when you become 18

A SURVIVAL GUIDE FOR TEENAGERS

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FUNDED BY A GENEROUS GRANT FROM THE FOUNDATION OF THE STATE BAR OF CALIFORNIA
Congratulations. At age 18, you've reached an important milestone. You are now an adult in the eyes of the law. You can rent your own apartment, take charge of your finances and even buy a car on your own — all without a parent's consent or assistance. You can now enter into legal contracts and vote in elections. In short, you now have the right to make many important decisions about where you live, what you do and how you shape your future.

But adulthood also brings new responsibilities and consequences. Your parents no longer have to support you. You can now be sued personally. You are responsible for paying your own income taxes. If you are a young man, you must register for the military. And if you commit a crime, you will not have the protection of the juvenile court and laws; you could wind up in jail for something that, at a younger age, might have resulted in no more than a stern lecture and a ride home in a police car.

This guide touches on some of the laws that may apply to you at this turning point. Keep in mind that laws are constantly subject to change. If you have a specific legal problem, you may want to consult an attorney.

Reaching the Age of Majority / Getting Around / Moving Out / Having Fun / Alcohol and Drugs / Money Matters / Working and Taxes / Sex and the Law / Doing Your Part / Marriage and Partnerships / Dealing with Domestic Violence / Crimes and Consequences / Guns and Other Weapons / Hate Crimes / Civil Laws and Lawsuits / Surfing the Internet / Protecting Your Identity / Consumer Protection / Finding Legal Help

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

At the age of majority, teenagers acquire the right to:

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

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

You may already have a driver's license. (You were eligible for a provisional driver's license at age 16.) But now that you are 18, the law applies to you differently in some instances. For example, you can be employed as a driver now. On the other hand, being caught with a beer or other alcoholic beverage — whether you are in a car or far from one — could still result in the temporary loss of your driving privileges.

How does the law treat me differently now that I'm 18?

The greatest change may be that the law now holds you (not your parents) responsible for your actions. At age 18, you assume liability for your own traffic violations or accidents. It is your responsibility to know (and follow) the rules of the road described in the laws cited throughout the guide. (VC §§ 17707-17710)

Do I need my own car insurance?

Yes, you must have proof of insurance. (VC § 16020) If you are a student, your parents may be able to continue to carry you on their car insurance until you are 24 (if your parents are co-owners of your car). Otherwise, you will have to get your own insurance.

Also, when you buy a car, you will receive the California Certificate of Title, commonly known as the “pink slip.” It is a very important document, which contains detailed information about the car and provides proof of ownership. When a car changes ownership, the seller is required to sign this certificate and to have it recorded within 10 days by the DMV to finalize the transfer and discharge the seller from any further responsibilities connected with that particular vehicle. (VC §§ 4000, 4150, 5600, 5902)
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If you don’t already have a driver’s license at age 16, how do I get one?

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

- Give your full name.
- Supply a thumbprint.
- Pass a vision exam.
- Provide your Social Security number.
- Verify birth date and legal presence.
- Have your picture taken.
- Fill out an application and pay a fee.
- Pass a written exam on traffic laws and signs.
- Give consent agreeing to submit to a chemical test. (VC §§ 12500, 12509 (a)(5), 23136)

You will then be issued an instruction permit that will allow you to drive on public roads if accompanied by someone over 25 years old. (He or she must be sitting close enough to grab the steering wheel if necessary.) Then, to get your actual driver’s license, you must pass a driving test and provide proof of financial responsibility. For more information, visit the California Department of Motor Vehicles (DMV) Web site at www.dmv.ca.gov.

What could happen if I drive after drinking a beer or two?

You are putting yourself and others in danger. Teenagers are more than twice as likely as adult drivers to be involved in a fatal, alcohol-related crash, according to the DMV. In addition, it is illegal for anyone to drive under the influence of alcohol. If you are under 21, you cannot drive with a blood-alcohol concentration (BAC) of 0.01 percent or higher. Drivers who are 21 and older cannot have a BAC of 0.08 percent or more. (VC §§ 23136; 23152 (b))

If a police officer stops you for driving under the influence, he or she can administer a breath, blood or urine test to determine your blood-alcohol level. If you refuse to take the test, you could face serious penalties. You could be fined or jailed and have your driver’s license suspended or revoked for up to three years. (VC §§ 13353.1, 23136, 23612)

Also, you could still be convicted of DUI even if a breath, blood or urine test is not performed. A chemical test is not required for a conviction if the judge or jury concludes that the person under age 21 drank alcohol and drove a vehicle. (VC § 23140)

And if you are convicted, it could mean a fine, jail time and even suspension or revocation of your driver’s license.

If I’m caught drinking alcohol with my friends, can my driver’s license be taken away?

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

Laws that Young Drivers Should Know:

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

Speed contests: Speed contests are against the law. A judge can suspend the minor’s driver’s license for 90 days and may suspend a minor’s license for up to six months for subsequent offenses, as well as impose fines. (VC §§ 13352, 23109)

Littering and throwing objects at or from a vehicle: California law makes it a misdemeanor to throw anything at or from a moving vehicle, and to defecy to do so if the intent is to seriously hurt someone. The law also prohibits littering or throwing lighted cigarettes from a motor vehicle; the penalties for doing so range from a $100 fine to a $1,000 fine and probation. (VC §§ 23110-12, 42010.7)

Hit and run: In California, you must stop after any accident in which someone is injured or another person’s property is damaged. You also must exchange names, addresses, driver’s licenses, vehicle licenses and other relevant information. If someone dies in the collision, the accident must be reported to the California Highway Patrol (CHP) or to police. When property damage alone is involved, the maximum penalty is $200 if the driver can identify the property owner is six months in jail and/or a $1,000 fine. If someone is injured, the penalty could be as stiff as a $10,000 fine and/or one year in jail, in addition to any liability for the injury. (VC §§ 20001-04)

Driving without a license: In California, it is a misdemeanor to drive without a valid driver’s license. Also, the law requires you to have their licenses with them while driving. Driving with a suspended or revoked license is a misdemeanor that could result in up to six months in jail and/or a fine of $1,000 for a first conviction. (VC §§ 12500-27, 13533, 14601, 14601.5)

Laser pointers: It is illegal to point a laser into a motor vehicle to annoy or harass the driver or passengers. Violating this law could result in a $50 fine or community service. A subsequent violation would result in a $100 fine or additional community service hours. (PC § 417.27)

Cell phones and driving: There is no law against talking on the phone while driving. But keep in mind that mixing the two could cause a traffic accident. Also, you may be more likely to drive erratically and wind up with a traffic citation for impeding the flow of traffic, failing to stay in your lane or other types of distracted driving.

Seat belts/child passenger restraints: It is illegal to operate a motor vehicle unless the driver and all passengers are properly restrained by safety belts. (VC § 23115) Violators can be fined. Children must be secured in federally approved safety seats until they are either 6 years old or weigh 60 pounds. And they must sit in a back seat if there is one. Unless an adult occupant is carrying children under 12. Youngsters who are under 1 year of age or are restrained in a rear-facing car seat or weigh less than 20 pounds are not permitted to ride in the front seat with an airbag. (VC §§ 27000-27360) In addition, it is recommended that children under 8, who are less than 4.9 feet tall, be strapped into booster seats. For more information, call the Auto Safety Hotline at 1-800-424-9393.

Unattended child in a motor vehicle: It is against the law to leave a child (age 6 or younger) unattended in a motor vehicle if the child will be at risk if the engine is running and the keys are in the ignition. In such situations, the child must be supervised by a responsible person age 12 or older. (VC § 135620; PC §§ 192, 273a)

Road rage: That driver may have cut you off or passed you in a bad manner. Some cases involve an argument or an argument that may result in a suspension of your driver’s license for six months, and could land you in jail or prison. (VC § 13210)

Do I need a permit or license to operate a motorized scooter? Yes. A new state law requires you to have a valid instruction permit or driver’s license to operate a motorized scooter. You must wear a proper bicycle helmet as well. (VC §§ 12500, 12509, 21235)

Do I need a license to ride a bicycle? No. There is no state law requiring a license to ride a bicycle. However, some local ordinances do have a bicycle-licensing system. In such instances, licensing forms can be obtained from the police department, the fire department or a bike shop, depending on the community. Some towns also have “street” or “trail” bicycles. Licensing and registering a bike may assist you with its retrieval if it is lost or stolen. It is against the law to remove a bicycle’s serial number or to buy, sell or possess a bicycle that has had the serial number removed. (VC §§ 99001 et seq)

Do bicycle riders have to follow the same traffic laws as motorists? Yes, for the most part. Bicycle riders must stop at stop signs and red lights, ride on the proper side of the street and give the right-of-way to all pedestrians. In addition, it is illegal to ride a bike while under the influence of alcohol or any drug. Nighttime bicyclists must have a bike equipped with a front headlight, red rear reflector, pedal reflectors and side reflectors or reflectorized tires. Wearing a radio headset is prohibited while riding a bike. Also, the number of people who can ride on a bike is limited to the number of actual seats. It is against the law to ride on someone’s handlebars or center frame bar, or over the bike’s rear tire. (VC §§ 21201, 21204)

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

Are all rental agreements alike? No. You might sign a lease — a contract that sets the conditions for renting the apartment — for a specific time period. Or the landlord may rent the apartment to you on a month-to-month basis. (Even with a month-to-month rental, however, your landlord must give you certain advance notice if he or she plans to raise your rent or ask you to move out.) In addition, check the local rules for rental housing. Some cities have special ordinances limiting how much the rent can be raised and the situations in which a tenant can be evicted.

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**Must a lease be written to be enforceable?**

Not unless the lease is for longer than one year.

**What are the advantages of putting it in writing?**

With a written lease, you will have:

- A better idea of your rights and obligations.
- Protection against dishonesty.
- Protection against poor memory.

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

**What is a security deposit?**

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

**Should I get renter’s insurance?**

It might be a good idea. Unless your lease says otherwise, your landlord’s insurance will only cover the building — not your possessions. Renter’s insurance is relatively inexpensive (and could make a big difference if you need to replace such items as a microwave, TV or DVD player).

**What if I don’t pay my rent on time?**

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

**Is the landlord required to keep my apartment in good shape?**

The landlord’s general duty, unless your lease says otherwise, is to keep the premises in a “reasonable state of repair.” However, if something is damaged and the damage was your fault, you would be responsible for the repair. (CC §§ 1941.1, 1941.2) You cannot be legally evicted for simply failing to keep your apartment to meet these conditions. (CC § 1950.3) The landlord must have an official permission. If you violate this new law, you could face a fine of up to $250. Owners of professional sporting facilities must post notices describing the illegality of such conduct and the potential punishment. (PC § 243.83)

**If I decide to move, do I have to give the landlord any advance notice?**

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

**Can my landlord evict me?**

It depends on your situation. Do you have a lease? Are you renting your apartment month-to-month? Did you violate your rental agreement? For more information, see the State Bar pamphlet What Should I Know Before I Rent? Information on obtaining a free copy can be found on page 15.

**If I sign a lease with three friends and they move out, do I have to pay the full rent or only my share?**

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

**If I break a lease, can I be sued?**

You can probably be sued for:

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

**Can a landlord legally refuse to rent to me because of my race or disability?**

No. It is against the law to discriminate in renting, leasing or selling housing on the basis of race, national origin, sex, marital status, color, religion, sexual orientation or disability. (CC §§ 51; Govt. C §§ 12900, 12955)

**What Should I Know Before I Move in?**

As a young adult, you will have many new opportunities for fun and games. Keep in mind, however, that there are legal limits. For example, if your parties “disturb the peace,” a police officer may be knocking on your door. If you disrupt a professional sporting event by throwing something onto the field, you could face a fine. And if you are subjected to dangerous rituals during your initiation into a college fraternity, someone could wind up in jail.

**When would a party be disruptive enough to illegally disturb the peace?** (PC § 415)

Police officers could break up your party — and, depending on the circumstances, make arrests — if the festivities include:

- Fighting.
- Loud music.
- Rowdiness.
- Alcohol and drug use. (PC § 647f)
- Partying at a very late hour. (PC § 415)

**What can I do if strangers “crash” my party?**

You can ask police to kick them out. Crashing a party is trespassing and is illegal. (PC §§ 403, 602.5)

**I’m worried about what might happen during my college fraternity initiation. Are there limits to what they can do?**

Yes. It is against the law for any initiation or pre-initiation into a student organization to involve hazing. Hazing is any method of initiation or pre-initiation into a student organization which causes (or is likely to cause) bodily danger, physical harm or personal degradation or disgrace resulting in physical or mental harm to any student or other person attending any educational institution in California. If you participate in hazing, you could be fined up to $5,000 and/or be sent to jail. (Ed.C §§ 32050, 32051)
What could happen if I’m arrested for spray-painting graffiti?
Expressing yourself with spray paint on someone else’s property could land you in jail or even prison, and could cost you as much as $50,000 in fines, depending on the extent of damage. You also could be required to pay for repairing the damaged property and be forced to work on a work crew to remove graffiti in your area. (PC § 594(b))

Do I need a special license to operate a motorboat?
No. But take the time to learn the speed limits and right-of-way rules. And if you plan to tow a water-skier, know where and how to do it. As the boat operator, you could be held responsible for any accidents. And while alcohol may be present on a boat, it is illegal for the driver to be under the influence. If a drunken boat operator is at the helm when a fatal accident occurs, he or she could be charged with gross vehicular manslaughter. (PC §§ 191.5, 192.5, 193.5).

If you are under 21, it is illegal to operate any recreational vessel — water skis or an aquaplane, for example — with 0.01 percent or more blood-alcohol concentration. (HNC § 655.6)

Do I need a license to fish?
Not if you’re fishing off a public pier. To fish in the Pacific Ocean or a lake or on a river, however, you will need to buy a special license. And you will have to carry it with you while you are fishing. (FGC §§ 1054.2, 7145, 7149, 7153)

Three out of four high school seniors admit drinking alcohol, a recent survey suggests. Some 60 percent have been drunk at some point. And one in two say they have tried some type of illegal drug. But drinking alcohol under the age of 21 or using any type of controlled substance without a prescription is illegal. And it can wreak havoc on your health and life.

The non-medical use of certain painkillers, such as Vicodin and OxyContin, by teenagers and the use of steroids by aspiring young athletes has raised particular concern in recent years. In addition, certain drugs — sometimes called “club drugs” — have been associated with “date rape” in which a drug is slipped into an unsuspecting victim’s drink to pave the way for a sexual assault. (See the section Sex and the Law.)

Am I allowed to buy any type of alcoholic beverage at age 18?
No. In California, it is against the law for anyone under 21 to buy (or attempt to buy) any alcoholic beverage. The law defines an alcoholic beverage as any drink that contains at least one-half of one percent alcohol. (B&PC §§ 23004, 25658(b), 25658.7)

Nor is it legal to sell or give an alcoholic beverage to anyone under 21, or to allow anyone under 21 to drink alcohol in a bar, restaurant or store. If you look younger than 21, you will be asked to prove your age. And if you can’t provide ID, the clerk can’t sell alcohol to you. (B&PC §§ 25658(a), 25658.4, 25659)

Can I get in trouble for using someone else’s driver’s license or altering my own to look 21?
Yes. Either way, you would be breaking the law. Also, the person who provided you with the false identification would be committing a crime as well. You cannot lend, borrow or alter a driver’s license or other identification in any way. (B&PC §§ 25660.5, 25661; VC § 14610)

What can happen if I am arrested for drug possession?
It would depend on the type and amount of drugs, as well as other factors. More than 135 controlled substances carry a felony charge (a serious criminal charge) for possession alone. Such drugs include heroin, cocaine, LSD, amphetamines and barbiturates, among others. Conviction for felony drug possession could result in a prison sentence of up to five years and/or a $50,000 fine, depending on the drug. (H&S §§ 11351, 11351.5)

The punishment for possessing marijuana — the most commonly used illicit drug — is less severe. Possession of 28.5 grams of marijuana (other than concentrated cannabis) or less would be considered a misdemeanor (a less serious criminal charge) with a fine of up to $100. Possession of the same amount on school property during school hours, however, could mean 10 days of jail time and/or a $500 fine. (H&S §§ 11357(b), 11357 (d))

In California, you may be able to undergo a drug treatment program instead of prosecution if you are a first-time drug offender. And if you successfully complete the program, the drug charges could be dismissed. (PC §§ 1000-1000.5, 1211)

However, if you become arrested with more drugs than someone might reasonably possess for personal use, you could face more serious charges of possession with intent to sell. This is a felony even if possession of the particular drug alone would not be a felony. (H&S § 11351)

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

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

If I get caught selling drugs at school, could I be in even more trouble?
Yes. State law imposes severe penalties on anyone 18 or older who illegitimately prepares for sale, sells or gives a controlled substance to any minor at locations where children are present. This would include, for example, a school campus or daycare center. Such conduct could result in a prison sentence of up to nine years. (H&S § 11355.1-11355.7)
remained at peak levels in spite of health risk warnings. And in the wake of scandals involving professional athletes and steroid use, some are calling for legislation and new California Interscholastic Federation rules aimed at curbing steroid use in high school sports.

For more information on drug abuse, visit the National Institute on Drug Abuse Web site at www.drugabuse.gov.

You can now sign legal contracts, open bank accounts and apply for credit cards on your own. Such independence, however, could also make it easier to get in over your head. Many young people do. And if you are 18, your parents do not have to bail you out financially — it’s their choice. So, learn the benefits, pitfalls, rules and restrictions before you make any financial decision.

contracts

What is a contract?

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

Who can make a contract?

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

● Read the contract completely before signing it.

● Do not sign anything until you fully understand the agreement.

● If you don’t agree with something in the contract, talk to the other party about altering or removing it.

● Do not sign a contract with blank spaces — either fill them in or cross them out.

● Be sure to keep a complete, signed copy of the contract.

What happens if I break a contract because I didn’t understand it?

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

● You could be sued and be required to appear before a judge. If you lose your case, you may have to pay the judgment plus interest and, in some cases, the other side’s costs and attorney fees if the contract requires it.

● If you have an unpaid debt, you may work out an agreement to pay your debt over time. If so, make sure it is in writing. (CC § 1698)

● You could file for bankruptcy, which may allow you to dismiss your obligation to pay certain debts, and allow you to rearrange debts and work out payment plans. Bankruptcy may give you a fresh start. But it would also have a bad effect on your credit rating and make it harder for you to get a loan in the future.

some commonly abused drugs

marijuana
cocaine
MDMA
oxycodone HCL
methamphetamine
inhalants

Commercial and street names: marijuana, dope, ganja, grass, herb, joints, Mary jane, pot, reefer, sinsemilla, skunk, wood

Cocaine hydrochloride; blow, bong, C, candy, Charlie, coke, crack, flake, rock, snow, toe

Adam, clarity, ecstasy, E, kix, kover, speed, STP, X, XTC

Note: This is one of the so-called club drugs.

OxyContin; Oxy, O.C., killer

Note: Voodoo is another commonly abused drug with similar effects and potential consequences.

Doxonix, chalk, crank, crystal, fev, fizzle, go, fast, ice, meth, speed

Note: This is one of the so-called club drugs.

Solvents (paint thinner, gasoline, glue), gases (butane, propane, aerosol, propellants, nitrous oxide), nitrates (isopropyl, isobutyl, cyclohexyl), laughing gas, poppers, sniffing, whippets

How used:

swallowed, smoked

inhaled through the nose or mouth

expected, smoked, snorted

inhalation

swallowed, snorted, expected

expected, swallowed, smoked, snorted

Effects and potential health consequences:

marijuana, slowed thinking and reaction time, confusion, impaired balance / cough, respiratory infections, impaired memory and learning, increased heart rate, anxiety, panic attacks, addiction

increased heart rate and blood pressure, feelings of exhilaration, increased temperatures / rapid or irregular heartbeat, reduced appetite, heart and respiratory failure, chest pain, nausea, strokes, seizures, headaches, panic attacks

increased heart rate, mild hallucinogenic effects, impaired memory and learning, hypothermia, cardiac toxicity, renal failure, loss of inhibition

pain relief, euphoria, dryness / nausea, constipa­tion, confusion, sedation, respiratory depression and arrest, tolerance, addiction, unconsciousness, coma, death

increased heart rate and blood pressure, aggress­ion, violence, psychosocial behavior / memory loss, cardiac and neuromuscular damage, impaired memory and learning, tolerance, addiction

What are some good questions to ask before opening a bank account?

● Is there a minimum balance on the account?

● Can I earn interest on this account?

● Is there a charge for the monthly service or for check processing?

● Is there a fee to use the automated teller machine or to get a banking agent’s assistance by phone?

● Are the canceled checks returned or kept at the bank?

What happens if my check bounces?

If you write a check for more than the amount you have in your checking account, the bank may handle it a couple of ways:

● The bank may return the check to the person who attempted to cash it. That person may notify you and charge up to three times the amount of the check in penalties. (CC § 1719)

Note: Writing a check when you don’t have enough money in your account to pay it may be a crime. (PC § 476a)

● Or the bank may pay the check (and require you to make a deposit to cover the difference) and charge you a fee or a penalty. (CC § 1719)

Note: Banks do not have to cash checks that were dated more than six months before being presented to the bank.

How long does it take for a check to clear?

The process could be virtually instantaneous. Some merchants now use electronic check conversion. This allows the sales clerk to pass your check through a machine and immediately transfer the funds from your bank account electronically. (The actual check will be returned to you.) In addition, new laws now allow banks to process check payments electronically even before the actual check is returned to your bank for payment. Gone are the days when a check-writer could count on a delay in processing. For more information on the Check Clearing for the 21st Century Act, go to www.federalreserve.gov.

What is the difference between an ATM card and a debit card?

An ATM (Automated Teller Machine) card can be used for basic banking — to deposit funds into your bank account or withdraw money. You simply insert your card into an ATM and enter a personal identification number. If the transaction will include any surcharges or fees, you must be...
A credit report is a summary of your debts and a history of how promptly you have paid your bills. The information comes from the companies where you have credit accounts and from public court records. It is collected and stored by companies, often called credit bureaus, which make the information available to creditors whenever you apply for a loan or credit card or make a purchase on time payments. (CC § 1785.10)

How long does it take to fix bad credit?

It depends on the seriousness of your past problems. The files could go back seven years (or 10 years for bankruptcies). You may obtain your reports for inaccurate data that could hurt your ability to get credit or a job. (CC § 1785.10)

What is collateral?

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

Can a lender have different rules for making loans to women, men or minorities?

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

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

Will I be offered a written contract with a job?

Probably not. Most employment contracts are oral.

Is there any guarantee that I can keep my job if I do my best?

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

What is sexual harassment?

It is another form of illegal discrimination prohibited by federal and state law. In general, it is unwelcome sexual behavior on the part of a supervisor, co-worker or client. Such conduct could be sexual comments, pressure for sexual favors, inappropriate touching or even a sexual assault. Or it might be one employee subjecting another to unwelcome sexual jokes or degrading posters of women or men. (CC § 51.9; Gov’t C § 12950)

What can I do if I experience discrimination in the workplace?

You could contact the California Department of Fair Employment and Housing (DFEH) at 1-800-884-1664 (TDD-1-800-700-2320). Or you could contact your local Equal Employment Opportunity Commission (EEOC).

Can my employer deduct anything from my paycheck?

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

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

What is F.I.C.A.?

The Federal Insurance Contributions Act (F.I.C.A.), commonly called Social Security, is a payroll tax that provides retirement, disability and death benefits to workers. The employer pays half of the premium and you pay the other half.

Do I need a Social Security number to get employment?

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

What is workers’ compensation insurance?

It is insurance — paid for by employers — that provides compensation and medical benefits to workers who are injured on the job. By law, employers must carry workers’ compensation insurance. (Lab. C § 3201)

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

Will I be offered a written contract with a job?

Probably not. Most employment contracts are oral.

Is there any guarantee that I can keep my job if I do my best?

Unfortunately, jobs don’t come with warranties. Generally, an employer
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sex and the law

You may not realize the consequences. You may see it as love. But having sex with anyone under age 18—even if it is with your consenting 17-year-old girlfriend—is against the law. It would only be legal if the two of you were married. Otherwise, at age 18, you could be charged with statutory rape. And depending on the circumstances, you could be facing some serious trouble.

Or maybe you were the victim of a date rape. Or you think your sister was groped inappropriately. Or your best friend is pregnant and hiding it from her family. As a young adult, you could face a variety of difficult situations involving sex and the law.

What is sexual assault and battery?

It is any type of sexual activity to which you did not consent—and it is illegal. Assaulting or aiding in the assault of another with the intent to commit rape, sodomy or oral copulation is felony sexual assault. (PC §§ 220-222)

Touching another person intimately without consent for sexual gratification, arousal or sexual abuse could be sexual battery, and may lead to jail or prison and/or a fine of up to $10,000. (And, as a convicted sexual batterer, you may have to register as a sex offender for life.) (PC §§ 224, 224.3, 290)

Data suggests that women in their late teens and early 20s are more likely to be raped than women in other age groups. One scenario is date rape, also called acquaintance rape, in which an encounter turns into non-consensual sex. Keep in mind that friendship, dating or even marital status does not convey an invitation to sexual intercourse. Date or no date, it is rape if one of you says “no.” (PC §§ 261(a)(2), 261.6, 263)

What are “date rape” drugs?

They are drugs that may be slipped into an unsuspecting victim’s drink to render him or her physically helpless—and pave the way for a sexual assault. The victim may have little or no reason to suspect that anything is amiss. Such drugs are often colorless and tasteless. And they may leave the victim unable to recall what took place. (See adjacent prevention tips.)

Three such drugs—also called “club drugs”—include:

- GHB (gamma hydroxybutyric acid)
- Rohypnol (flunitrazepam)
- Ketamine (ketamine hydrochloride)

What could happen if I’m charged with statutory rape?

It depends, in part, on the age difference between you and the minor. If there is less than three years’ age difference, you could be found guilty of a misdemeanor. This could mean up to a year in jail. If the age difference is greater, however, you could face a felony charge and land in prison. For example, if you are over 21 and you have sex with someone younger than 16, you could be sentenced to prison for two to four years. (PC §§ 261.5 (a), 261.5 (c), 261.5 (d))

In general, there are no excuses or defenses for unlawful sexual intercourse in California. However, the charges might be reduced or dismissed (or result in an acquittal) if it appears that the minor pretended to be 18 or was doing something that could lead someone to believe that he or she was “of age.” This might occur, for example, if the minor was drinking in a bar or enrolled in college.

A separate California law prohibits lewd or lascivious acts (child molestation) with a child under 14. It need not involve sexual intercourse, and consent is not an issue. Such conduct could lead to five years in prison. If the minor is 14 or 15, and you are 10 years older, a conviction for lewd or lascivious acts could land you in prison for up to three years. (PC §§ 288(a), 288(c) (1))

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pay from a government or public employer during jury service) and 34 cents

fulfill their jury service. (Ed.C § 48205 (a)(5))

notify your local jury office or the judge assigned to your trial.

have given the employer reasonable notice. (Lab.C § 230) If this occurs,

below). Also, if you do not meet the above eligibility requirements for jury

cannot serve on the summons date, however, you may ask for one postpone­

What happens if I’m not selected to serve on a jury?

There are also laws allowing students to be excused from classes to

Judges have the right to excuse prospective jurors for a variety of

Why would a judge excuse some people and not others?

Have immediate family members related to someone involved in

● Have immediate family members related to someone involved in the case. (CCP § 229(a))

● Have a financial interest in the case. (CCP § 229 (b))

● Have been convicted of a felony, have prejudice or bias or have formed an opinion regarding the outcome of the case. (CCP § 225 (b))

The judge may also excuse a potential juror if service on the jury would cause undue hardship on him or her or on the public. Judges may use their discretion. (CCP § 204(b))

What happens during the jury selection process?

Names are chosen at random from those called for jury duty. The judge asks general questions and excuses people for the reasons mentioned. Lawyers may do more questioning and ask the judge to excuse others for the same reasons. In addition, each lawyer is allowed, without providing any reason, to excuse a certain number of prospective jurors from the case. (CCP §§ 194(d), 225, 221(d))

What if I can’t get time off work to report for jury service?

Employers are required to give employees time off for jury duty. (Depending on your employer, however, you may lose wages during that time.) Also, it is against the law for an employer to fire or harass you for reporting to jury duty as long as you have given the employer reasonable notice. (Lab.C § 230) If this occurs, notify your local jury office or the judge assigned to your trial.

There are also laws allowing students to be excused from classes to fulfill their jury service. (Ed.C § 48205 (a)(5))

Will I be paid anything for my jury service?

Yes, but not much. Beginning on the second day of service, the county will pay you at least $15 a day (unless you continue to receive your regular pay from a government or public employer during jury service) and 34 cents per mile in mileage costs one way. (CCP § 215)

What happens if I’m not selected to serve on a jury?

If you are not chosen as a juror on the first day of your jury service, you will be excused and cannot be summoned back for such service for at least one year. This is because California has a “one-day or one-trial” jury service system. If you are chosen to sit on a jury, you will be expected to serve as a juror throughout the trial. Once the trial concludes, however, you will not be summoned back for at least a year.

Trials can range from a day or two in length to months or, in rare cases, even longer. However, the judge in the case will have some idea of what to expect. And if serving as a juror in a long trial would be extremely difficult for you, you will have an opportunity to explain your situation to the judge.

Being on a jury can be a rich and rewarding experience. There are countries in which the citizens do not have such a right. As a juror, you will be called upon to judge the facts.

And the trial judge may take away your decision only in very limited circumstances. For more information on jury service, request a free copy of the State Bar pamphlet What Should I Know About Serving on a Jury? Or visit the California Courts Web site at www.courtinfo.ca.gov/jury.

Am I required to register for military service even if I do not want to enlist?

It depends. If you are a male U.S. citizen or male immigrant living in the United States, you generally must register with the Selective Service System within 30 days of your 18th birthday. All eligible young men ages 18 through 25 must be regis­
tered. Women are exempt. (50 USC § 453; Govt.C § 7590.1; Ed.C § 33041.3)

Failure to register could result in a maximum $250,000 fine and/or five years in prison. In addition, you must register to qualify for federal student aid, federal jobs and federal job training, as well as any state student financial aid or state employment. (Ed.C § 69400) If you are an immigrant from ages 18 to 25, you must register to remain eligible for citizenship.

How do I register?

You have several options. You can:

● Register online at www.sss.gov.

● Pick up a form at your local post office, complete it and mail it in.

● Mail in a completed Selective Service reminder card (a card sent to most young men around their 18th birthdays).

● Check the appropriate box on a Federal Student Financial Aid form. The Department of Education will then supply the necessary regis­
tration information to the Selective Service.

● Register at your high school. Many high schools have staff members who are Selective Service registrars.

● Register at any U.S. embassy or consular office if you are living overseas.

Why is there a Selective Service registration?

Such registration allows the government to keep a list of young men who could be summoned quickly — in a fair and random order — in the event of a national emergency. (MVC §§ 140 et seq.)

If the draft were reinstated, who would be called first?

A lottery would determine draft priorities based on the registrants’ birth dates. Using a random selection of birth dates, young men who would be turning 20 during the year of the lottery would be called first, followed by the 21-, 22-, 23-, 24- and 25-year-olds. The younger men would be called last.

Would I be able to get an exemption to attend college?

No. There are no student or job-related deferments. As a college student, you would only be allowed to postpone your service until the semester’s end or, if it is your senior year, until the end of the year. Hardship, conscientious objector and ministerial exemptions are still allowed. (10 USC § 456; MVC § 125)

Can I enlist for military service when I turn 18?

Yes. You must be 18 to enlist without your parents’ consent. If you have written permission from your parents, you can enlist at age 17.
At age 18, you now have more freedom in matters of the heart as well. For example, you no longer need your parents’ consent to get married.

How does the law define marriage?

Marriage is a legal lifelong contract between a man and a woman. State law creates the relationship and describes the consequences of divorce or other marital problems. (FC § 300)

Where can I get a marriage license?

Simply apply for one at the county clerk’s office in the county where you are to be married and pay the application fee. You will be given a health department form that contains information concerning genetic defects, AIDS (including the availability of testing) and domestic violence.

You are to be married and pay the application fee. You will be given a health certificate (except in certain “confidential marriage” proceedings). (FC § 359; H&SC § 103175)

A certificate of registry of marriage. (FC § 359; H&SC § 103175)

A health certificate (except in certain “confidential marriage” proceedings). (FC § 580 et seq.)

What is community property?

The assets and wages earned or obtained during a marriage. Both spouses have equal ownership and control over the property. (FC § 2310 (b))

Each spouse has a “right of control, inheritance and a judgment of personal injuries also would qualify as separate property. (FC §§ 750-752, 760, 770-772, 781)

What is a prenuptial agreement?

It is an agreement — also called a premarital agreement — that you and your prospective spouse can make before you get married. In such an agreement, the two of you can change your rights and obligations regarding your property. For example, you could decide who has the right to buy, sell or manage certain property. You might agree on how the property will be distributed if you wind up divorced.

Nothing in the agreement can put child support at a higher rate than any other group.

Some data suggests that women ages 16 through 24 are victimized by intimate partners as well as women.

Domestic violence...in jeopardy. (FC §§ 1500, 1610-1613)

Now that I’m married, does my new spouse have to support me?

Both spouses are obligated to provide for the support of the other and for any minor children. Either spouse can be held liable for necessities furnished to the other before the marriage (as long as the property was always kept separate from the community property). A gift “earmarked” for one spouse or the other, an inheritance and a judgment for personal injuries also would qualify as separate property. (FC §§ 750-752, 760, 770-772, 781)

What would be grounds for divorce?

In California, there are two grounds:

Irreconcilable differences. (Your marriage will not work and counseling will not help save the marriage.)

Incurable insanity. (FC § 2310 (b))

How do I get divorced if my marriage breaks down?

You will need to file a divorce petition (known as dissolution in California). You may want to consult an attorney. A judge will consider child custody, child support, financial maintenance of either spouse and property division. As a general rule, all community property assets and debts are divided equally.

Also, you have several options — each with advantages and disadvantages — in how you handle your divorce. You could hire an attorney to represent you or you could simply seek a lawyer’s help with certain parts of the process. Or you and your spouse could reach an agreement with the help of a mediator and avoid going to court. Or you could act as your own attorney.

For more information, see the State Bar pamphlet What Should I Know About Divorce and Custody? Information on ordering a free copy can be found on page 15.

Can same-sex couples get married?

No, not in California. While there are some ongoing efforts to change the law, marriages between two individuals of the same sex are currently not recognized in California. (FC § 308.5)

Some-sex couples can, however, register as domestic partners in California. Recent changes in state law now entitle registered domestic partners to virtually the same “rights, protections and responsibilities” and duties under the law” as married couples. For example, registered domestic partners can adopt each other’s children, acquire property rights, take family sick leave, and obtain health care coverage under each other’s family benefits. (FC §§ 297.5, 9000 (b); Lab C §§ 230.2, 233)

And if the relationship breaks up, domestic partners have the same rights and obligations that apply in a divorce. Issues such as child support, alimony and distribution of property would be resolved in superior court proceedings. Sometimes — such as when a partnership lasts fewer than five years and/or produces no children — the partnership can be terminated without filing a dissolution. (FC §§ 299 (a), 299 (d))

What if I can’t afford to support my children after my divorce or the dissolution of my domestic partnership?

The child, the child’s other parent or a child support agency can sue you for support. In addition, a wage assignment can be obtained that would automatically deduct the support payment from your paycheck.

What could happen if I don’t provide support because I don’t think the child is mine?

A paternity action can be started by the child, the child’s mother or a child support agency. If you cannot afford a lawyer, one will be appointed for you. You have the right to require blood tests. If the question isn’t settled, a trial will be held to determine the child’s father. (FC §§ 750-7558)

Can my parental rights ever be taken away?

Yes. They could be terminated for the following reasons:

Abandonment. (FC § 7822; PC § 270)

A continuing need for protection or services for the child. (FC § 7828)

Repeated abuse. (FC § 7825)

Your failure to assume parental responsibility, moral and financial. (FC §§ 7820 et seq.)

No one — that includes your boyfriend, girlfriend or family members — has the right to hurt you. Unfortunately, however, verbal and physical abuse among intimate partners and family members does occur. It may begin with shouting and escalating to hitting and, in some cases, even deadly force. Such abuse — referred to as domestic violence — cuts across all cultures, ethnic backgrounds, education levels and income brackets. It impacts gays and lesbians as often as heterosexuals. It happens to teenagers as well as senior citizens, and men as well as women.

What is domestic violence?

The law defines domestic violence as certain kinds of abuse directed toward a spouse or former spouse, a domestic partner or former domestic partner, a cohabitant or former cohabitant, a person related by blood or marriage, or a person with whom the abuser has had a “dating or engagement relationship,” or with whom the abuser has had a child. (FC §§ 6200 et seq.; PC § 13700(b))

Such violence is behavior driven by a need to control. It can range from threats, annoying phone calls and stalking (such as following the victim to and from work and deterring the victim) to unwanted sexual touching and hitting, to the destruction of the victim’s personal property. And data suggests that women ages 16 through 24 are victimized by intimate partners at a higher rate than any other group.
How can the law help me if I'm battered?

If you are in immediate danger, call 911. When the police arrive, explain what happened. The police officers can contact an on-call judicial officer and issue an Emergency Protective Order (also called an EPO). This legally prohibits the batterer from coming within a certain distance of you for five court days. It also may grant you temporary custody of your children.

To get a longer-lasting restraining order, file for a Temporary Restraining Order (TRO). At a later court hearing, you can ask that the TRO be made "permanent," which means it will last up to three years and can be renewed. But don’t harbor a false sense of security. A restraining order may lower the risk of violence, but it does not eliminate it. (PC §§ 6250, 6300 et seq.; W&IC § 15657.03)

Survivors of domestic violence also may keep their home addresses confidential through the state program called Safe at Home (1-877-322-5227). In addition, other forms of assistance — shelters, relocation funds and free counseling — exist as well. For more information, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233). For TTY, call 1-800-787-3224.

Can I seek a criminal complaint against my abuser?

Yes. If you have been abused, call the immediately. Seek hospital treatment and keep a record of injuries and the names of witnesses, police officers and medical attendants. And keep copies of all medical reports.

Suppose you get caught shoplifting DVDs at age 17. You might be lectured and driven home in a police car for a first offense. But if you did the same thing at age 18, you would probably be arrested and you might, depending on your record, be sent to jail for up to a year. If you had a history of theft, you might even be imprisoned for longer.

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

What is a crime?

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

There are different levels of crimes?

Yes. Crimes are divided into three general categories:

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

- **Misdemeanors** are less serious crimes punishable by a fine and/or up to one year of jail time. (PC § 19)

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

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

What if I did something illegal without realizing it was a crime?

You are still guilty of the crime. Ignorance of the law is not an excuse. Ask yourself if what you are doing will harm somebody or damage someone else’s property. If it will, it’s wrong and may be a crime. (PC §§ 26, 27)
Can I get my criminal record sealed?  

Maybe. A California juvenile court record may be sealed when you turn 18 or five years after your last juvenile court case was dismissed. You must ask the juvenile court to seal the record. (W&IC § 707.1) However, if you were 14 or older when you committed a felony, a serious misdemeanor or certain vehicle violations, the juvenile court does not have to seal your record. (PC § 851.7; W&IC §§ 707 (b), 781) Sealing a California juvenile court record means that those charges, arrests and probation status reports contained in the record cannot be seen by anyone without the person’s permission. Once a record is sealed, you can legally tell any future employer or school admissions officer, for example, that you were never arrested. (PC § 851.7 (b); W&IC § 781(a))

If my record is sealed, is it really out of reach?  

Even when a record has been sealed by the court, a partial record remains with local police, the State Bureau of Criminal Identification and Investigation, and the FBI. (W&IC § 708) Once a record has been sealed, the police, probation department and court cannot legally release any information about it or even provide clarification of any information that may help the person who was convicted. In some instances, the consequences of simply having a criminal record can be more severe than the punishment for the crime.

What are some consequences of having a criminal record?  

- A driver’s license may be denied on the basis of a criminal record, and many jobs require a car. (VC §§ 13202, 13216, 13350 et seq.)
- A criminal record might prevent a person from being accepted by the college or university of his or her choice.
- A person who has been convicted of a crime may be prevented from entering the armed forces or, if accepted, may not be given a commission or a security clearance. (10 USC § 504)
- A person who has been convicted of certain kinds of felonies may lose the right to vote. (ELEC § 2101)
- Many businesses require employees to be bonded. An insurance company usually refuses to bond anyone who has been convicted of a felony.
- Some employment may be closed to those convicted of a crime or those who committed an offense which would be a crime if committed by an adult.
- If you are not a citizen and you are convicted of violating any law or regulation of a state, the United States or a foreign country, you could be deported and prohibited from returning to this country. (8 USC §§ 1182, 1251) Also, law enforcement agencies are required to notify United States Immigration Services regarding the arrest of anyone who is not a citizen. (PC §§ 834b, 854c, 1016.5, 5026, 68109)
- Possession of stolen mail and items — such as credit cards — which have been stolen from the mail. (18 USC § 1708)
- Robbery or burglary of a bank or savings and loan institution. (18 USC § 2113)

What are some common federal crimes?  

- Transporting a stolen vehicle across state lines. (18 USC § 2313)
- Making a false statement to the government with the intent to defraud. (18 USC § 1001)
- Mailing matter that is obscene or incites crime. (18 USC § 1461)
- Transporting or importing narcotics. (21 USC § 801)
- Forgery of government checks. (18 USC § 513)
- Possession of stolen mail and items — such as credit cards — which have been stolen from the mail. (18 USC § 1708)
- Robbery or burglary of a bank or savings and loan institution. (18 USC § 2113)

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

When you turn 18, you are old enough to buy a rifle or shotgun if you choose. (You must be 21 to purchase a handgun.) But if you do possess a gun or have any contact with one, be aware of the responsibilities, safety rules, risks and dangers associated with firearms. In 2002 alone, 762 people died in gun-related accidents nationwide. Nearly 12,000 homicide victims were shot to death. And more than 17,000 people used guns to kill themselves.

What are some of the laws regulating guns and other weapons?  

It is illegal to:
- Leave a loaded gun in a place where a child can retrieve it. The potential penalty is a fine or prison term. (PC §§ 12035-12036)
- Conceal a weapon on your body or in your car without a special permit. (PC §§ 12025 (a)(1), 12031.3)
- Carry a loaded firearm in a vehicle, in a public place or in any other area where it is forbidden. (PC §§ 12021, 12034; FGC § 2006)
- Possess blackjacks, blackjack-type knives, billy clubs, sandbags or metal knuckledusters. These can be taken away and destroyed by the police. (PC §§ 12020, 12029)
- Make a blackjack or metal knuckleduster, or carry explosives. (PC § 12020)
- Carry, sell, lend or give away a switchblade knife or similar type of knife if the blade is longer than two inches. (PC § 653k)
- Possess any kind of knife longer than 2-1/2 inches, or a taser, stun gun or any kind of unguarded razor blade, on school grounds. (PC § 662.10)

I t is against the law to belong to a street gang. However, if you are convicted of a gang-related crime, you could pay a stiffer price for what you did. Committing a violent felony with fellow street gang members, for example, could tack 10 additional years onto a term, for example, some cities in California and other states also have been granted civil injunctions restricting the members of certain gangs from gathering together in business establishments or public places in specific neighborhoods. Such injunctions may prohibit the gang members from wearing clothing that bears gang insignia, for example, or from talking on cell phones in certain areas. Under public nuisance law, cities have imposed up to six months in jail or a $1,000 fine against gang members who violate the injunction. (CC § 3480)
Could I get in trouble for simply pointing a gun at someone?

Yes. It is against the law to threaten anyone with a deadly weapon (except in self-defense) or to carry such a weapon without a license. This includes tear gas weapons, such as mace, which require training and licensing. In addition, using tear gas is a felony unless it is done in self-defense. (PC §§ 245, 12024, 12402.7, 12403.7)

Are there any restrictions on where I can practice my shooting?

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

Do I need a license to hunt?

Yes. In California, you must have a license to hunt any bird or animal. In addition, you will need a “certificate of competence” from a hunter-safety training course to get such a license. (FGC §§ 1054.2, 3031, 3049-3055.1)

What is a tort?

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

Examples of torts include:

- Negligent driving — injuring persons and/or property. (PC § 223)
- Assault — unlawfully attempting to touch or hurt another person. (PC § 240)
- Battery — intentionally touching another person without his or her consent. (PC § 244)
- False imprisonment — keeping someone in a room or car or other place so he or she can’t leave. (PC § 236)
- Defamation — an unlawful written or spoken attack on the reputation or good name of a person. (CC §§ 44-48.8)

Is there any time limit for filing a lawsuit?

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

If the injury or damage occurred when you were a child, however, the time clock usually does not start ticking until you turn 18. If you were injured in a traffic accident at age 11, for example, you could wait until two years after your 18th birthday to file suit. (CCP § 335)

You talk to your friends via the Internet. You research school papers online. You may even buy birthday presents, sell used sporting gear and make your weekend plans in cyberspace. For many in your generation, the Internet is a central part of your day-to-day life. But surfing the Internet also involves some risks. You cannot always be sure who’s at the other end of an online conversation. Someone could misuse your private information if you’re not careful. And if you hack into someone else’s computer or download certain material, you could wind up in trouble.

Is downloading information, pictures or music off of the Internet ever against the law?

Yes, sometimes. You could get in trouble, for example, if you download sexual pictures of children or young teens and keep them. Possession of or control over “child pornography” (any matter depicting a person under the age of 18 engaged in or simulating sexual conduct) is a crime. The first offense is a misdemeanor, punishable by up to one year in county jail and a maximum fine of $2,500. The second offense is a felony requiring state prison time. And if you are convicted of such a crime — either a misdemeanor or a felony — you would have to register as a sex offender for life. So, any e-mail with an attached photo of child pornography should be deleted immediately. (PC §§ 290, 311.11(a))

In addition, it is illegal to download certain other material as well. See the box Computers, the Internet and Theft on the next page.

Is it safe to give out personal information online?

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

And if you shop online, look for indications that the Web site is secure before you enter a credit card or other personal data. (See Protecting Your Identity and Top 10 Tips for Identity Theft Prevention on the next page.)
If I meet someone online, what’s the harm in sharing more about myself?

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

More information on Internet safety and sexual predators can be found at www.missingkids.com (the National Center for Missing and Exploited Children’s Web site) and at www.fbi.gov (the FBI’s Web site).

I’ve seen some great deals and chances to win big on the Internet. Should I be skeptical?

Absolutely. Internet crime is increasingly common. The FBI received more than 200,000 complaints in 2004 alone. Victims report fraudulent Internet auctions, credit/debit card fraud and purchased merchandise that was never delivered. For more information on common types of Internet fraud and how to protect yourself, go to www.fbi.gov. Victims can file complaints with the Internet Crime Complaint Center (a joint FBI and National White Collar Crime Center project) at www.ic3.gov.

Can my boss legally monitor my e-mails and the Web sites that I visit while I’m at work?

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

Computers, the Internet and Theft

The law prohibits:

- Pirating or downloading copyrighted material (such as music) without authorization. (PC § 502(c), 653b) Under federal law, criminal copyright infringement, including infringement without monetary gain, is punishable by up to five years in federal prison and a fine of $250,000.
- Accessing someone else’s computer without authorization. (PC § 502(a)(1)(A))
- Devising and executing schemes to obtain money, property or services with false or fraudulent intent through a computer. (PC § 502(c)(1))
- Deleting, damaging or destroying systems, networks, programs, databases or components of computers without authorization. (PC § 502(c)(4))
- Disrupting or denying access to the authorized users of a computer. (PC § 502(c)(5))
- Introducing contaminants or viruses to a computer. (PC §§ 502, 502(c)(8))

They may rummage through your trash, steal your wallet or “skim” encoded data off of your credit card. Or they may go “phishing” on the Internet (using misleading e-mails and fraudulent Web sites to trick readers into revealing personal data). Or they could implant “spyware” software that collects personal information as it is keyed into your computer.

Identity theft — the use of someone’s personal identifying data to commit fraud or attempt to do so — is the nation’s fastest growing crime. (PC § 530.5) Nearly 10 million Americans fall victim to such theft annually at an enormous cost: Businesses and consumers lose some $50 billion a year. It can ruin your personal credit. And it can take hundreds of hours to undo the damage.

How can I protect myself against identity theft?

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

How do I know if someone is using my identity to run up bills?

Unfortunately, some identity thieves go undetected for long stretches of time. The victim only discovers the situation after an unsolicited credit card arrives in the mail or a debt collector calls about an unpaid — and unfamiliar — debt. Be sure to check your credit report at least once a year (see box below). If you have not yet established a credit history, don’t be alarmed if you initially receive “report not found.” That should be good news. If, however, you find inaccurate

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**Top 10 Tips for Identity Theft Prevention**

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

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

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

4. **Control your personal financial information.** California law requires your bank and other financial service companies to get your permission before sharing your personal financial information with outside companies. You also have the right to limit the sharing of your personal financial information with most of your companies’ affiliates. Write to your companies that you want to “opt-out” of sharing your personal financial information with their affiliates.

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

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

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

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

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

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

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Source: California Department of Consumer Affairs’ Office of Privacy Protection / 1-866-785-9663 / www.privacy.ca.gov
information on your report, contact all three major credit bureaus:

- Experian: 1-888-397-3742 / www.experian.com (credit and fraud reports, security freezes)
- Equifax: 1-800-685-1111 / www.equifax.com (credit reports) 1-800-525-6285 (fraud reports, security freezes)
- TransUnion: 1-800-888-4213 / www.transunion.com (credit reports) 1-800-680-7289 (fraud reports, security freezes)

If you’re an identity theft victim, you are entitled to receive one free copy of your credit report from each of these credit bureaus each month for up to 12 consecutive months. You can also put a security alert or freeze on your credit accounts.

(CC §§ 1785.11.1, 1785.11.2, 1785.13)

What else should I do if I think someone is using my identity to get credit?

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

consumer protection

Suppose you spent all of your savings on a new car — only to have it break down repeatedly. Or your new microwave oven failed to work the first day. Or the new watch given to you at your high school graduation has never told time. There are laws intended to help you — the consumer — protect yourself against unfair transactions and sales scams or when a newly purchased product fails to work.

What are some examples of consumer protection laws?

The Federal Truth in Lending Act requires lenders and credit card companies to tell you to pay for a loan or credit card. It also gives you three days to cancel a credit card that took place in your home. And the sales person cannot twist or sugar-coat the terms of the contract. Home solicitation contracts or offers must be written in the same language that is used in the oral sales presentation. (15 USC § 1610 et seq.; CC §§ 1689.5-1689.8)

What happens if I buy a new car and it turns out to be a ‘lemon’?

Generally, there is no cooling-off or cancellation period for vehicle sales. However, if you buy a new car and it turns out to be a lemon — a car that repeatedly breaks down or has a substantial defect — you may be entitled to a replacement car or full refund. You must first notify the dealer and give him or her a chance to fix the car. But if the problem continues, you may notify the dealer that you are canceling the purchase and returning the car intact. (CC §§ 1793.2(d)(2), 1793.22, 2962(r))

What are ‘expressed’ and ‘implied’ warranties?

They are two types of consumer warranties. An expressed warranty is a written contract that gives the manufacturer or dealer a reasonable opportunity to repair any defects in the merchandise. If the manufacturer or dealer is unable to fix the problem, the merchandise will be replaced or your money refunded. This applies to whoever owns the merchandise during the warranty period. If the manufacturer, distributor or retailer provides a warranty or product registration form/card to be completed by the consumer, it must inform the consumer that failure to complete and return the form/card does not diminish his or her warranty rights. (CC §§ 1791.2, 1793.1)

An implied warranty is not a written contract. It simply exists, by law, when the consumer purchases an item. In short, you have the legal right to expect that your new item will be “suitable” for what it was intended. A new watch, for example, should adequately tell time, not merely look nice on your wrist. If you buy something “as is,” however, there is no warranty and no recourse if the item turns out to be defective. (CC §§ 1791.1, 1792-1792.5)

What if nobody will listen?

There are local, state and national agencies set up to protect the consumer:

- Local consumer agency — check your local telephone book under County Government agencies.
- State of California — Department of Consumer Affairs
  Tel: 1-800-952-5210 (TTY 916-322-1700) / www.dca.ca.gov
- Federal — The Federal Trade Commission
  Tel: 1-877-382-4357 / www.ftc.gov

You might also consider filing a claim in small claims court, see the State Bar pamphlet How Can I Use the Small Claims Court? (See below for information on ordering the bar’s pamphlets free of charge). The State Department of Consumer Affairs also offers a no-cost guide that can help you understand the small claims court process.

There may come a time when you need an attorney. To find one, ask a friend or business associate for a referral. Or, call a State Bar-certified lawyer referral service. For an online list of services, visit the bar’s Web site at www.calbar.ca.gov/lrs. For a recorded message listing the phone numbers for such services in your area, call 1-866-44-ca-law (442-2529). From out of state, call 415-538-2250. If you do decide to hire a lawyer, make sure you understand what you will be paying for, how much it will cost and when you must pay the bills.

The State Bar also certifies "specialists" in eight legal areas. (Not all qualified attorneys seek such certification, however.) For more information on the specialist program, call 415-538-2100 or go to www.calbar.ca.gov. (Click on “Attorney Search” and “Legal Specialist Search.”)

If you’ve been accused of a crime and cannot afford a lawyer, you may qualify for free help from the public defender’s office or a court-appointed private attorney. In civil matters, individuals with little income may qualify for no-cost help from a legal services program. (California’s legal services Web site — www.LawHelpCalifornia.org — can help you locate a program in your area.) Or maybe a law school clinic can help.

For more information on finding and hiring an attorney, order free copies of the State Bar pamphlets What Can a Lawyer Referal Service Do for Me? and How Can I Find and Hire the Right Lawyer? (To order, see below.)

Looking for more information on the law?

We hope this guide will help you make this important transition into adulthood. For additional copies of When You Become 18: A Survival Guide for Teenagers, see page 2. You can also order free copies of State Bar consumer education pamphlets touching on such topics as employee rights, hate crimes and domestic violence. For a list of available pamphlets and the online versions, visit www.calbar.ca.gov. Or, complimentary copies of pamphlets by sending e-mail to pamphlets@calbar.ca.gov. If you do not have access to the Internet, call 1-888-857-5297 (LAW5) for instructions on ordering by mail.

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