admonish and dismiss the case, refer the minor to the California Youth Authority in the case of a 602, or make any and all reasonable orders for the care, supervision, custody, conduct, maintenance and support of such minor (W. & I.C. 727, 730, 731).

The rights of the juvenile and his parents when brought before the court are set forth in the Welfare and Institutions Code. The minor and his parent or guardian have the right to be represented by legal

counsel at every stage of the proceedings. They must be informed of the reasons why the juvenile was taken into custody, the nature of the juvenile court proceedings and their possible consequences. The juvenile has the right to have witnesses subpoenaed in his behalf. He has the right to be confronted by those offering evidence against him, to cross-examine such persons and the privilege not to incriminate himself. It is also his right to have the court decide whether his detention is to continue, pending his adjudication hearing (W. & I.C. 500 et seq).

Youth and Rehabilitation Services

The role of the probation officer is to investigate, supervise and rehabilitate youngsters under the direction of the court. In the court, the probation officer represents the interests of a youth who is the subject of a petition to declare that youth a ward or dependent child of the court. He is required to furnish to the court such information and assistance as the court may require (W. & I.C. 581). If invited to do so by the Juvenile Court, the District Attorney will appear and present evidence tending to support the petition on file with the court (W. & I.C. 681). In contested matters, the court may not present the evidence against the minor, at least without the consent of minor's counsel (W. & I.C. 680).

In accordance with provisions in Section 576.5 of the W. & I.C., the Los Angeles County Board of Supervisors has delegated to the county welfare department duties of the probation officer concerning dependent children described in Section 600. These cases are now handled by the Bureau of Social Services of the Department of Public Social Services.

The purpose of the Bureau is protection of children from neglect or abuse.

The Investigation Unit receives referrals from police agencies, schools, social agencies, neighbors and persons concerned that a child may be in need of protection. The investigation is to determine if the minor actually is in need of protection. Depending upon the situation, the Investigator has the following alternatives: he can file a Section 600 W. & I.C. Petition; he can decide not to file a petition and inform the person who referred the case of the reason; he can undertake an informal program of supervision (W. & I.C. 654), not to exceed six months, if the parents agree to the plan, or he can refer the family to another resource within the community.

The Probation Department receives referrals from police agencies, schools, social agencies, parents or any interested party and determines whether a juvenile falls within the provisions of Section 601 or 602.

In cases where it is alleged that a minor is a person described in Section 601 or 602, the probation officer shall immediately advise the minor and his parent or guardian that anything the minor says can be

used against him, and shall advise them of their constitutional rights, including his right to remain silent, his right to have counsel present during any interrogation and his right to have counsel appointed if he is unable to afford counsel (W. & I.C. 627.5).

After investigating the circumstances of the minor and the facts surrounding his being taken into custody, the probation officer has three alternatives. He can either file a petition, counsel and release or undertake an informal program of supervision. An informal program of supervision, not to exceed six months, may be undertaken with the consent of the minor's parent or guardian to try to correct the situation if the probation officer concludes that a minor is within the jurisdiction of the Juvenile Court or will probably be within such jurisdiction (W. & I.C. 654).

In detained referrals, the probation officer at the Intake and Detention Control Office reviews the case, immediately interviewing the juvenile and his parents. He has, excluding non-judicial days, 48 judicial hours to file a petition. Otherwise, the minor must be released (W. & I.C. 631).

A minor may be detained pending proceedings on the petition filed with the court if it appears upon the detention hearing that he has violated an order of the Juvenile Court, or has escaped a commitment of the Juvenile Court, or that it is a matter of immediate and urgent necessity for the protection of the minor or the person or property of another, or if it is likely that the minor would flee the jurisdiction of the court (W. & I.C. 635).

If a petition is requested, an investigating probation officer is then assigned to the case. He interviews the juvenile and his parents, advising them of their constitutional rights. The probation officer may either close the case (with an admonishment), place the juvenile on informal supervision with the consent of his parents or file a petition for adjudication.

It is the responsibility of the probation officer prior to the Disposition Hearing, if the juvenile is made a ward of the court, to prepare a social study and other relevant information for the consideration of the court, including a recommendation for the disposition of the case. He might recommend home with no probation, home on probation, with or without wardship, camp placement, a relative's home, a private institution, the California Youth Authority, a foster home or dismissal.

Correctional Institutions

Minors subject to the jurisdiction of the Juvenile Court may be committed to corrective institutions, such as juvenile homes, ranches, camps or schools, established and regulated according to law.

Sealing of Arrest Records

Minors who have been accorded the legal processes of the Juvenile Court Law enjoy certain benefits that are distinct from those available to the criminal courts and the adult offender. Section 781 of the Welfare and Institutions Code authorizes "sealing" the records in juvenile matters whether handled informally (by police or probation officer) or more formally in the Juvenile Court. Petitioning the court to order this action may not be done until 5 years after court or probation jurisdiction has been terminated, or the minor reaches the age of 18, whichever comes first.

Before the Juvenile Court can make an order under this section, it must first be satisfied that after probation, the petitioner has not later committed a felony, or a misdemeanor involving moral turpitude, and that his rehabilitation has been achieved.

After sealing is ordered, the offense and all proceedings related to it are deemed never to have occurred. The person is specifically authorized to deny that the matters sealed ever occurred. He may state, in other words, that he has never been arrested, or subjected to Juvenile Court proceedings. Persons whose records have been sealed, however, should be aware that sometimes information of their past troubles may have gotten into privately maintained employment, credit or other files. If you are in this position, you should be prepared to explain the meaning of the sealing law, to anyone who may question your failure to disclose a sealed arrest, etc.

Consequences of a Criminal Record

A person who has been convicted of a crime has a criminal record for the rest of his life. A juvenile record is not of the same nature, but may also carry with it certain consequences. Even when a record has been ordered sealed by the court, there are so many records that a partial record is still left with local police, the State Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation. Discovery of a partial record by a prospective employer or other person could prove to be more of a disadvantage than advantage to a person, especially if it was for a minor offense or the person has been rehabilitated. Once a record has been sealed, the police, probation, and the court cannot release any information about it, neither can they provide clarification, which would help the person formerly convicted. The consequences of a record can be more severe than the punishment ordered by the court.

For example:

A person who has been convicted of certain kinds of felonies may lose his right to vote.

Many businesses require employees to be bonded, and insurance companies usually refuse to bond anyone who has been convicted of a felony.

Some employment may be closed to those convicted of a crime or those who committed an offense which would be a crime if committed by an adult.

A driver's license may be denied on the basis of a criminal record, and for many jobs a car is a necessity.

A criminal record might prevent a person from being accepted by the college or university of his choice.

A person who has been convicted of a crime may be prevented from entering the Armed Services or, if accepted, will usually not be given a commission.

If a minor commits any crime or offense, he should consult an attorney to find out the specific consequences of the crime.

CONCLUSION

Laws are made for the benefit of all, so that we may, live together in harmony and be governed by the same standards. In the United States, laws are enacted in accordance with the provisions of our Constitution. We all have the opportunity and duty to examine laws and to attempt to change them through lawful procedures. Age, ignorance of the law or disagreement with the law, does not permit noncompliance or provide exemption from arrest for committing an offense.

Maintaining a lawful society requires both individual and community action. The ideal for which we strive is that the police, as our representatives, be a part of the community employed by the total community to enforce the law and to protect all the people.

RESOURCE INFORMATION

Office of the Public Defender

PHONE: 974-2811

The office of the Public Defender provides legal services to young people who find themselves before the Juvenile Court, where their parent or guardian has not provided a private lawyer and where the minor is himself unable to hire private counsel. The Public Defender will ordinarily be appointed by the Juvenile Court for any minor who appears before it without counsel (W. & I.C., Section 700). Once appointed, the Public Defender will defend the minor at the detention hearing, trial and at the disposition hearing, if any.

While the defense of minors facing judicial proceedings is the primary function of the Public Defender, upon request, he will also provide counsel and advice to those unable to hire private counsel, and who have been before the Juvenile Court in the past. This may include institution of legal proceedings to obtain favorable modification of a former dispositional order where there are changed circumstances or new evidence (W. & I.C., Sections 778, 782).

He will also advise those who have been arrested as juveniles, and/or who have been the subject of Juvenile Court proceedings, whether they are eligible for an order sealing the records of such arrest or court proceedings (W. & I.C., Section 781). If so, he will assist such persons in applying for a sealing order.

Finally, on request of either a minor or his family, the Public Defender will provide legal counsel to those who are in police custody and who wish to consult a lawyer before being questioned.

The Juvenile Court headquarters of the Public Defender is at the Central Juvenile Court Building, 1601 Eastlake Avenue, Los Angeles, California 90012, Telephone: (213) 223-2171, Extension 525.

Department of Public Social Services

PHONE: (213) 268-8281

Information and Referral. Information to persons requesting it regarding public and private services and resources; referral to such resources for persons who request it.

Health Care. Help for recipients and other eligible persons to overcome problems which are preventing their getting or using needed health care.

Parental Care. Help for recipients and other eligible persons to improve parental ability to care for children.

Education. Help for recipients and other eligible persons to obtain education (including pre-school) for their children and to improve their children's utilization of educational services.

Premarital Counseling. For eligible persons, younger than eighteen, who request the service and who are referred by Superior Court.

Protective Services for Children. For all children who are willfully or inadvertently being neglected, abused or exploited.

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END