

# Know Your Rights

A Primer for Students

Topeka Public Schools

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# Laws Relating to Minors

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## Compulsory Attendance

(K.S.A. 72-1111)

Kansas law requires parents to enroll all children, who have reached the age of seven and are under the age of 18, in a public school for the duration of the school term. Alternatively, students may be enrolled in a private, denominational or parochial school taught by a competent instructor for a substantially equivalent period of time as the public school term. Under certain conditions, a parent, after attending a counseling session with the student and with written consent, court may allow the child to be exempt from compulsory attendance requirements if the child is 16 or 17.

Exceptional children, except those classified as gifted, are subject to different requirements. Parents of a children with disabilities must require the student to attend school in accordance with the child’s IEP. K.S.A. 72-977. Students with disabilities may have an IEP outlining their special education services from age three through 21.

The provisions of the compulsory attendance law do not apply to any student excluded from school because of noncompliance with immunization requirements. They also do not apply to any student who is lawfully suspended or expelled from school.

## Truancy

(K.S.A. 72-1113)

If a child is absent from school without a valid excuse for three consecutive days, five days in a semester, or seven days in a school year, the child is considered truant. After notifying parents that the child is truant, school officials must report the truancy to the Shawnee County District Attorney. A judge in the district court may order a wide range of remedies, including child in need of care proceeding in which the child may be removed from the home and placed in the custody of the Department for Children and Families (DCF).

State law gives law enforcement officers the power to detain and assume temporary custody of any child subject to the compulsory attendance laws who is found away from home or school when school is in session. In such cases, the law enforcement officer returns the child to school and parents are notified of the law enforcement action by school officials.

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## Safe Schools Act

(K.S.A. 72-89b03)

The Kansas Safe Schools Act requires school employees report to the superintendent if they have knowledge a student, within the past 365 days, has been:

- Expelled from another school for conduct that endangered others, was felonious in nature or involved the possession of firearms, explosives or other statutorily defined weapons at school or school activities;
- Adjudicated a juvenile offender for a felony offense other than felony theft involving no direct threat to human life; or
- Tried and convicted as an adult for a felony offense.

After investigating the matter, the superintendent must provide the reported information to all school employees who are directly involved, or likely to be directly involved in teaching or providing other services to the student.

The law also requires schools to adopt policies that require employees who know or have reason to believe certain crimes, particularly felonies or those involving explosives, firearms or other statutorily defined weapons, have been committed at school or a school activity to report this information to law enforcement. School policy and/or the memorandum of understanding the school has with local police and criminal justice authorities outline the procedures for reporting.

## Age of Majority, Age of Consent & Marriage

(K.S.A. 38-101; 23-2503; 23-2505)

The age of majority is the age at which a citizen is considered an adult in the eyes of the law in all matters relating to contracts, property rights, liabilities and the capacity to sue or be sued in a court of law. In Kansas, like most other states, the age of majority is 18, or 16 if the person is married.

The Kansas Age of Consent is 16 years old. The age of consent is the minimum age at which an individual is considered legally old enough to consent to participation in sexual activity. Individuals aged 15 or younger in Kansas are not legally able to consent to sexual activity, and such activity may result in prosecution for statutory rape. Kansas statutory rape law is violated when a person has consensual sexual intercourse with an individual under age 16.

In Kansas, in order to be married, a person under the age of 18 needs the consent of parent(s) or a legal guardian and a person 15 needs the consent of a judge. In addition to age restrictions, there are other legal hurdles couples must clear in order to have a valid marriage. Couples must meet the technical marriage requirements (consent, capacity to consent, marriage is not to certain relatives) and get a certified marriage license. While Kansas has no residency requirement for marriage licenses, there is a state-wide, mandatory 3-day waiting period after an application is filed before a couple can receive the actual marriage license.

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## Emancipation of Minors

(K.S.A. 38-108 through 38-110)

Emancipation means a child is legally separated from his or her parents and does not have to live with them. Additionally, parents are no longer legally required to provide financial support for the minor. Under Kansas law, emancipation automatically occurs at age 18.

Kansas allows a person under the age of 18 to petition a court for the right to become a legal adult prior to reaching age 18. To become an emancipated minor, a minor must be at least 14 years of age, not living with his or her parents (with their consent or acquiescence to be living away from them), managing his or her own financial affairs and have a legal source of income. Looking at all the facts and testimony, the district court judge has discretion to decide whether emancipation is in the best interest of the minor.

## Contracts

(K.S.A. 38-102)

In Kansas, minors are generally bound by contracts, unless the minor disaffirms the contract and restores all money or property received under the contract to the other party within a reasonable time after turning 18 or otherwise reaching majority through marriage or emancipation. A contract cannot be disaffirmed, however, if the minor misrepresented his or her age or the other party had good reasons to believe the minor was capable of contracting.

Minors may also enter into insurance contracts, but generally need the written consent of parents or a guardian. Promissory notes or installment contracts for insurance must be cosigned by a person over the age of 18.

## Ability to Bring a Lawsuit

(K.S.A. 60-217)

A minor may bring a lawsuit through his or her representative or through a next friend or guardian *ad litem*.

## Consent to Medical Treatment

(K.S.A. 38-122, 38-123, 38-123b, 38-2217, 65-448 and 65-2891 through 65-2892)

A minor 16 or over may consent to hospital, medical or surgical treatment if no parent or guardian is immediately available. Similarly, an unmarried pregnant minor may consent to hospital, medical and surgical care related to the pregnancy, where no parent or guardian is immediately available.

A parent who is a minor, whether married or unmarried, may consent to surgery and other medical procedures for his or her child.

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Physicians may examine and treat minors for drug abuse and addiction with the consent of the minor, without the consent of parents of the minor.

Physicians may also examine and treat minors for venereal disease without the consent of or notification to parents. However, a doctor may, but is not obligated to, inform a parent or guardian without the minor's consent if the doctor believes it will be beneficial for the minor.

Consent is not required to medically examine a child who is the alleged victim of child abuse.

A minor who is an alleged victim of a sex crime can consent to a medical examination to gather evidence of the crime. Although parental consent is not required, the hospital or medical facility is required to give a parent or guardian written notice that the examination occurred.

Any health care provider may render treatment to a minor without obtaining the consent of parents or a guardian at the scene of an emergency or accident. Emergency care may also be given to a minor who requires care as a result of engaging in competitive sports, or to a minor for an emergency which occurs within a hospital or elsewhere, prior to the arrival of the minor's family or family physician.

The Kansas Attorney General has concluded a mature minor has the legal capacity to consent to outpatient mental health services as well. The consent must be informed consent in relation to the potential risks and benefits of the type of mental health treatment provided. Maturity means having the intellectual capacity, experience and knowledge necessary to substantially understand the situation at hand and the consequences of the choices that can be made.

## Reproductive Health Rights

(K.S.A. 65-6704 through 65-6705)

Based on Attorney General Opinions concluding absolute prohibitions and mandatory parental consent provisions for contraceptives for minors would be unconstitutional, minors who demonstrate a certain level of maturity, as determined by the doctor, generally may obtain contraceptives without the consent of a parent or guardian.

An unmarried, unemancipated minor may not obtain an abortion in Kansas until she has received counseling about alternatives and rights from a counselor and notice has been given to parents or a legal guardian. A parent or guardian, or a person 21 or more years of age who is not associated with the abortion provider and who has a personal interest in the minor's well-being, must accompany the minor and be involved in the minor's decision-making process regarding whether to have an abortion.

Except in the case of a medical emergency, an abortion cannot be provided to an unemancipated minor, unless the health care provider obtains the notarized written consent of the minor and both parents, or the parent with primary custody if parents are divorced, or the legal guardian of the minor. Judicial by-pass provisions allow the minor to petition the court to waive the consent requirement. Waiver will be granted only if the court finds the minor is mature and well-informed enough to make the abortion decision on her own or that seeking consent of the specified individuals would not be in the best interest of the minor.



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## Drivers Licenses

(K.S.A. 8-2,100, 8-2,101 8-291 8-15,111, 38-260 and 72-89c02)

Getting a driver's license in Kansas requires moving through three licensing stages, with parental permission at each level. The first stage is an instruction permit. A minor who is at least 14, but less than 17 may apply to the division of motor vehicles for an instruction permit to drive either a passenger car or a motorcycle. After the minor successfully passes a vision test and a written exam, the Kansas Department of Motor Vehicles (DMV) may issue an instruction permit for a period of one year. A permit holder must have the permit with him or her and a supervising licensed driver, who is at least 21, in the front seat of the car. No one else can be in the front seat. For motorcycles, the adult driver must be licensed to operate a motorcycle, and must be either riding either as a passenger on the permit holder's motorcycle or on a separate motorcycle in the general proximity of the permit holder.

A minor who is at least 15, has completed an approved driver's education course, and has completed at least 25 hours of adult supervised driving during the year he or she held an instructional permit may apply for a restricted license. Parents must sign the application form. Prior to reaching age 16, a licensee with a restricted license must submit a signed affidavit of either a parent or guardian indicating the applicant has completed 50 hours (25 under the instructional permit and an additional 25 after being issued a restricted license) of adult supervised driving, including 10 hours of driving at night.

With a restricted license, a 15-year-old may drive to and from work or to and from school, over the most direct and accessible route, or at any other time when accompanied by a supervising driver.

For a period of six months, a restricted license entitles a licensee who is at least 16 to also operate the vehicle without supervision from 5:00 a.m. to 9:00 p.m. and to go to or from authorized school activities or religious worship services. However, no more than one non-immediate family member under the age of 18 can be a passenger in the car.

At age 16 ½, if the prior requirements have been met and there have been no driving infractions, the minor can drive unrestricted.

At age 17, a student who has not completed the stages outlined above may apply for a full unrestricted license. The applicant must pass a vision test, a written examination and a driving test. Additionally, he or she must submit proof of having completed 50 hours of practice driving with a supervising adult.

Restricted license holders may not use a cell phone, hand held or hands-free, while driving. Texting or e-mailing while driving is prohibited by law for all drivers.

Violating the restrictions will result in suspension of the restricted license for 30 days for the first offense, for 90 days for a second offense, and for one year for a third offense. If a driver under the age of 16 has two or more moving traffic violations, the individual cannot receive an unrestricted license until age 17. If a 16-year-old is convicted of two or more moving traffic violations, the individual cannot obtain an unrestricted license until age 18.

It is a crime under Kansas law to have a fictitious or fraudulently altered driver's license. The severity of the offense is elevated if the license is used in an attempt to purchase alcoholic beverages.

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A student's driver's license can be suspended for a period of one year for certain types of misconduct at school. If a student, age 13 or older, is found in possession of a weapon or illegal drug or has engaged in an act that was substantially likely to result in serious bodily injury to others at school, on school property or at a school supervised activity, the school must report the conduct to law enforcement who reports it to DMV. DMV then suspends the driver's license for a period of one year. If the student does not yet have a driver's license, a license cannot be issued for a period of one year. For purposes of this law, weapons include firearms, explosives, switchblade knives, bludgeons, sandclubs, metal knuckles, throwing stars and stun guns.

## Employment—Child Labor Laws

(29 U.S.C. 201, et seq.; K.S.A. 38-601, et seq.)

The Federal Fair Labor Standards Act (FLSA) sets 14 as the minimum age at which most children can perform non-agricultural work. However, at any age, youths may deliver newspapers; perform in radio, television, movie, or theatrical productions; work in businesses owned by their parents; perform babysitting or perform minor chores around a private home.

State law exempts these services as well, but provides that these exempt services cannot be performed by a child attending school during hours in which the public school is in session in the district in which such child resides. K.S.A. 38-614. State law also provides additional protections for minor child entertainers in K.S.A. 38-615 through 38-622 and requires a work permit for children under the age of 16 if they are not enrolled in and attending secondary school. K.S.A. 38-604.

FLSA places restrictions on the number of hours certain children can work and the type of work they can perform until workers reach age 18. FLSA limits the hours worked by 14- and 15-year-olds to non-school hours. These youths cannot work more than three hours in a school day, 18 hours in a school week, eight hours in a non-school day or 40 hours in a non-school week. Work must occur between 7 a.m. and 7 p.m. except from June 1 through Labor Day, when evening hours are extended to 9 p.m. State law contains similar provisions. K.S.A. 38-603.

The FLSA also limits the type of work youths can perform in accordance with their age. Permissible jobs, by age, are as follows:

- Young workers 18 and older may perform any job, hazardous or not;
- Young workers 16 and 17 years old may perform any non-hazardous jobs; and
- Young workers 14 and 15 years old may work outside school hours in various non-mining, non-manufacturing and non-hazardous jobs.

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## JUVENILE CRIME AND CONSEQUENCES IN KANSAS

(Adapted from a booklet originally prepared by Kansas Legal Services, Inc., September 2011 available on-line at <http://www.kansaslegalservices.org/node/1261/juvenile-crime-and-consequences-kansas>)

### *What's the difference between a felony and a misdemeanor?*


They're both crimes, but a felony is more serious than a misdemeanor.

Examples of misdemeanors:	Examples of felonies:
Petty Theft	Burglary
Possession of Marijuana	Robbery
Battery	Aggravated Assault
Disorderly Conduct	Criminal Threat

### *What Will Happen if I Get Arrested?*

If you get arrested, the officer will take you to the Juvenile Intake and Assessment Center (JIAC). JIAC staff will go through an intake questionnaire with you to find out things about you. JIAC staff will contact your parent or guardian and will go over this information with them as well.

At the end of the intake process, you will either be allowed to go home or you will be taken to the Juvenile Detention Facility (JDF). Which of these happens depends on why you were brought to JIAC – the more serious the offense, the more likely you are to be detained at JDF.



A person felony is a crime against a person (like threatening somebody with a gun). A nonperson felony is a crime against property (like stealing a car). Person felonies are generally more serious than nonperson felonies.

Whether you get released or not also depends on other things like how many times you've been brought to JIAC before and if there are concerns about the safety of you or the community if you were to get released.

If you are booked into JDF rather than released, you will have a Detention Hearing within a couple of days. You will get to talk to the judge, and he or she will decide if you should be released until your next court date (assuming charges are filed) or if you should continue to be detained at JDF. You will get to meet with a lawyer before this hearing, and they will represent you when you go in front of the judge. If you get released, the judge will usually order that you follow certain conditions, like going to school every day, following a curfew, obeying the rules at home, etc. If you don't follow the conditions, you can be brought back to JDF and may have to stay there until your next court date.

### *Should I Tell the Officer What Happened?*

If you've been arrested, the police officer has to read you your *Miranda* Rights before they can ask you questions about what happened. What you say now may come back to bite you later. The best thing to

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do is to tell the officer you want to talk to an attorney. You're never going to get into MORE trouble if you ask for a lawyer. There will be plenty of time to tell your side of the story later.

Your *Miranda* Rights: "You have the right to remain silent. Anything you say or do can and will be used against you in a court of law. You have the right to speak to an attorney, and to have an attorney present during any questioning. If you cannot afford an attorney, one will be appointed for you at government expense."

You DO need to tell the police officer basic information about you, like your name, your address, and your parents' names. Also, when the officer brings you to JIAC, you DO need to answer questions from JIAC staff, who are not police officers, and what you say to them cannot be used against you in court.

#### *If I Get Arrested, Does that Mean I've Been Charged with a Crime?*

Not necessarily. It's the police officer's job to arrest you and bring you to JIAC, but the police do not decide whether to charge you with a crime. The District Attorney, also called the Prosecutor, decides whether to charge you with a crime and may take some time to decide whether to charge you or not, particularly if the investigation is ongoing. For most crimes, the prosecutor has to make a decision whether to charge you within 2 years after the incident occurred, but for some very serious crimes, like rape or murder, the statute of limitations (time for bringing a charge) is longer.

#### *How Will I Know if I've Been Charged With a Crime?*

If the police officer brings you to JIAC because you were caught shoplifting, but then JIAC releases you to your parent or guardian, how will you know if the prosecutor later charges you with theft?

If the prosecutor charges you with a crime, he will file a Complaint against you. The Complaint will tell you the crime you're being accused of and a court date will be set. You will be notified of this court date by being "served" with a summons. Usually this is done by having a sheriff's deputy come out to your house and giving you or your parent the paperwork. If you're not home, sometimes they'll leave it at the door and then also mail you a copy.

If you don't show up to your court date, a warrant may be issued for your arrest.

#### *What Will Happen When I Go to Court?*

When you go to court, you'll meet with the attorney you hire, or the attorney who has been assigned to your case. They'll talk to you about the incident, what your options are, and what the possible punishments are. You can meet with your attorney in private, and everything you say to them is confidential. Your attorney can't tell anyone what the two of you talked about – not even your parent or guardian – without your permission.

Generally, you have 3 options when a Complaint has been filed against you. Your attorney will help you decide which of these options is best for you:

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1. Diversion – this option is available only if this is the first time you’ve been charged with a crime, and if it’s a relatively minor crime. The benefit of diversion is that at the end of the process, the charge against you gets dismissed.
  2. Trial – you always have the right to have a trial, either in front of a judge or in front of a jury. At a trial, the state (meaning, the prosecutor) has to prove that you committed the crime beyond a reasonable doubt.
  3. Guilty or “No Contest” Plea – if you don’t want to have a trial, you can plead guilty or no contest to the charge. When you plead guilty, you’re admitting that you committed the crime. When you plead no contest, you’re not saying you did it and you’re not saying you didn’t do it, but you’re agreeing not to fight the charge. In either case, the judge will find you guilty.

If it’s a slam-dunk case against you, there might be no point in having a trial because you know you’ll be found guilty. Additionally, the prosecutor might be willing to offer you a “deal” if you plea – like a reduced charge or a recommendation for a lighter sentence. This is called a plea bargain.

#### *If I’m Found Guilty, Does That Mean I’ve Been Convicted of a Crime?*

No. If you’re found guilty at a trial (or if you plead guilty or no contest to the charge) you will be adjudicated – not convicted – of that crime. In Kansas, “convicted” is the word used when an adult (18 or older) is found guilty of a crime. “Adjudicated” is the word used when a juvenile (17 or under) is found guilty of a crime. This is an important difference, because there are a lot of situations where you’re better off with an adjudication than a conviction. As long as you were under 18 when you committed the crime, it will always be considered an adjudication. (There is an exception to this if the court approves a motion to prosecute a minor as an adult).

#### *If I’m Found Guilty, What Will My Punishment Be?*

After you’ve been adjudicated, the judge will sentence you. There are several possible sentences you could get:

1. Standard Probation
2. Intensive supervised probation
3. Juvenile Justice Authority (JJA) Custody
4. Direct Commitment to a Juvenile Correction Facility
5. Sanction house commitment

No matter what your sentence is, you will have to pay court costs, UA fees, and possibly EMD (house arrest) fees. You may also have to pay restitution. The judge will order that you pay restitution if your crime caused the victim to have to pay money, or if they lost something that will cost money to replace.

#### *What is Expungement?*

When you get an adjudication expunged, it gets erased from your record. Once a charge has been expunged, it’s as if it never happened (for most purposes). That means when you’re filling out an application and it asks if you’ve ever been found guilty of a crime as a juvenile, you can answer “no”.

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Once an adjudication is expunged, it won't show up if somebody (like an employer) does a background check on you. There are a few exceptions to this - employers like the government or the military will be able to see it even if it's been expunged.

Most juvenile adjudications can be expunged. There are a few exceptions for very serious crimes like murder, manslaughter, and certain sex offenses.

#### *How Do I Get a Charge Expunged?*

You must wait two years after completing your sentence. If you've stayed out of trouble during those two years (no new charges except traffic tickets), you can ask the court to expunge your adjudication. You will need to fill out the appropriate paperwork and file it with the Juvenile Court Clerk's office, along with the required fee.

#### *How Will a Juvenile Charge Affect Me If I Commit a Crime as an Adult?*

When an adult commits a crime, the punishment they get depends on the seriousness of the crime they commit and their criminal history.

Your criminal history consists of every charge you've been found guilty of – whether it's a juvenile adjudication or an adult conviction. Even charges that have been expunged count as part of your criminal history, with a few exceptions.

#### *Will Having a Juvenile Record Make it Harder for Me to Get a Job or go to College?*

Yes, it might make it harder. However, this is a situation where you're better off with a juvenile adjudication than an adult conviction. Many job applications, for example, will ask if you've ever been convicted of a felony or misdemeanor. If all you have is a felony or misdemeanor adjudication, then the answer to this is "no."

What if the employer does a background check on you? Unless your charge has been expunged, your juvenile adjudication will probably come up, so they're likely to find out about it. For this reason, you might want to answer a question that asks about convictions by saying something like, "No, but I have a juvenile adjudication for burglary" (or whatever the crime is). That way they won't think you're trying to hide it. This is why it's important to get your charge expunged as soon as you can – that way you can answer "no" to questions about convictions or adjudications, and you know it won't show up on a background check.

College applications are similar. Many times they will ask only about convictions, so you don't need to mention any adjudications you might have. If you're applying to college and need financial aid, you'll have to fill out the Free Application for Federal Student Aid (FAFSA). There is a question on the FAFSA that asks if you were ever convicted for possessing or selling illegal drugs while you were receiving federal student loans or grants. You can answer "no" to this question, even if you were adjudicated of a drug crime as a juvenile, because the question only asks about convictions.

If you do mention your adjudication on an application, you should also mention the things you've done right since then – for example, did you do community service? Did you pay back restitution? Did you complete a class like Anger Management or Thinking for a Change? Did you successfully complete probation? How else have you turned your life around since the adjudication happened? That way they will see the adjudication as a mistake in your past, and not who you are now.

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### *Will I Still Be Able to Join the Military if I Have a Juvenile Record?*

It depends. Each branch of the military (Army, Navy, Air Force, Marine Corps, Coast Guard) has their own rules and standards when it comes to deciding which applicants to let in. They all require that the applicant be of “good moral character.” Your juvenile record will be looked at when they are deciding whether you meet their moral character standards.

Even if you’re told that you are not eligible to join the military because of your criminal history, you can apply to get a waiver. A waiver is where they’ll make an exception for you, if they think your strengths and good qualities outweigh your past mistakes.

If you’re interested in joining the military, the best thing to do is to contact a recruiter.

Note that getting an adjudication expunged won’t make it go away as far as the military is concerned. For the military’s purposes, every adjudication and conviction is part of your record, whether expunged or not. Unlike most job applications, where you can answer “no” to a question about adjudications or convictions if you’ve gotten the adjudication or conviction expunged, you **MUST** disclose everything on a military application.

### *Can My Family Get Kicked Out of Public Housing if I Get in Trouble?*

It’s possible. There are several ways your actions could cause your family to get evicted from government-subsidized housing, including:

- Engaging in drug-related criminal activity, whether on or off the property.
- Engaging in any violent criminal activity.
- Engaging in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants.

It doesn’t matter whether the “criminal activity” is by an adult or juvenile member of the household.

### *If I’m Not a U.S. Citizen, Will a Juvenile Charge Affect My Immigration Status?*

A juvenile adjudication is not considered a criminal conviction for immigration purposes. That means you won’t face the same immigration consequences that an adult who commits a crime might. Nevertheless, there could still be immigration consequences for someone who is adjudicated of a crime as a juvenile. This is because certain “bad acts” can trigger immigration consequences, even if they don’t result in a conviction.

What should you do if you’re not a U.S. citizen and you’ve been charged with a crime? Make sure your attorney at juvenile court knows that you’re not a citizen. You may also want to talk to an attorney who specializes in immigration law.

### *Will Getting in Trouble As a Juvenile Affect My Ability to Legally Carry a Firearm?*

If you’ve been adjudicated of a crime, this could make it illegal for you to possess a gun. The rules depend on the type of crime you were adjudicated of:

Type of Crime	Effect
Person felony involving a firearm	You may NEVER possess a firearm again.
Nonperson felony involving a firearm	You may not possess a firearm for TEN YEARS after you’ve been adjudicated.

Other serious felonies not involving a firearm	You may not possess a firearm for TEN YEARS after you've been adjudicated.
All other felonies	You may not possess a firearm for FIVE YEARS after you're adjudicated.
Misdemeanor	No effect on your ability to legally possess a firearm.

### *What Are the Consequences of Underage Drinking?*

If you're under 21, it is illegal for you to consume, possess or purchase alcohol. If you're caught in possession of and/or drinking alcohol, you can be charged with "Minor in Possession of Alcohol" (MIP) or "Minor in Consumption of Alcohol" (MIC). You'll have to go to juvenile court like you would with any other crime. But in addition to the regular punishment if you're found guilty, you'll also have to pay a fine of \$200 or more, your driving privileges will be suspended for 30 days, and you will likely have to attend a drug and alcohol treatment program.

### *Drinking and Driving*

It takes a breath or blood alcohol content (BAC) of only 0.02 for you to be found guilty of a DUI (Driving Under the Influence) if you're under age 21. That's about half a beer if you're a 120 pound female, or about one beer if you're a 180 pound male.

One of the consequences of getting a DUI is that your driving privileges will be affected:

- If your BAC is between 0.02 and 0.08, your driving privileges will be suspended (meaning you can't drive at all) for at least 30 days, and restricted (meaning you can only drive to and from school or work) for another 330 days.
- If your BAC is 0.08 or more, your driving privileges will be suspended for one year.

The penalties for getting a 2nd DUI are even more severe. Another consequence is the amount you pay for auto insurance may go up.

### *What Are the Laws Regarding Juveniles and Sex Offenses?*

Sex offenses include Rape, Indecent Liberties, Aggravated Indecent Liberties, Criminal Sodomy, Aggravated Criminal Sodomy, Indecent Solicitation of a Child, Aggravated Indecent Solicitation of a Child, Lewd and Lascivious Behavior, and Unlawful Voluntary Sexual Relations, among others.

In Kansas, the age of consent for sexual activity is 16. Engaging in sexual activity, even fondling or touching, when the other person is 15 or younger, can result in you being charged with a crime. If the person is 13 or younger, it's an even more serious crime. Even if the other person agrees to the sexual activity, it's still a crime! All that matters for you to be found guilty is how old they were at the time of the offense. Not how old you thought they were or how old they told you they were, but how old they actually were.

One of the most serious consequences of committing a sex offense is that the judge can order that you register as a sex offender. There are two kinds of registration:

1. Public registration, where your name, picture, and other information is posted on a public website that anyone can access.



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2. Private registration, where only law enforcement knows that you are registered.

In most cases, a juvenile found guilty of a sex offense will have to register as a sex offender for five years (on either the public or private registry). But some of the more serious sex offenses, like rape, may result in the juvenile having to register publicly as a sex offender for the rest of their lives.

## 10 Rules of Survival if Stopped by the Police

1. **Be polite and respectful when stopped by the police. Keep your mouth closed.**
2. **Remember that your goal is to get home safely. If you feel that your rights have been violated, you and your parents have the right to file a formal complaint with your local police jurisdiction.**
3. **Don't, under any circumstance, get into an argument with the police.**
  - In certain cases, your car can be searched without a warrant as long as the police have probable cause. To protect yourself later, you should make it clear that you do not consent to a search. It is not lawful for police to arrest you simply for refusing to consent to a search.
4. **Always remember that anything you say or do can be used against you in court.**
5. **Keep your hands in plain sight and make sure the police can see your hands at all times. Upon request, show them your driver's license, registration, and proof of insurance.**
6. **Avoid physical contact with the police. No sudden movements, and keep hands out of your pockets.**
7. **Do not run, even if you are afraid of the police.**
8. **Even if you believe that you are innocent, do not resist arrest.**
  - If you are given a ticket, you should sign it; otherwise you can be arrested. You can always fight the case in court later. . If you are suspected of drunk driving (DWI) and refuse to take a blood, urine or breath test, your driver's license may be suspended.
9. **If you are arrested and taken to the police station, don't make any statements about the incident until you are able to meet with a lawyer or public defender.**
  - You have the right to remain silent and to talk to a lawyer before you talk to the police. Tell the police nothing except your name and address. Do not give any explanations, excuses or stories. You can make your defense later, in court, based on what you and your lawyer decide is best. Do not say anything without a lawyer.
  - Ask to see a lawyer immediately. If you cannot pay for a lawyer you have a right to a free one, and should ask the police how the lawyer can be contacted.
  - Within a reasonable time after your arrest or booking, you have the right to make a local phone call: to a lawyer, bail bondsman, a relative or any other person. The police may not listen to the call to the lawyer.
  - Sometimes you can be released without bail or have bail lowered. Have your lawyer ask the judge about this possibility. You must be taken before the judge on the next court day after arrest.
  - Do not make any decisions in your case until you have talked with a lawyer.
10. **Stay calm and remain in control. Watch your words, body language and emotions.**

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