



KNOW *the* LAW




A STUDENT GUIDE TO THE LAW



Collier County Sheriff's Office
SHERIFF KEVIN RAMBOSK

EMERGENCY 911 NON Emergency 252-9300

www.colliersheriff.org



The Collier County Sheriff's Office is dedicated to the young people of our community. Knowing and understanding the law can help youth make better decisions. We urge you to use this guide to learn about the law. If you have any questions call the Youth Relations Bureau at 239-252-0144.

WHAT IS A CRIME?

When you do something that's against the law or you fail to do something the law says you must do, you have committed a crime. There are two basic types of crimes:

Felonies:

Capital Offense	Life incarceration or death sentence
First-degree	Term of incarceration not to exceed 30 years
Second-degree	Term of incarceration not to exceed 15 years
Third-degree	Term of incarceration not to exceed five years

Misdemeanors:

First-degree	Term of incarceration not to exceed one year
Second-degree	Term of incarceration not to exceed 60 days

WHEN CAN YOU BE CHARGED AS AN ADULT?

The State Attorney could charge a juvenile as an adult if:

- The juvenile is more than 14 years old and is charged with a violent felony.
- The juvenile is more than 16 years old and charged with a felony. This can occur even if there is not a prior criminal history.

IF YOU ARE CHARGED WHAT CAN YOU EXPECT?

- Secure detention
- Court sanctions
- Fines
- Probation
- Community service
- Jail time



WHAT ARE THE LAWS ABOUT TOBACCO?

It is illegal for any person under 18 years old to possess a tobacco product. Anyone cited for violating the law will be subject to court fines, community service, and suspension of your driver's license and must complete a school approved anti-tobacco program.

WHAT ARE THE LAWS ABOUT PARTIES?

If you host a party or go to a party these activities may be considered disturbing the peace:

- Excessive rowdiness
- Fighting
- Loud music
- Keeping the party going too late

The following activities, even in a private home are against the law:

- Underage drinking
- Providing alcohol to a minor
- Use of illegal drugs
- Use of tobacco under 18 years old
- Contributing to the delinquency of a minor
- Parents hosting parties where alcohol is served to under-aged guests

DID YOU KNOW...
Parents or guardians may be held responsible for what goes on in their home, even if they aren't aware of a party being held in their absence.



WHAT ARE THE LAWS REGARDING ALCOHOL?

- It is against the law to purchase, possess or drink alcohol until you turn 21 years old.
- Anyone who sells or gives alcoholic beverages to a person under 21, or who lets the person drink alcohol is breaking the law.
- If you possess, drink, sell, or give alcohol to any person on public school grounds you can be suspended or expelled. In addition you could face criminal charges.
- It is against the law to borrow a driver's license/ID card or change the age on yours to show that you are 21 years old or older.



WHAT ARE THE LAWS REGARDING NARCOTICS, PRESCRIPTION DRUGS & INHALANTS?

Possession Of Marijuana:

- If you are arrested with less than 20 grams of cannabis you will be charged with a first-degree misdemeanor.
- If you are arrested in possession of more than 20 grams of cannabis you will be charged with a felony.
- If you are arrested in possession of less than 20 grams of cannabis, but it is packaged to sell, you will be charged with a felony.

Possession Of Synthetic Marijuana:

- It is illegal to sell or possess any form of synthetic marijuana in Collier County. Synthetic marijuana, known as K2 or Spice, is a mixture of chemicals sprayed on herb mixtures to imitate the high of marijuana.
- Synthetic marijuana is contaminated with multiple toxic substances. The synthetic compounds are dissolved in various harsh chemicals such as acetone, phosphoric acid, formaldehyde, and toluene. These chemicals used are similar to the compounds used to make PCP and methamphetamine.

Possession Of Paraphernalia:

It is a first-degree misdemeanor to possess equipment, products or materials of any kind which are used, intended to be used or designed for use in injecting, inhaling, ingesting, processing or preparing a controlled substance.

Possession Of Narcotics:

Possessing any narcotic listed in Schedules I-IV (i.e. methamphetamines, cocaine, ecstasy, etc.) is a felony offense and may also result in incarceration, fines, community service and suspension of driving privileges.

Prescription Medication:


- It is against the law to possess any prescription medications that are not prescribed to you. This includes antibiotics, heartburn medicines, etc.



DID YOU KNOW...

Giving someone a controlled substance is a first-degree felony if you are on school property or within 1,000 feet of any school property between the hours of 6 a.m. and midnight. As an adult it carries a 30-year maximum prison sentence.





• If you are found in possession of a prescription medication that is not prescribed to you and it is a scheduled narcotic (Hydrocodone, Adderall, Oxycontin, etc.), it is a felony offense.

The following activities are illegal:

- Selling counterfeit controlled substances.
- Possessing, using, selling, transporting, giving, offering, arranging, or negotiate to sell a controlled substance.
- Ingesting or possessing with intent to ingest nitrous oxide, also known as laughing gas.
- Making or using a false or changed prescription.
- Planting, cultivating, harvesting or processing marijuana or other drugs.
- Encouraging, trying to sell or forcing any minor to break any of the narcotic laws.

Inhalants:


It is illegal to sniff, inhale, ingest, or possess with the intent to inhale harmful chemical substances such as glue or gasoline, sometimes known as “huffing”.

DID YOU KNOW...
Drugging someone is a crime. Don't allow someone to do it to you. Pay attention to your drink, never leave it unattended.

WHAT IS DUI? - DRIVING UNDER THE INFLUENCE?

- If you are found to be driving or in physical control of a vehicle while under the influence of alcohol or drugs, you are subject to arrest for driving under the influence (DUI).
- The legal limit of blood alcohol for DUI conviction for people younger than 21 is .02 percent. The limit means that juveniles under 21 cannot have even one drink and drive.
- You can be convicted of DUI if you take drugs and drive.
- Your driver's license will be suspended if you are convicted of DUI.
- If you refuse to take a breath test for blood alcohol level your license will be suspended for one year.



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- All misdemeanor DUI cases are handled in adult criminal traffic court regardless of the age of the offender.

Driving Laws:

- Florida teens go through two stages of driver responsibility, first by obtaining a learner's permit and holding it for one year, then applying and testing for an operator's license.

To obtain an operator's license a student must:

- Be enrolled in and attend school.
- Take a traffic law and substance abuse education course through a private company or school.
- Apply for a learner's permit and practice driving with a parent or other licensed person 21 or older.
- Take a driver's training class, if possible.
- After one year of holding a learner's permit you will be eligible to test and apply for an operator's license.
- Go to www.gathergoget.com to learn more about what documents you will need with you when you take the Operator's license test.
- To get the Class E Driver's License Florida Handbook go to, <http://www.flhsmv.gov/handbooks/EnglishDriverHandbook.pdf>.



DID YOU KNOW...


You can go to www.gathergoget.com to find out how to get your operator's license.

Curfew Laws:

There are no curfew laws for minors in Collier County.

Driving Curfews:

- A student who has a learner's permit may only drive during daylight for the first three months. Student drivers with a learner's permit can drive until 10 p.m. after the first three months.
- Students who are issued an operator's license and are 16 years old may not drive between the hours of 11 p.m. and 6 a.m.
- Students who are 17 years old may not drive from 1 a.m. to 5 a.m.

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- Minors may drive during restricted hours if they are driving to or from their place of work or are accompanied by a licensed driver over the age of 21. They must be able to prove that they are driving to or from work.

Traffic-Related Crimes and Information:

- Anyone riding in the front seat of a vehicle must wear a seat belt.
- Everyone under the age of 18 must wear a seat belt.
- It is illegal to text and drive and you may receive a citation if a law enforcement officer witnesses you texting while driving.
- It is unlawful to operate a vehicle without a license.

All-Terrain Vehicle (ATV) Laws:

- Any person under the age of 16 years old must wear a helmet and eye protection while riding an ATV.
- ATVs may not be operated on public roads, streets, highways or right-of-ways in Florida.
- It is unlawful to fail to stop a vehicle (ATVs included) when so directed to do so by a law enforcement officer. To do so is considered fleeing and eluding.

Bicycle Laws:

Everyone under the age of 16 must wear a helmet while riding a bicycle.

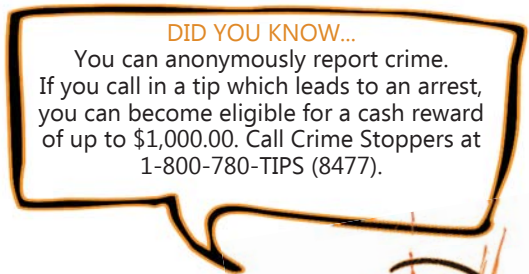
WHAT ARE CRIMES AGAINST PEOPLE?


Assault:

An intentional, unlawful threat by word or act to do violence to a person coupled with an apparent ability to do so which creates a well-founded fear in the other person is an assault and is a second-degree misdemeanor.

Battery:

An intentional touching or striking against the will of the victim or causing bodily harm is a first-degree misdemeanor.





- If you commit battery against someone in your house, a judge may place you in secure detention for domestic violence.

- If you commit a second battery, you can be charged with a felony.

- If you commit a battery, and you use a weapon, even something as simple as a pencil or pen, to seriously injure the victim, you may be charged with a felony known as aggravated battery.

- If you commit battery on a law enforcement officer, a school employee (including teachers, administrators and support staff), a pregnant person, or a person over the age of 65, the battery is a felony.

DID YOU KNOW...
A victim of a battery doesn't have to be harmed or injured. Any non-consensual touch is sufficient to be considered battery.



WHAT IS STALKING?

Anyone who willfully, maliciously and repeatedly follows, harasses or cyber stalks another person is committing a first-degree misdemeanor.

WHAT IS HARASSMENT?

To engage in a course of conduct directed at a specific person that causes substantial emotional distress and serves no legitimate purpose.

WHAT IS BULLYING?

- Bullying is repeated intentional tormenting of a person in physical, verbal, or psychological ways. It can include hitting, shoving, name-calling, threats, mocking, extortion and social embarrassment.

- Some kids bully by shunning others and spreading rumors about them. Others use social media or electronic messaging to taunt others or hurt their feelings.

- It is important to tell someone you are being bullied. You must take bullying seriously and not brush it off as something that you have to "tough out." The effects can be serious and affect your sense of safety and self-worth. In severe cases, bullying has contributed to tragedies, such as school shootings.

- Speak up, don't stand by and be bullied or watch someone be bullied. Bystanders need to speak out and tell someone whether it's an adult, teacher, school counselor, family friend, or sibling.



• You can tell your Youth Relations Deputy, the principal, a school counselor, or a teacher. They are often in a position to take steps to prevent further problems.

• If you are afraid to tell and want remain **anonymous** you can text the word DNTH8 to Crimestoppers at CRIMES (274637) and include information about the bullying incident. Include the name of the school and the students involved.

DID YOU KNOW...
If you or someone you know is being bullied you can text Crimestoppers anonymously. Text CRIMES (274637) keyword DNTH8.

• Take it seriously! By law, all schools must have anti-bullying policies and anti-bullying programs. If you have serious concerns about your safety, you should contact your school's Youth Relations Deputy.



WHAT IS A CYBER CRIME?

Cyber-Stalking/Cyber Bullying:

Sending words and/or pictures to another person by e-mail or text using any electronic means (i.e. internet, cell phones) that threaten, harass, or spread rumors which cause emotional distress commits a first-degree misdemeanor. If the victim is younger than 16 it becomes a third-degree felony.

Transmission Of Pornography:

- It is a third-degree felony to transmit child pornography via an electronic device.
- Sexting is against the law. Sexting is simply stated as sending sexually explicit messages or images by cell phone. This includes sending sexually explicit pictures of yourself to your boyfriend or girlfriend.
- Sending nude or harmful images can be considered transmitting child pornography and you can be charged with a third-degree felony if any of the parties involved are under 18 years old.
- Cyber transmissions include e-mail, instant messaging, phone text messaging, posting on a social media account or other forms of electronic text transfer.

Sexual Offenses:

- Sex without a person's consent or sex with a person who is not legally able to give consent (under the age of 16) is against the law.
- It is unlawful for a person 16 years of age or older to have sexual contact with a person under the age of 16.

- Similarly, it is unlawful for a person 24 years old or older to have sexual contact with any person under the age of 18.
- Any person 21 years old or older who impregnates a child under the age of 16 has committed a separate, additional felony.
- Touching the clothed or unclothed breast of a female under 16 years old, or touching the clothed or unclothed genital area or buttocks of a male or female younger than 16 with sexual intent is a felony.
- Consent is not considered a defense. If both parties are under 16 years old and participate, both parties are guilty of the offense and can be so charged.

WHAT SHOULD I KNOW ABOUT WEAPONS AND FIREARMS?

- A weapon is anything other than a firearm used to harm someone.
- It is a first-degree misdemeanor to carry a concealed weapon.
- It is a third-degree felony to carry a concealed weapon on school grounds.



BB Guns And Air Or Gas-Operated Guns:

- You must be at least 16 to use any BB gun, air-operated gun or gas-operated gun unless you are under the supervision and in the presence of an adult acting with the consent of your parent.
- Any adult responsible for a child under 16 who knowingly permits such child to use or have in his or her possession any BB, gas-operated gun, air-operated gun, or firearm without supervision commits a second-degree misdemeanor.

Firearms:

- It is against the law if you're under 18 and carry a firearm of any kind in a vehicle, on your person, in a public place, a city, or in other areas where is forbidden.
- If you are under 18 it is illegal for anyone to give, sell or transfer to you an air gun, a gas-operated gun or a firearm without the permission of a parent or guardian.

Deadly Missiles:

Whoever shoots at, within, or into a building or vehicle, or throws any missile or hurls or projects a stone or other hard substance at, within, or in any building or vehicle shall be guilty of second-degree felony.

10-20-Life:

If you are over 16 years old and use or possess a gun during the commission of a felony the law requires that you be prosecuted as an adult. The penalty can be 10 years in prison for possession, 20 years if the gun is fired, or 25 years to life in prison if someone is shot and is seriously injured or killed. (10- 20 - Life Law)

Bomb Threats:

- It is a second-degree felony to threaten to throw, project, place or discharge a destructive device with intent to do bodily harm or damage to any property.
- Calling in a bomb threat or helping the caller is a second-degree felony. It is a second-degree felony to make a false report with intent to deceive, mislead, or otherwise misinform any person concerning the placing or planting of a bomb, dynamite, other deadly explosive or weapon or mass destruction.



Arson Threats:

Lighting paper towels and throwing them in a waste basket in the restroom at school is arson, which is classified as a first-degree felony.

WHAT ARE PROPERTY CRIMES?

Criminal Mischief "Vandalism":

To willfully and maliciously injure or damage by any means any real or personal property belonging to another.

If the damage is greater than \$1,000	Third-degree felony
If the damage is \$200 to \$1000	First-degree misdemeanor
If the damage is up to \$200	Second-degree misdemeanor

Burglary:

Entering or remaining in a structure or a conveyance without permission or consent with the intent to commit an offense, such as a theft, criminal mischief, assault or battery.

Residential burglary	Second-degree felony
Commercial or Auto burglary	Third-degree felony
Armed burglary or a burglary with Battery	First-degree felony

Theft:

- Knowingly obtaining or using or endeavoring to obtain or use the property of another with intent to deprive the owner of its use, even if you're "just borrowing it" is considered stealing and you can be charged with theft.
- Petit theft - If the item is worth less than \$100, then the crime is a second-degree misdemeanor. If it is worth more than \$100 but less than \$300, it is a first-degree misdemeanor. A second offense is a first-degree misdemeanor; a third offense is a third-degree felony.
- Grand theft means the item is worth \$300 or more.
- Grand theft auto (GTA) – includes stealing a car or other motorized vehicle or driving a car that was stolen by someone else.
- Dealing in stolen property – Selling or passing on any item that has been stolen which you knew was stolen or should have known was stolen.
- You cannot "hold" stolen property. You don't have to be the one who stole it to be responsible for the crime. Be aware of deals that are too good to be true. They usually aren't.
- The theft of some electronic devices such as a tablet or cell phone is often a felony.



Trespassing:

Whoever without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance and is warned by the owner or lessee of the premises to leave and refuses to do so is guilty of a second-degree misdemeanor.



Construction Sites:

The site must have a special warning “designated construction site” and anyone who trespasses commits a felony.

School Property:

Any person who does not have legitimate business on a school campus or any student who is under suspension or expulsion is trespassing. You have committed a second-degree misdemeanor.

WHAT DO I NEED TO KNOW ABOUT SCHOOL AND JUVENILE-RELATED LAWS?

Truancy:

- If you have five or more unexcused absences within a calendar month or 10 unexcused absences within a 90-day period, you are considered truant and may be eligible for a petition to Truancy Court. The court may sanction community service work, participation in referred services or placement in a youth shelter by the judge in Truancy Court. A parent or guardian who does not require their child’s attendance in school may be charged with a misdemeanor criminal offense.
- Any student who fails to meet mandatory attendance laws (this includes dropping out of high school) will have their driving privileges suspended or revoked until they reach 18 years of age.
- The Youth Resource Center can help families with problems. The YRC provides answers to youth-at-risk related questions and referrals to youth-related programs. Call CCSO at 239-252-0900 for more information.

Disrupting A School Setting:

- It is unlawful and considered a misdemeanor for any person to knowingly disrupt or interfere with the lawful administration or functions of any educational institution, school board, or activity on school property.
- It is unlawful and considered a misdemeanor to knowingly advise, counsel, or instruct any student or school employee to disrupt a school board function, activity on school property, or classroom.

Runaways/Shelter Of Minors:

It is a first-degree misdemeanor to shelter or aid a minor who has run away from home without contacting the minor’s parents or notifying law enforcement.



Juvenile Offenders:

The Serious Habitual Offender Comprehensive Action Program or S.H.O.C.A.P. Section is responsible for identifying, tracking and monitoring serious or habitual juvenile offenders in Collier County. A youth qualifies for S.H.O.C.A.P. status if he or she is 13-18 years old and is adjudicated on any one of the following offenses:

- Aggravated Assault
- Aggravated Stalking
- Murder
- Manslaughter
- Armed Burglary
- Aggravated Battery
- Unlawful throwing, placing or discharging of destructive device or bomb.
- Any lewd or lascivious offense committed upon or in presence of a person younger than 16 years of age.
- Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

DID YOU KNOW...

You only have to participate in a small way in a crime to be guilty of the whole crime itself.



V.O.P. (Violation Of Probation):

If you are on probation you may be taken into custody if a law enforcement officer has probable cause to believe that you have violated the conditions of your probation. You may be subject to the following court-ordered sanctions, random drug screens, curfew, approved peers, community service hours or incarceration.

Electronic Monitoring/G.P.S. Programs:

If you are court ordered to probation you can be placed on electronic monitoring. If you violate the conditions of your probation you can be placed on home detention with electronic monitoring. In addition, if you are awaiting placement in a court-sanctioned program you can be placed on electronic monitoring.



Civil Citation:

You may be given a civil citation and be sanctioned to complete up to 50 community service hours in lieu of an arrest for a first-time non-serious misdemeanor offense.

Teen Court:

Any juvenile charged with his or her first misdemeanor offense may be sanctioned to Teen Court.

WHAT IS THE PRINCIPLE THEORY?

Principle in the first degree means that you do not have to be the primary or even the secondary participant in a crime to be equally guilty of the whole crime. You only have to help out in some small way (aid or abet).

WHAT ARE ENHANCEMENT CHARGES?

Gang Enhancement Charge:

If the court finds that the defendant committed the charged offense for the purpose of benefitting, promoting, or furthering the interests of a criminal street gang, the penalty may be enhanced by one level. For example, a second-degree misdemeanor will be enhanced to a first-degree misdemeanor.

Hate Crime Enhancement Charge:

If the court finds that the defendant committed the charged offense based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, or advanced age of the victim the penalty may be enhanced by one level. For example, a third-degree felony can be enhanced to a second-degree felony.

HOW DO YOU SEAL OR EXPUNGE YOUR CRIMINAL RECORD?

If you have been arrested and want to learn more about how to seal or expunge your criminal record, go to www.fdle.state.fl.us. Click on the tab A-Z Index on the left side of the website and scroll down to Sealed/Expunged Records. Here you will learn how you qualify and what to do. The site also provides forms that are necessary to start the process and a checklist to make sure you have completed all the steps to be granted a sealed or expunged record.

QUESTIONS?

Call the Collier County Sheriff's Office Youth Relations Bureau for answers at 239-252-0144.



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