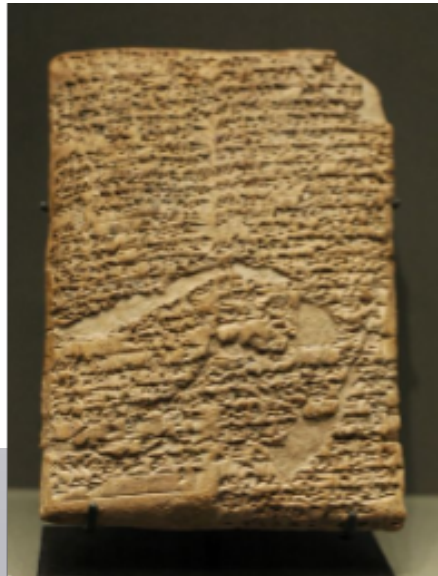


# Unit 6

## Purpose of National, State, and Local Laws



Objective 6.01: Trace the development of law in American Society.

## The Sources of Our Laws

- What is a law?
  - Allows everyone to live peaceful
  - Make it possible for all parties; people, organizations, and governments to deal with one another
- Major Purpose
  - Keep the peace and prevent violent acts

# Objective 6.01: Trace the development of law in American Society.

## The Sources of Our Laws

- Moral Codes

- A code of conduct. What is right/wrong. Defined by Society.

- Legal Codes

- A type of legislation that creates laws for a society. Unlike a Moral Code, these can be enforced in a court of law.

# Objective 6.01: Trace the development of law in American Society.

## The Sources of Our Laws

- Codes of Hammurabi (1760 BC )
  - Developed in Ancient Babylon, this code demonstrates reciprocal punishment. Meaning an “eye for an eye.”
- Ten Commandments ( Approx. 1446 BC)
  - A list of moral and religious principles given to Moses in Ancient Israel. Contains many principles still used today (thou shall not kill, steal, covet, etc.)
- Justinian Codes (529-534 AD)
  - This Code, from the Byzantine Empire, compiled many Roman Laws into different singular areas. Became a basis for civil law in the Byzantine Empire.
- Draconian Laws (Around 610 BC )
  - Ancient Greek code. The code was very harsh, ordering death for many crimes (including tiny ones like stealing an apple). This was done to quell rebellions, but did not work.

# Objective 6.01: Trace the development of law in American Society.

## The Sources of Our Laws

- English Bill of Rights (1689)
  - Protected certain rights of English citizens, including the right to petition and bear arms.
- British Common Law (1154)
  - Common Law is the idea that current court cases can be judged based on the idea of precedent. Courts review cases and decide on precedent. Courts can also overturn precedent.
- Iroquois Nation's Constitution (1500s)
  - Also called Gayanashagowa (or Great Law of Peace). This created a "Great Peacemaker" (like a President), and is thought to have influenced the US Constitution.
- Social Contract (1651, 1689, 1762)
  - Developed by Hobbes, Rousseau, and Locke, this is the idea that people give up some of their rights in order to maintain a society and government.

# Objective 6.01: Trace the development of law in American Society.

## The Sources of Our Laws

- Magna Carta (1215)
  - M.C. required the King of England to be bound by laws. It also protected “habeas corpus,” or the right to appeal unlawful detention. Formed a large basis of the US Constitution.
- Declaration of Independence (1776)
  - Written primarily by Thomas Jefferson, this statement is not law, but identifies many human rights and principles that inform our laws today. Also declared US independence.
- U.S. Constitution (1787)
  - Basis of American law, established protected rights in the Bill of Rights.

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Types of Laws

### Civil Law

- Laws concerning disputes between people (or groups of people) or between the government and its citizens
  - Cases decided by a jury (7th Amendment)

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Types of Laws

### Civil Law

- Types of civil cases
  - Can involve breach of contract in which the plaintiff argues that the defendant violated a written or oral agreement
  - Can involve property disputes
  - Can involve family matters (divorce)
  - Can involve negligence
  - Can involve personal injury (Tort)
    - Example:
      - you slip and fall on ice in your neighbor's driveway. If you are injured, you can sue him for damages in a lawsuit

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Types of Laws

### Criminal Law

- Laws that seek to prevent people from deliberately or recklessly harming others or their property
- Enforced by police; penalties imposed by criminal courts
- Who decides what constitutes a crime?
  - National Level
    - Congress
  - State Level
    - State Legislature
  - Local Level
    - City Councils and County Commissioners

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Types of Laws

### Criminal Law

- Felonies

- Murder, Rape, Kidnapping

- Misdemeanors

- Vandalism, stealing inexpensive items, smoking weed

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Types of Laws

### Public Law or Constitutional Law

- Laws found in the U.S. Constitution

### Administrative Law

- All laws of the rules and regulations that the executive branch of government must make to carry out its job

### Statutory Law

- laws established by local governments (city or county) that establishes codes, ordinances, or statutes for citizens at the local level

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Types of Laws

### International Law

- Laws that affect the United States and other Nations (Example—Canada and the U.S. are in dispute over fishing rights in the territorial waters of either nation. )

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## The American Legal System

- Legal protections in the Constitution
  - US Constitution basic law of the land
    - Article I contains basic legal rights of the accused
      - Writ of Habeas Corpus “produce the body”
      - You cannot be held with out good reason and you must know those charges
      - Bill of Attainder
        - Law that punishes someone with out a hearing
        - Ex Post Facto Law
          - A law that punishes a person for a crime that was not a crime when it was committed

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## The American Legal System

- Bill of Rights protections

- 4th Amendment

- Unreasonable search and seizure (Search warrant)

- 5th Amendment

- Grand jury hearing, no double jeopardy, and can refuse to answer questions

- 6th Amendment

- Know your crime, hear and question witnesses, represented by an attorney, and speedy and public trial

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## The American Legal System

- 8th Amendment

- Outlaw's cruel and unusual punishment
  - Torture and Excessive bail

- 14th Amendment

- Due process of law, cannot take our lives, liberty, or property unless under the exercise of law, equal protection of the law, and treat all people equally

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Civil Cases

- Plaintiff
  - Party bringing the lawsuit claims to have suffered a loss and usually seeks damage
- Defendant
  - Party being sued arguing that the loss did not occur or the loss was not their fault
- Lawsuits involving damages of a few \$1000 or less are often handled in small claims court

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Civil Cases

- Lawsuits involving more money than a few \$1000 often require lawyers and juries in larger civil courts
  - Suits of equity
    - A lawsuit to try and stop a situation that people feel is not fair or equitable
    - To try and stop a wrong before it occurs
      - Injunction
      - A court order that commands a group or person to stop a certain action

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Civil Case (Bringing Suit)

- Hire lawyer or not (Files a complaint)
- Court sends out a summons (Document telling the person why they are being sued and when and where to appear in court)
- Defendants Response
  - “Answer” admit to charges or offer reasons why not responsible also know as the pleading
- Before going to trial
  - Plaintiff and Defendant have time to fact check (discovery

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Civil Cases (Bringing Suit)

### Pretrial Hearing

- Judge can call both parties for a discussion
  - Kill the suit, work out a deal (settlement) most civil cases are settled long before trial

### Trial

- If both parties do not settle they go to trial
  - There may be a jury of 6-12
  - Plaintiff goes first then the defendant
  - Plaintiff does not need to show beyond a reasonable doubt to win

### Appeal

- If the losing side feels that the judge made errors they may appeal their case to a higher court

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Criminal Cases

- Crime

- An act that breaks a federal or state law

- Penal code

- List what is a crime as well as spells out punishments

- Misdemeanor

- Fined, 1 year or less in confinement

- Felony

- Fined, 1 year or more in confinement

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Criminal Cases

- penalties for crimes
  - Punishment (pays for offenses)
- Protect society
  - Keeping dangerous criminals off the street
- Deterrence
  - Others will not follow
- Rehabilitation
  - A asset to society when they leave incarceration

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Criminal Cases

- Sentencing

- Mandatory sentence—judge must impose a sentence established by law
- Sentencing Options:
  - Restitution: when the those convicted of a crime must repay the victim for damages caused
  - Detention, Suspended Sentence, Community Service, Probation, House Arrest, Death Penalty
- Where Sentences are Served by those Convicted of a Crime
  - Jail, Minimum Security Prison, Maximum Security Prison (long-term incarceration), Medium Security Prison

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Criminal Cases

- Parole

- Early release from incarceration but must report to a parole officer for remainder of time to be served

## Types of felonies

- Crimes against people

- Assault—attack on a person for the purpose of causing injury
- Homicide—killing someone
- Murder—killing that is premeditated
- Manslaughter—killing that happens unintentionally

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Criminal Cases

- Crimes against property
  - Larceny—unlawful taking of property without using violence
  - Robbery—theft by force or threat of violence
  - Burglary—breaking and entering with the intent to commit a crime
  - Arson—setting fire to someone's property
  - Vandalism (deliberate destruction of property)

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Criminal Cases

- Victimless Crimes (example: unauthorized gambling, use of illegal drugs, prostitution)
- White-collar Crime
  - crimes committed by professionals who steal money from their employer or clients
    - Embezzlement—stealing from an employer
    - Fraud—taking property by dishonest means or misrepresentation. i.e.: convincing someone to invest in a non-existent gold mine
- Crimes against the government—treason, terrorism

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Criminal Case Procedure (Before Trial)

- Police make an arrest
- Taken to magistrate to get bail set and hear formal charges
- Processed into jail or set free
- 1st appearance
  - Court date set, bail reduced or raised, and lawyer appointed
- Next court date: Arraignment
  - Enter a plea (guilty, not guilty, no contest)
  - Plea bargaining (accepting a deal for perhaps lesser punishment)

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Criminal Case Procedure (Trial)

- Same as civil, time before court case to research and gather witnesses
- Testimony (Answers given while under oath and on the witness stand)
- Cross examines (After a witness testifies for one side the other side ask questions)

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Criminal Case Procedure (Trial)

Verdict and Sentencing (Juries go behind closed doors to talk it out)

- Acquittal (Vote of not guilty)
- Hung jury (Jury cannot agree on verdict)
  - Mistrial (Judge declares trial inconclusive and prosecution can decide to ask for retrial)
  - Can not come to a unanimous decision
- Found guilty judge sets a punishment

Appeal

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Young People and the Courts

- Every state varies at what age you become an adult in the eyes of the criminal system
- Anyone under the age of 18 in most states is considered a juvenile
  - Young people who commit a crime are called juvenile delinquents

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Young People and the Courts

- Goal of Juvenile Court
  - rehabilitation
    - Guiding Principle—do what's best for the juvenile.
- Handles two types of cases:
  - Neglect
    - court has power to place children in foster homes.
  - Delinquency
    - involves cases where children commit crimes. Also involves offenses that aren't considered illegal for adults (running away, truancy—skipping school, etc.)

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Young People and the Courts

- Juvenile Petition (similar to an adult criminal complaint) Parents Notified, Sent Home or Juvenile Detention
- Juvenile Court System
  - Hearings involve the accused, parents, lawyers, social worker, police officers, probation officer, etc. No jury.
    - Hearings are closed to the public except those involved in the case.
    - Sentence—judge decides where accused is “delinquent” or “non-delinquent.”
    - Criminal records are kept from the public and are sealed upon the juvenile’s 18th birthday.
    - Not photographed or fingerprinted upon arrest

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Young People and the Courts

- Supreme Court Rules

- In general juveniles have the same or similar rights as adults accused of crimes
  - Right to counsel, right to confront witnesses, and right not incriminate yourself

Objective 6.02: Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.

## Young people and the Courts

- Levels of punishment
  - Stern lecture
  - Training school, juvenile detention, boot camp
  - Become wards of the court (if neglect or home conditions are an issue)
    - court assumes custody until their 18th birthday;  
juvenile lives in foster care
  - Community Service
  - Probation—can live at home and go to school as long as they obey the law

Objective 6.03: Identify the various procedures in the enactment, implementation, and enforcement of law

## Federal Level of Law enforcement

- Department of Justice
  - Federal Bureau of Investigation (FBI)
  - Secret Service
  - Consumer Protection
  - Transportation Regulation
  - Regulatory Commissions

Objective 6.03: Identify the various procedures in the enactment, implementation, and enforcement of law

## State & Local Level of Law enforcement

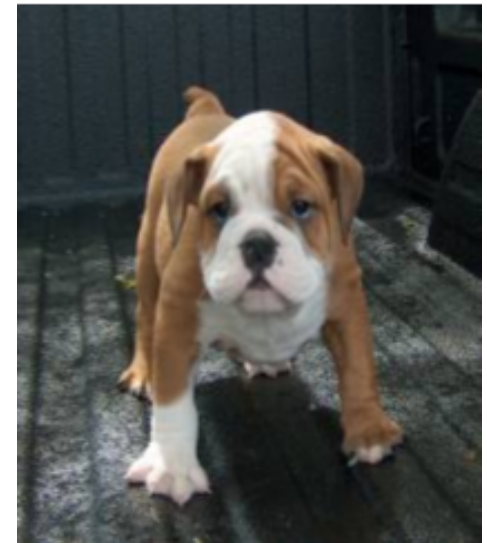
- State

- State Bureau of Investigation (SBI)
- National Guard Reserves
- State Troopers

- Local

- Sheriff (county police)
- City Police

# The Citizen and the Community



Objective 10.04: Demonstrate characteristics of effective citizenship.

## American Citizenship

- Rights, Duties, and Responsibilities of Citizens
  - Rights of Citizens- powers of the citizens guaranteed by U.S. Constitution
    - Voting
    - Practicing religion of one's choice
    - Holding elected office
    - Having a fair trial

Objective 10.04: Demonstrate characteristics of effective citizenship.

## American Citizenship

- Duties of Citizens- actions required of citizens by law
  - Obeying the law
  - Registering for Selective Service (Draft)
  - Serving in court
  - Attending school until the age 16
  - Paying Taxes

Objective 10.04: Demonstrate characteristics of effective citizenship.

## American Citizenship

- Responsibilities of Citizens- voluntary acts not required by law
  - Voting
  - Being informed
  - Participating in government
  - Respecting the rights of others

Objective 10.04: Demonstrate characteristics of effective citizenship.

## American Citizenship

- Loss of Citizenship- one of the main ways to lose U.S. citizenship is to become a naturalized citizen of another country

# Path to Citizenship



# Objective 10.04: Demonstrate characteristics of effective citizenship.

## Path to Citizenship

### Who are American citizens

- By birth
  - 14th Amendment
  - Born in any of the 50 states
    - On American territory
    - If both your parents are American citizens
    - Dual citizenship
- Naturalized process
  - Non citizens, aliens
  - Immigrants
    - Those who move to a new country wishing to gain citizenship

# Objective 10.04: Demonstrate characteristics of effective citizenship.

## Path to Citizenship

- Step 1
  - Sign declaration of intention, filed with INS
- Step 2
  - Live in US for 5 years or if married only 3 years
- Step 3
  - File paperwork to become US citizen
    - 18 yrs old and living in state for at least 3 months
- Step 4
  - Interview with INS and citizenship exam
- Step 5
  - Acceptance and oath of allegiance

# Objective 10.04: Demonstrate characteristics of effective citizenship.

## Path to Citizenship

- Lets answer some of those INS questions shall we
  - Are you a citizen or an Alien?

