



TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
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DATE: April 10, 2007
SUBJECT: Law Day 2007

Part of the mission of the City Attorney's Office is to educate the City officials, board and committee members, employees, and the general public. In furtherance of this goal, our office has actively participated in an annual Law Day Program, which is promoted by the American Bar Association (ABA). Each year, the ABA selects a theme for Law Day. The theme for Law Day 2007 is "Liberty Under the Law: Empowering Youth, Assuring Democracy." The purpose of this theme is to address the needs of youth and focus on the issues affecting them today. The theme prompts us to listen to the voices of young people and to consider how the law can better serve their needs and interests.

Consistent with this year's theme, we prepared a survey for the purpose of obtaining information from high school students in Troy. The questions in the survey are designed to educate students about the current laws that affect young people, and also to solicit their opinions on the current laws, as well as their opinions on how the law can better serve their needs. A copy of the survey and an introductory page to the survey are attached.

Information about the Law Day 2007 Youth Survey has already been disseminated to the schools, and we are advised many students have already completed it. In addition, the survey is also available on line on our departmental web page, <http://www.ci.troy.mi.us/law/lawday2007>.

Our office will collect the surveys and submit a report outlining the results. The report will be submitted to Council, local judges, legislators, and local newspapers. It is our hope the results of the survey will be taken into consideration by all those involved in the implementation and enforcement of laws that affect young people, as well as the implementation of the future vision for our community. The survey and the report will also be featured in the Law Day display, which will appear in the Troy Library during the month of May, and it will be available for public review on the City Attorney's web page.

We have also attached a proposed proclamation for Law Day 2007, which we hope to have passed by the Troy City Council.

As always, if you have any questions, please let us know.

City of Troy Attorney's Office

Law Day 2007 Youth Survey

(Note to Teachers: Thank you for participating in our Law Day 2007 Youth Survey. Please take a moment to read the following introduction to your students. After doing so, please allow them a few minutes to complete the survey.)

Law Day is a national day set aside to celebrate the rule of law. Law Day underscores how law and the legal process have contributed to the freedoms that all Americans share. In 1961, May 1 was designated by a joint resolution of the United States Congress as the official day for celebrating Law Day. However, Law Day programs, which are designed to help people understand how law keeps us free and how our legal system strives to achieve justice, often take place throughout the month of May each year.

In recognition of this year's theme for Law Day, "Liberty Under Law: Empowering Youth, Assuring Democracy" the Troy City Attorney's Office has prepared a Youth Survey. The future of our nation is in the hands of our young people. We all can and should play a role in assuring America's future by addressing the needs of youth and focusing on the issues affecting them today. The Law Day 2007 theme prompts us to listen to the voices of young people and consider how the law can better serve their needs and interests. Consistent with this theme, the Youth Survey was designed to both educate students as to the current provisions of various laws that affect young people, and to gather input on how the law can better serve their needs. A complete report of the results of this survey will be available on the City of Troy, City Attorney's Office Web Page www.ci.troy.mi.us/law after May 1, 2007. The report will also be submitted to the Troy City Council, local legislators, and local newspapers.

We wish to thank all the students who choose to participate in our Law Day Youth Survey. Your participation will help us to accomplish our goal of assuring that the voices of our youth are heard and considered within our democracy.

Thank you,

Troy City Attorney's Office

City of Troy Attorney's Office

Law Day 2007 Youth Survey

Instructions

If you are a high school student, please take 10 to 15 minutes to provide your responses to the following questions. Choose one response that best fits your belief.

1. In *Roper v Simmons*, 543 US 551(2005), the United States Supreme Court ruled that the death penalty may not be applied to minors, citing the Eighth and Fourteenth Amendments. Do you agree with this decision of the Supreme Court?

- A. I agree with the decision because a person under 18 years of age should not be held to the same standard of accountability as an adult.
- B. I disagree with the decision because a young person (for example, a person between the ages of 13 and 17), who commits a serious crime, should be subject to the same punishment as an adult.
- C. I neither agree nor disagree because I am opposed to the death penalty.

2. School Boards are made up of elected officials who make decisions for the students in their districts. Under Section 492 of Michigan's Election Law, MCL 168.492, students cannot vote for the School Board members that represent them until they reach 18 years of age. Do you agree with this law?

- A. This is the way it should be.
- B. All students should be able to vote for School Board members.
- C. Students' age 16 or older should be able to vote for School Board members.
- D. All high school students should be able to vote for School Board members.

3. In 1971, when the Twenty-Sixth Amendment to the United States Constitution was ratified, the voting age was lowered to 18 from 21. The majority of students in high school cannot vote in elections. What is the appropriate voting age?

- A. The minimum voting age should be lowered to 16.
- B. The minimum voting age should be lowered to 17.
- C. The minimum voting age should remain at 18
- D. The minimum voting age should be changed to 21.

4. Due to advances in technology, images, videos, and music can be obtained

rapidly through Internet downloading. Often this downloading constitutes a violation of the Copyright Act, 17 USC § 101, *et seq.*, which allows an artist to protect their monetary interest in their own work. Do you think free downloading is a crime?

- A. It is stealing and should be treated as a crime.
- B. It does not harm anyone and should be allowed as long as the person who downloads the material agrees to not sell the material for a profit.
- C. Since the artist is making plenty of money, the person who downloads the material should not be subject to any adverse consequences or restrictions.
- D. The person violating the copyright should not be charged with a crime but should be required to pay the artist for what they have downloaded.

5. Under Michigan law, MCL 722.754, a township, city or village may impose a curfew of minors by ordinance. A typical curfew ordinance may make it illegal for a person under the age of 18 to be out of their homes from 11pm to 6am. Choose the one response that best fits your belief with regard to curfews.

- A. There should be no curfew of minors because young people should have the same right to be outside of their homes as adults.
- B. There should be a curfew for minors, but it should only apply to young children and not high school students.
- C. A curfew of minors under the age of 18 is a good idea because it keeps young people out of trouble, and it protects children from harm.

6. The Federal minimum wage may soon be raised from \$5.15 to \$7.25. Some people believe that the minimum wage for people under 18 should remain at \$5.15. Choose the response that best reflects your belief regarding a lower minimum wage for those under 18.

- A. I believe the minimum wage for people under 18 should be lower than the minimum wage for adults because most young people who are working are working part time simply for extra discretionary spending money.
- B. I believe the minimum wage for people under 18 should be the same as the minimum wage for adults because the value of services provided by workers are the same regardless of age and therefore the law should not discriminate against young people.
- C. I believe the minimum wage for people under 18 should be lower than the minimum wage for adults if the young person is working only for extra discretionary spending money. However, if the young person is working to help support his/her family or saving

the money for college then they should earn the same minimum wage as adults.

- D. I believe there should be no Federal minimum wage because free market forces should determine salaries and wages.

7. The Michigan Legislature has passed several laws designed to promote school safety. Among the laws passed is a law allowing school officials to search a student's locker without a warrant (MCL 380.1306), a law requiring a student to be expelled for certain acts such as bringing a dangerous weapon to school (MCL 380.1311), laws requiring the board of a school district to obtain the criminal history of individuals employed by the school district and to terminate employees who have been convicted of certain offenses (MCL 380.1230g, MCL 380.1230c, and MCL 380.1535a), and laws establishing school safety zones within an area that lies 1,000 feet from the school and prohibiting registered sex offenders from residing within such zones (MCL 28.733 and MCL 28.735). What best describes your belief with regard to Michigan's School Safety Laws?

- A. I feel totally safe in school and I am confident Michigan's School Safety Laws will protect me.
- B. I do not feel safe in school and believe that more school safety laws should be in place.
- C. I feel Michigan's School Safety laws are overly restrictive and interfere with the rights of students and individuals employed by school districts.

8. What issues affecting youth do you believe should be addressed by our representatives in Lansing and Washington? Please write your answer in the space below.

9. Do you believe our representatives in Lansing and Washington adequately represent the interests of youth?

- A. Yes, absolutely.
- B. Yes, somewhat.
- C. No, not really.
- D. No, not at all.

10. In 1979, the legal drinking age in Michigan was raised from 18 to 21. The latest scientific research suggests that the brain is not fully developed until a person reaches his or her mid twenties. Given the latest studies, do you believe 21 is the appropriate age?

- A. Yes.
- B. No, the drinking age should be raised.
- C. No, the drinking age should be lowered back to 18.
- D. There should be no minimum drinking age.

11. One important principal of law in our country is that a person put on trial should have a jury of his or her peers. However, under Michigan law, when juveniles are prosecuted and put on trial, the jury is composed of adults. Do you believe this is fair?

- A. Yes, adults are best capable of acting as jurors.
- B. Yes, having minors serve on juries in juvenile cases would interfere with school or other important activities.
- C. No, I think the law should be changed to allow a person under the age of 18 to serve on a jury in a juvenile case because a juvenile should have a jury of his or her peers.

12. Under Michigan Law, a minor cannot enter into a contract with an adult. For example, a car dealer will not sell a car to a minor unless an adult, typically a parent or guardian, signs the purchase agreement. Do you believe minors should be allowed to enter into contracts with adults without gaining the approval of a parent or guardian?

- A. Yes, at any age.
- B. Yes, if the minor is at least 16.
- C. Yes, if the minor is at least 17.
- D. No, allowing minors to enter into contracts would lead to abuses like fraud or duress.

13. In Michigan, the Holmes Youthful Trainee Act (HYTA) provides that individuals between the ages of 17 and 21 who plead guilty to a criminal offense (misdemeanors and felonies), other than a traffic offense, major drug crime, a crime penalized by imprisonment for life and certain other specified crimes, may be assigned the status of youthful trainee and earn a dismissal of the criminal offense if the terms and conditions of the court ordered probation are complied with. Which of the following best describes your opinion concerning this law?

- A. This is a good law because it provides young people who make a mistake with an opportunity to avoid a criminal record.
- B. This is a bad law because if an individual commits a crime, there should be a public record of conviction for that individual regardless of the age of the person when the crime was committed.
- C. I agree that young people who commit minor offenses should have an opportunity to earn a dismissal of the charges, but the current law is too lenient because it should not apply to felonies.

14. The Michigan law that makes it a crime to operate a motor vehicle while under the influence of alcohol, a controlled substance, or a combination of alcohol and a controlled substance has a zero tolerance provision for persons who are less than 21 years of age. Under the law, a person under the age of 21 who has “any” bodily alcohol content (or who has the presence of “any” controlled substance in the person’s system) and drives can be convicted. Which of the following describes your belief as to the effect of this law?

- A. People in my age group are well aware of this law and it is very effective at preventing teenage drinking and driving.
- B. Although people in my age group are aware of the law, it is not effective at preventing teenage drinking and driving.
- C. Most people in my age group are not aware of this law.

15. According to the Supreme Court in *Tinker v Des Moines School District*, 393 US 503 (1969), if there is no interference with school activities, students may wear armbands to protest a war. A school’s attempt to prohibit the armbands was an impermissible prohibition against the expression of speech under the First and Fourteenth Amendments. Many schools have dress codes that ban students from wearing hats. Courts have upheld school dress codes on the basis that a student’s attire can have a positive or negative effect on the learning process and such codes are needed to limit distractions that may result from a student’s appearance. With this in mind, which of the following best describes your belief:

- A. A school ban on the wearing of hats should be abolished based on the First and Fourteenth Amendments.
- B. A ban on the wearing of hats does not violate the Constitution because a no hat policy results in students staying focused on instruction rather than on what hat someone is wearing.
- C. Hats should be allowed in school, but only if the student is wearing the hat to express his or her opinion on something.

Thank you for participating in the City of Troy Attorney’s Office Law Day 2007 Youth Survey. If there are other legal issues that you want us to hear about, or if you wish to provide further comment related to any of the questions in this survey, or if you have any ideas on how the law can better serve the needs and interest of young people, please respond in the space provided below.
