



TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: May 3, 2007
SUBJECT: Law Day 2007

Consistent with this year's Law Day theme, "Liberty Under the Law: Empowering Youth, Assuring Democracy," the City Attorney's Office conducted a youth survey for the purpose of obtaining information from high school students in Troy. The questions in the survey were 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 report on the results of the survey is attached.

The report will be submitted to 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, along with other information about Law Day, on the City Attorney's web page, www.ci.troy.mi.us/law.

The City Attorney's Office also held its annual Law Day reception on May 2, 2007. Brochures and pamphlets with information on various legal topics were available for all attendees. Additionally, as in years past, those attending the reception provided donations of materials, supplies and money for CARE House – the home of the Child Abuse and Neglect Council for Oakland County.

If you have any questions, please let us know.

City of Troy Attorney's Office Law Day 2007 Youth Survey Report

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 conducted a Youth Survey. The 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. All the public school districts serving the City of Troy were given an opportunity to have their high school students participate in the survey. Over 250 surveys were completed and returned to the Troy City Attorney's Office. The survey questions are set forth below along with the various responses¹ including the percentage of each response received. The survey also offered students an opportunity to provide written comments, which are also included in this report. This report and other information about Law Day are available to the public on the City of Troy, City Attorney's Office Web Page www.ci.troy.mi.us/law.

We wish to thank all the students and teachers who participated in our Law Day Youth Survey. Your participation helped us accomplish one of the main goals of this year's Law Day theme, which is to assure that the voices of our youth are heard and considered within our democracy.

Survey Results

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

¹ Many of the student participants were inadvertently provided with an earlier draft of the survey. The questions in the earlier draft are the same as those set forth in the final version, except the final version had one additional question (Question 15) and the wording of the choices of responses for some of the questions was slightly different. Those questions where the wording of the choices of available responses varied between the earlier draft and the final version are addressed in subsequent footnotes.

adult. **52%**

- 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. **19%**
- C. I neither agree nor disagree because I am opposed to the death penalty. **29%**

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. **29%**
- B. All students should be able to vote for School Board members. **6%**
- C. Students' age 16 or older should be able to vote for School Board **29%**
- D. All high school students should be able to vote for School Board members. **36%**

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?²

- A. The minimum voting age should be lowered to 16. **15%**
- B. The minimum voting age should be lowered to 17. **6%**
- C. The minimum voting age should remain at 18. **76%**
- D. The minimum voting age should be changed to 21. **3%**

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. **10%**
- 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. **55%**
- 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. **10%**
- 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. **25%**

² The earlier draft had the choice of responses in a different order. This report accurately reflects the opinion of all participants as to what the minimum voting age should be.

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.³

- A. There should be no curfew of minors because young people should have the same right to be outside of their homes as adults. **19%**
- B. There should be a curfew for minors, but it should only apply to young children and not high school students. **38%**
- 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. **43%**

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. **8%**
- 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. **74%**
- 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. **15%**
- D. I believe there should be no Federal minimum wage because free market forces should determine salaries and wages. **3%**

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

³ The earlier draft had the following choices of responses: A. (same); B. (same); C. A curfew of minors under the age of 18 is a good idea because it keeps kids out of trouble; D. A curfew of minors under the age of 18 is a good idea because it protects children; E. Both C and D above. In this report, all those who submitted the earlier draft and chose C, D or E are included in the percentage for those who chose response C in the final version.

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. **74%**
- B. I do not feel safe in school and believe that more school safety laws should be in place. **10%**
- C. I feel Michigan's School Safety laws are overly restrictive and interfere with the rights of students and individuals employed by school districts. **16%**

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.

In question 8, the survey requested a narrative response. The majority of the participants did not provide a response. A summary of each narrative response to question 8 is set forth below:

- **The ability to do things like jobs at an earlier age**
- **They do a good job addressing issues of youth**
- **More rights, allowed to share views, restrictions on use of computers lessened**
- **Schools should have no say on dress codes**
- **Raise age of consent to 21, death penalty for illegal drugs, guns should be prohibited except for policemen**
- **No curfew, education should be required, 16 year olds should be able to vote**
- **Movies should not be rated, kids should be able to see R-rated movies**
- **It should be made clear whether it is legal or illegal to download internet music so kids know what they can do**
- **Raising taxes and cutting funds hurts students - how do you expect us to learn when there is no money put into education**
- **School lunches should be healthier and provide more nutrients with less calories**
- **Driving age should be lowered to 15**
- **Curfews are a good thing but instead of 6am, it should be 4:30 or 5am because some high school students run in the morning or drive places on the weekend**
- **Bad teachers**
- **Education, alcohol abuse**
- **Getting credits for playing sports**

- Honors grading scale should be lowered because classes are harder, more graduation requirements to push students more, sports as a gym credit
- We (high school students) should be treated the same as adults unless we do something to change minds
- The government should put more emphasis on avoiding drunk driving and driving under the influence of a controlled substance so that innocent people, especially youth, are not killed due to lack of regulations for drinking and/or use of a controlled substance and driving.
- Prayer should be put back in schools because our country was founded as “one nation under God”
- I think discrimination in schools is a major issue, there should be harsher rules against discrimination based on race or peoples looks, etc.
- The government should find ways and promote programs to get young people out to vote
- Providing places where young people without a lot of money and/or a car can gather to keep them out of a problem
- Girls sport seasons, more healthy and affordable cafeteria food, more education and help with college, advanced programs and classes
- Discrimination in schools
- Students right to free speech, full sex education with coverage on protection, giving student information to military under No Child Left Behind Act
- Homework, students should get homework but not large amounts
- I think some teachers are mean to students and kids get scared
- Sanitation in school bathrooms
- Underage drinking and drug use
- More education should be provided
- Curfews should be lowered down to 10:00
- Violent video games and violent children
- Peer pressure, smoking, and pressure to do well in school, economy and jobs
- Adults are biased against teenagers - police officers will assume we are up to something if they see us outside at 11:05
- Dress codes - schools without dress codes have teens with short skirts, revealing tops, etc., other issues are curfew and downloading
- Curfews, minimum wage, credits
- Lack of job opportunities such as programming, graphics, etc.
- Flag burning should be banned
- The people in Lansing should work on school safety to avoid more shootings
- No more final exams –if we learned the subjects once, no point in learning them again

- The time school begins – if school starts later students will be more aware during school hours
- Tolerance of peoples differences – diversity programs starting at a young age will help people get along and prevent resentment
- Alcohol control
- Gay rights in school
- All the bad stuff
- Teens and drugs should be addressed
- Dress code regarding skirt lengths should be more lenient
- Gun control, alcohol restriction
- Making more skate parks of excellent quality
- Laws about the minimum age to earn money
- Prayer in school
- Gay and minority discrimination
- School should start later
- Drinking age
- Driver's training is too long
- School starts too early
- Less school
- Prayer in school
- Sex offenders should be further away from schools
- Stricter laws for people who violate or harm children
- Drinking age should be lowered because people can go to war and die without being able to drink
- Curfew change to 12am, drinking age changed because 18 year old men can fight and get shot for our country, legalize marijuana
- Legalize marijuana
- Too much homework, it should be limited to a number of hours per night because of extracurricular activities, back packs that are too heavy could cause back damage
- More stores (A & W, 7-11) should be built in Troy - I'm tired of seeing a bank built on every street corner
- Teachers should not have right to search back packs - I understand lockers, but not back packs
- Drugs and alcohol
- Drinking and driving
- Test requirements, curfews, driving fast
- Change age to 16 for R-rated movies
- Legalize marijuana, drinking age should be 18
- Drinking age should be 18 because you can fight and die in wars at that age
- Drugs in the community are affecting youth
- Drugs and alcohol
- School policies, age of consent, R-rated movies

- **Minimum wage and school hours**
- **Mainstreaming in schools**
- **Drinking age should be 18 since at that age you are responsible enough to vote and at age 18 you should have full responsibility and control of your life.**
- **School should start later so students will be more awake which leads to better learning, more time for homework and time to eat breakfast**
- **Curfews and minimum wage issues should be changed - kids under age 18 work just as hard as anyone, curfews are not needed because if the parents know where their kid is, it should not be a problem**
- **The use of drugs, guns and weapons, sex**
- **More break time for students off from school**
- **The smoking age should be raised because many young people are ruining their lungs**
- **Students at the age of 14 should be allowed to work at any job**
- **Teenagers below the age of 18 should be able to vote because we're affected by laws too**
- **Use of cell phones by students should be addressed - use of them before and after school is okay, but many kids text during the day when they should be learning, and this is not right**
- **An issue that could be addressed is starting school so early in the morning**
- **I think the representatives are doing just fine**
- **Minimum wage**
- **There are a lot of people who do drugs and they should address having more rules and more enforcement of laws on drugs**
- **Youth should have more say in the government**
- **Students choosing school board members**
- **We should have longer days and longer breaks**
- **Lunches, bullying, teacher/student conflicts**
- **MEAP testing is too stressful and somewhat unneeded**
- **Adults who buy alcohol and cigarettes for kids is affecting youth a lot and it should be stopped**
- **Lower drinking age**
- **Students should be as equal as teachers**
- **MIP's and MIA's**
- **Michigan merit award should be available to those who choose an out of state college, it's unfair that the money can only be used in state**
- **School funding**
- **Affirmative action**
- **Drinking age**
- **Student safety**
- **Obsession with pop culture, rap, T.V., radio, My Space, MTV and that whole culture – it's ridiculous, kids need hobbies and something positive to balance school and outside life**

- **Underage drinking**
- **Hard core drugs, not marijuana**
- **The drinking and partying concerning high school and college students, harassment (making fun of kids for any reason)**
- **MIP's – it's all about money**
- **Searching of cars on school property**
- **Civil rights of students, minimum wage**
- **Protection of transfer students to a school in a different area bring questionable results that give the transfer students a blatant disregard for the people around them due to the protection they receive**
- **Lowering the voting age**
- **All issues threatening our health should be addressed**
- **Lower voting age**
- **Marijuana should be legalized for personal use**
- **Racism, underage sex**
- **Increasing student motivation in school**
- **Legalize marijuana, schools should not put someone on contract if they miss too many days of school, police should do other things on Friday nights other than just looking to bust kids**
- **Those who are expelled from school or had to drop out of school should be given an inexpensive second chance**
- **Racism**
- **Harsher punishment for underage drinking**
- **Laws regarding minors drinking alcohol and using drugs – laws should be harsher and enforcement should be better**
- **Drinking**
- **The biggest issue affecting youth is drugs – there is crime because people need money for drugs, and there is violence due to drugs**
- **Reckless driving, drinking and driving**
- **Safety in school**
- **Music in schools, music programs are rapidly being eliminated while schools build new facilities and fund other departments**
- **Protection at school and keeping a closer eye on the drug distributor**

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

- A. Yes, absolutely. **4%**
- B. Yes, somewhat. **49%**
- C. No, not really. **40%**
- D. No, not at all. **7%**

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?⁴

- A. Yes. **58%**
- B. No, the drinking age should be raised. **17%**
- C. No, the drinking age should be lowered back to 18. **23%**
- D. There should be no minimum drinking age. **2%**

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?⁵

- A. Yes. **46%**
- B. No. **54%**

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?⁶

- A. Yes, at any age. **8%**
- B. Yes, if the minor is at least 16. **39%**
- C. Yes, if the minor is at least 17. **4%**
- D. No, allowing minors to enter into contracts would lead to abuses like fraud or duress. **49%**

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. **55%**

⁴ This question was worded differently in the earlier draft. However, both the final version and the earlier draft inquire whether the legal drinking age should remain at 21, be raised, be lowered to 18, or if there should be no minimum legal drinking age. The responses from those who took the earlier draft are incorporated accordingly. The earlier draft also allowed participants to select a response indicating the consumption of alcohol should be prohibited at any age. Approximately 4% of those who took the earlier draft of the survey chose that response.

⁵ The choice of responses set forth in this report are those that were set forth in the earlier draft. The final version had a choice of three detailed responses as to why the current system is fair. However, since the basic issue is whether it is fair that only adults may serve as jurors in juvenile cases, the earlier draft choice of responses is used in this report. The responses to this question from those who took the final version of the survey are incorporated accordingly.

⁶ The choice of responses was worded differently in the earlier draft, but the above results accurately reflect the opinions of all respondents regarding the age a person must be before entering into a contract.

- 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. **18%**
- 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. **27%**

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. **31%**
- B. Although people in my age group are aware of the law, it is not effective at preventing teenage drinking and driving. **59%**
- C. Most people in my age group are not aware of this law. **10%**

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. **55%**
- 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. **31%**
- C. Hats should be allowed in school, but only if the student is wearing the hat to express his or her opinion on something. **14%**

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.

The majority of the students participating in the survey did not provide additional comment. A summary of each additional comment received is set forth below:

- **If you lower the drinking age to 18 it won't be such a thrill to party**
- **I think if you can fight in a war you should be able to drink beer and there should be no curfew from the age of 13**
- **I respect and agree with the DUI law, but teen drinking is something really common, and I don't think there should be such a harsh penalty for "minor in possession" - I think that making that law, it helps people to have other drugs of choice, like overdosing on medication and such**
- **MEAP test = waste of time**
- **The new law in Troy stating you can't leave your dog on a leash outside for more than 4 hours needs to be changed - it's not fair to those who can't afford a cyclone fence or an invisible fence and it would not be fair to put the dog in a 10 by 10 cage**
- **I think we should be told, or have a complaint box for local problems**
- **Legalize motorized go-peds, dirt bikes for people under 16, police should lay off a bit in Troy and let there be parties**
- **Survey was interesting, send more**
- **Stop building banks and build smarter stuff that will make more money**
- **School should be year round without vacations**
- **Legalize dirt bikes and snowmobiles and airsoft guns for kids, Hooters should get its liquor license, Troy cops should stop ticketing people for stupid stuff, legalize marijuana**
- **I think having more police out in the evening would reduce drunk driving and crimes**
- **Higher minimum wage**
- **You guys are good**
- **More rights for minors**
- **People should be able to have a criminal record erased after probation or community service, everyone makes mistakes, it's part of growing up, but being prosecuted for the rest of one's life isn't fair because of a stupid child mistake**
- **Homeless people should be given a second chance and taken in and taught so their lives can be better and we can get more American people in our work force**
- **Get rid of the MIA law – you can get in trouble for helping a friend if they are intoxicated – don't punish people for doing the right thing**