



CHATTANOOGA BAR ASSOCIATION AUXILIARY

This booklet “When You Become 18” has been prepared for you by the Chattanooga Bar Association Auxiliary to make you aware of your rights and responsibilities as useful contributors to society. The booklet contains chapters on subjects such as voting, jury duty, marriage, divorce, child support and date rape, consumer protection, contract obligations and establishing credit.

This booklet is set out in easy to understand question and answer form and contains lists of agencies, both civil and state, that can be contacted for more information. It is based on the laws of the State of Tennessee.

Having some knowledge of these topics and knowing where to find other pertinent information about them will give you more confidence and a better understanding of the law.

“A tremendous resource for our high school students to refer to as they become young adults, this booklet provides important answers that will guide them as they make key decisions about the future.”

– Dr. Jim Scales, Superintendent, Hamilton County Schools

*“As citizens, it is our civic duty to **be informed** of our legal rights and responsibilities. When you become 18 in Tennessee: A guide for Young Adults is an easy to understand booklet and will be of use to countless young people as they face adulthood. Congratulations to the Chattanooga Bar Association Auxiliary on providing this asset to our community.”*

– Ron Littlefield, Mayor City of Chattanooga

“A Wonderful resource for anyone age 18 and older who has not been exposed to their legal rights as an adult. This guide is a valuable teaching tool that most young adults can easily read and comprehend. “

– Lori Hairell, Executive Director, Read Chattanooga

*“**Congratulations** on this project by the Chattanooga Bar Association Auxiliary. This very readable booklet will be an important tool in helping our 18-year olds mature to useful adults..”*

– Claude Ramsey, Hamilton County Mayor

Congratulations!

When You Become 18...

You Have A Lot To Look Forward To:

You Can **Vote**

You Are **No Longer A Minor!**

You **Can Be Independent Of Your Parents!**

You're **Free – At Last!**

You Can Also:

Sue In Your Own Name

Make A Contract

Rent An Apartment

Buy A Car

Get All The Good Stuff



Now, most coins have two sides

The other side reads:

- 1 – your parents are not legally required to support you anymore!
- 2 – you can be personally sued!
- 3 – you have the right (and duty) to pay for that car and whatever else you buy!
- 4 – you may go to war since males must register for the military!
- 5 – fun and games are combined with realization and responsibilities!
- 6 – in case of criminal charges you will not have the protection of the juvenile court and laws. you could go to the penitentiary.
- 7 – you are expected to pay state and federal income taxes!



This booklet will give you some pointers. Welcome to the real world of **becoming 18!**

Note: this publication is based on tennessee law as of august 2007 but it is not intended to provide legal advice.

Legal advice should come only from an attorney of your choice who can take into account all of the factors relevant to the particular situation. Laws may vary slightly from county to county.

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JURY DUTY

**Adult or not adult....
That is the question.**

When You Become 18, you legally become an adult. And you may have the opportunity to get an inside look at how the legal system works. We're not talking about going to court for traffic violations. Rather, you may be on the other side of the rail – as a juror.



“If they ‘call’ me to serve...do I have to ‘answer’?”

Yes, unless you are excused for some special reason. The judge will excuse people in the following circumstances:

- Those people related by blood or marriage to someone involved in the case or to one of the lawyers.
- Anyone who has a financial interest in the case.
- Anyone who has a bias or prejudice which would prevent him or her from deciding the case impartially.

The judge may also excuse persons if service on the jury would cause extreme inconvenience or undue hardship or if there are other special circumstances.

“Just the fact that I’m 18 makes me eligible for jury duty?”

That’s part of it. To serve as a Juror in a Tennessee Court you must also be a U.S. Citizen and Tennessee resident for 12 months prior to service and not suffering from a disqualifying physical or mental impairment (T.C.A. §22-1-101 et. Seq.) Federal jury qualifications differ slightly.

“How do they decide who should be called to serve on a jury?”

A list of potential jurors is usually prepared from voter registration, property tax records and drivers license lists. (TCA §22-2-301). Before a jury is needed, names are chosen at random and those people are notified to appear at court. This is the jury panel from which jurors are chosen.

“So if I’m called to serve, I may not really be part of a jury?”

That’s right. More people are chosen on the jury panel than will be needed because some people are automatically excused and others may be excused by the judge or attorneys.

“Why would a judge excuse some people – and not others?”

Judges have the right to excuse prospective jurors for a variety of reasons. The prospective juror may have:

- Immediate family members related to someone involved in the case.
- A financial interest in the case.
- Been convicted of a felony, have prejudice or bias or have formed an opinion regarding the outcome of the case.

“Let’s say the judge hasn’t excused me and I’m still on the jury panel...what next?”

Names are chosen at random from those called for jury duty. The judge asks general questions and excuses people for the reasons mentioned. Lawyers may do more questioning and then may ask the judge to excuse others for the same reasons. Each lawyer is allowed to excuse from the case a limited number of people, as set by the law without any reason.

“This sounds like it would take forever. How about all the time I’m taking off from my job?”

Employers are required to give employees time off for jury duty but, depending on your employer, you may or may not lose your wages during that time. Your employer may not discharge you for honoring a jury summons.

“Do I get anything for this?”

In Tennessee, Courts pay \$10.00 a day and 10¢ a mile. If overnight Jury service is required, \$27.00 is allowed for lodging a juror. If the jurors’ employer has 5 or more employees, the employer must continue to pay the usual wage while the employee serves as a Juror.

“Will I get old doing jury duty?”

Only if the trial lasts a very, very long time! You must serve until the trial for which you have been impaneled is completed. Being on a jury can be a rich and rewarding experience. It is a right not available in all countries and is your civic duty if called. As a juror, you will be called to be the arbiter of facts. The judge may take away your decision only in very limited circumstances.

VOTING

Government for the people and by the people...that's what it's all about.

When you become 18 you have the right to help decide this country's future. You may vote in the district in which you live:



- If you are a citizen of the United States, and a Tennessee resident.
- If you have been registered for 29 days before the election.
- If you have not been convicted of an infamous crime (TCA §40-20-112).

“Where do I go to register?”

Do that at the County Elections Commission or at a temporary registration place set up by the County Elections Commission. There may be a registration table in the mall, on a sidewalk, or other public places. Any person qualified to register may apply to the County Elections Commission by mail, telephone, in person, or through another person who would obtain the form. If you register by mail, your application must be postmarked 30 days prior to the election.

“I forgot to register. How about if I just show up to vote anyway?”

Sorry, that's a “no-can-do.” Voting record books are closed 29 days before an election so you must register before then.

“Where do I vote?”

The County Elections Commission establishes the polling place in your neighborhood.

“If I'm away at college, can I just vote there?”

Yes, if you have registered there. Otherwise you will need to vote absentee. Contact your County Elections Commission not more than 90 days, nor less than 7 days before the election. (TCA §2-6-202).

TRANSPORTATION

The rules of the road will probably be second nature to you by the time you become 18...but there are some changes.



“I’ve got my driver’s license – that means I’ve got my rights.”

Not really. Driving is not a right – it’s a privilege regulated by the state.

“So what changes?”

Primarily, your liability.

When you become 18, you are legally an adult and assume liability for your own traffic violations or accidents. It is completely your responsibility to know (and follow) the rules of the road as described in the Title 55 of the Tennessee Code Annotated. You and your parents were in this thing together when you were a minor. Now, as they say, “The buck stops here.”

“You’re telling me I’ve got to get my own car insurance too?”

Yes. Every vehicle driven on the highways of Tennessee must be in compliance with the financial responsibility law. If you are stopped for a traffic violation, the officer will require you to show proof of insurance. If you do not do so, you can be fined \$100.00. (T.C.A. §55-12-139)

MARRIAGE

“We want to elope....”

At age 18, you can marry without consent of your parents.

“Why can’t we just say our vows to each other?”

Marriage is a contract between the man and woman. State law creates the relationship and describes the consequences of divorce or other marital problems.

“Sure hope our marriage license is easier to get than my drivers license....”

You apply to the County Clerk in the county where you are to be married and pay the application fee.

“So I’ve got the ring and the license. What else do I need?”

- An authorized official (generally a clergyman, judge or others authorized to perform marriages under the law).
- Mutual declarations by the people being married that they take each other as husband and wife.
- Return of the marriage certification, signed by the official who married you (within 3 days of the marriage) to the County clerk.
- Certain serological tests may be required in some cases (TCA §68-5-101).
- Tennessee does not recognize “common law” marriages made in this state.

“What’s this about marital property?”

Tennessee is not a community property state. Tennessee follows the rule of equitable and fair division of property brought to, or acquired during the marriage. So if you get a divorce, your spouse may have rights in some of your property and earnings and vice versa. (TCA §36-5-101, §36-4-121).

“Oh, good...now I’ve got someone to pay my bills.”

As the song goes, “it ain’t necessarily so.” Both husband and wife have an obligation to provide for the support of the other and of all minor children. Either spouse may be held liable for necessities furnished to the other or to minor children.



DIVORCE AND ABUSES

“Boy, did I make a mistake... How can I get out?”



You will need to see a lawyer to file a complaint for divorce. A judge will consider child custody, child support, financial maintenance of either spouse, and property division.

“His clothes all over the house are driving me nuts. Is that grounds for divorce?”

Well...maybe. Especially if you're really losing it.

There are 15 grounds for divorce in Tennessee. The most common are “irreconcilable difference”, or 2 years separation if there are no minor children involved. (TCA §36-4-101)

“Let my ex-spouse take care of the kids. I couldn't afford them anyway.”

You can be sued for support by the child, the child's other parent, or a child support agency. A wage assignment can be obtained that will automatically deduct the amount from your paycheck.

“Yeah, but he's not mine anyway.”

A paternity action can be started by the child, the child's mother, or a child support agency. You have the right to require blood tests. Very accurate blood test now exist. If the question isn't settled, a trial will be held to determine the child's father.

“If I’m his parent, then I’ve got my rights.”

Yes, but they can be terminated for the following reasons:

- Abandonment
- A continuing need of protection or services for the child
- A continuing parental disability
- Repeated abuse
- A failure to assume parental responsibility
- Imprisonment for a crime for 2 years or more (TCA §36-1-113).

“Does an abused spouse have to start divorce proceedings to get help from the courts?”

No, if you are abused, you can get an order of protection from the court if either you or your children are in immediate physical danger. The order restrains your spouse from coming onto your premises or from contacting you. You do not need a lawyer for this. The Court Clerk is required to assist you. (TCA §36-3-604)

Informal help is available. Check your Yellow Pages under “Social Service Organizations” for battered wives or spouse abuse groups.

“What kind of protection can an abused spouse receive from a court while a divorce is pending?”

The court can order the parties not to interfere with each other’s personal liberty or freedom. For instance, the court might order one spouse to leave the home for a short time. Anyone disobeying such an order can be fined, jailed, or both.

“Can an abused spouse have a criminal complaint pursued against the offending spouse?”

Yes. If you are abused, immediately call the police or district attorney’s office. Get hospital treatment and keep records of injuries, names of witnesses, police officers and medical attendants. Get copies of medical reports. A temporary protection order may be requested to keep your spouse away from your home and place of employment.

ACQUAINTANCE RAPE

“Well we had this date...

“... I took her to a movie and dinner – and well you know – I wanted to go all the way – she said ‘no’ and now she is upset. So is that a crime?”

You bet it is. Rape is a felony and is illegal. Friendship does not convey an invitation to sexual intercourse. (TCA §39-13-501) Mutual consent is mandatory for lawful sexual relations.

Statutory Rape:

If you are more than 3 years older than he/she and he/she is under 18 then sexual relations equals statutory rape.

A person reporting a rape enjoys certain confidentiality, and Tennessee has a rape shield law. Remember, even a prostitute can be raped (Evidence Rule 412).

SEXUAL HARASSMENT

“Oh come on”

What else?

If we don't learn to respect each other, our actions can lead to harassment. No one should have to put up with offensive remarks, gestures or advances. Sexual harassment violates the law.

HOUSING

as in a roof over your head!

You've dreamed of this day...
just sign on the dotted line.

“Must a lease be written to be enforceable?”

Not unless the lease is for longer than one year.

“Put it in writing...what are the advantages?”

- You will have a better idea of all of your rights and obligations.
- You will have protection against dishonesty.
- You will have protection against poor memory.



“Are there any disadvantages to having it all in writing?”

Printed form leases usually favor the landlord. Remember, you don't have to use the printed forms as printed. If all parties agree, you can modify the form to suit your situation.

The lease could change some of the rules that would otherwise favor the tenant.

“Don't you trust me? Why a security deposit?”

It's an amount of money which the landlord holds as security against property damages, unclean conditions, and unpaid rent. A written lease usually outlines the way a security deposit will be handled and what a tenant should do to have it returned.

Check local ordinances; they might regulate deposits.

“Can I earn interest on it?”

No, not from the landlord. However, you are entitled to know the name of the bank or financial institution where your landlord has placed the deposit. (TCA §66-28-301).

HOUSING (cont.)

“Should I have renter’s insurance?”

Probably. The landlord’s insurance will cover only the building, not your possessions. Renter’s insurance is relatively inexpensive (and sure would help replace your microwave and CD player).

“I’ve got the keys...now what?”

Under the law, a tenant must comply with the standards of all housing laws which materially affect health and safety:

- Refrain from damaging the rental premises and keep the premises in a fit and habitable condition.
- Keep the premises safe and sanitary.
- Keep the plumbing fixtures in the dwelling unit as clean as their condition permits.
- Operate all electrical and plumbing fixtures properly.
- Maintain in good order all appliances provided by the landlord when the rental contract calls for it.
- Cause no disturbance to your neighbors. Allow the landlord reasonable access to the premises to inspect, make repairs, deliver large parcels, or show the property to prospective buyers or renters.
- Landlord may enter to repair on 14 days notice to Tenant. (TCA §66-28-517). (Did they get that list from my parents!?)

“The money ran out before the bills did...”

Late charge of 10% of the monthly rent can be applied if the rent is more than 5 days late. You can be evicted if rent is not paid within thirty days. (TCA §66-28-201).

“My folks thought they had to nag me...they should know my landlord!”

The landlord’s general duty, unless the lease specifies otherwise, is to keep the premises in a “reasonable state of repair.” However, if the cost of repair is minor in relation to the rent, it may be your responsibility to fix the problem.

You may report building code violations to your local building inspector without fear of being evicted. When conditions are so bad as to make the premises “uninhabitable,” you should consult an attorney about possible claims against the landlord and whether you can move out and avoid further rent.

“If I wanted daily inspection, I’d have joined the Army...”

With permission, a landlord may enter your premises at reasonable times to inspect, make repairs, or show the premises to prospective tenants. The landlord may enter in unusual situations to preserve or protect the premises. Any other such entry may be a trespass.

“In a monthly lease, I can end the lease by just leaving at the end of the month, right?”

Sorry, but it’s not that easy. You must give reasonable notice before the end of a rental period – in most cases, that’s a month’s notice, or what the written lease provides. (TCA §66-28-512).

“But we made a deal...at least I thought we did! If I sign a lease with three friends and they move out, do I have to pay the full rent or only my share?”

It depends on what the lease says. You will probably have to pay the full rent. You would then have a claim against your friends and could sue them.

“Ouch!”

“If I break a lease, what amount can I be sued for?”

You can probably be sued for:

- All unpaid rent and loss of future rental.
- Any physical damage, including unusual cleaning expenses.
- Advertising expenses and other costs of re-renting the apartment.
- The landlord’s attorney fees, if the written lease provides for it.

CONTRACTS

Let's shake on it...

That's a good idea, but why not do more...

Sign on the dotted line.

“What is a contract?”

A contract is an agreement between two or more consenting parties for a consideration. Contracts may be oral or written and must be legal. (TCA §47-1-102, et.seq.) (for a legal purpose)

“Who can make a contract?”

You can...when you're (18) years old. And you'll find plenty of opportunity to do so for such things as installment payments on large purchases or loans, apartment rental,

an employment contract, and insurance or medical payments.

However, there are some important hints to remember when considering signing a contract:

- Do not sign anything until you are sure you understand the agreement.
- Read the contract completely before you sign it.
- Talk to the other party about altering or removing provisions that you disagree with.
- Do not sign a contract with blank spaces – either fill them in or cross them out.
- Be sure to keep a complete, signed copy of the contract.

“But I didn't know...”

- You failed to meet your part of the contract? That's the very reason it's so important to read contracts carefully.



- You may work out an agreement to pay your debt over a period of time.
- You can be sued and be required to appear before a judge.
- If you lose your case, you may be required to pay the judgment plus interest.
- You may file bankruptcy, which allows you to dismiss your obligation to pay certain debts or to rearrange debts and work out plan of payments with creditors. Bankruptcy allows you to make a fresh start but, it can have a bad effect on your credit rating, making it harder for you to get a loan in the future.

TORTS

“Isn’t that something you eat? I think I had one for dessert last night”

“What is a tort?”

A tort is committed when you injure a person, their property, or their reputation. It doesn’t matter whether the injury was done on purpose or by accident. You may be sued by the victim in Civil Court. (Some torts are also crimes, so you could be tried in two different courts for the same conduct!) The court will order you to pay for damages.

Some examples of torts:

- Negligent driving – injuring persons and/or property.
- Assault – unlawfully attempting to touch or hurt another person.
- Battery – intentionally touching another person without his or her consent.
- False imprisonment – keeping someone in a room or car or other place so he can’t leave.
- Defamation – an unlawful written or spoken attack on the reputation or good name of a person. (TCA §29-24-102)

BANKING

Cash, check, or plastic?

That becomes a very real choice when you're 18. A pad of blank checks does not guarantee fiscal security!

“So I can finally get my own bank account?”

Yes, and the choice of checking and savings accounts may make your head swim. **Learn** the rules and restrictions for the account you choose.

“What are some good questions to ask?”

- Is there a minimum balance on the account?
- Is there interest that can be earned on this account?
- Is there a monthly service charge?
- Is the account charged for each check written?
- Is there a fee for use of the automated teller?
- Are the canceled checks returned or kept at the bank?

“And what happens when a check bounces?”

If you write a check for more than the amount you have in your checking account, the bank may handle it a couple ways:

- Return the check to the person attempting to cash it.

The Person receiving the bad check can charge 10% interest on the amount of the check until paid, all service charges, reasonable attorney fees, three times the face of the check and a \$20.00 handling charge (TCA §47- 29-102, §47-29-101). Under certain circumstances you can be prosecuted criminally (TCA §39-14-21). Your bank will also likely charge you a returned check fee.

- The bank can pay the check, requiring you to make a deposit to make up the difference, and charge you a fee or a penalty.

CREDIT

You may impress your friends by flashing a deck of cards but, remember it's one of the easiest ways to get in over your head.



When you become 18 your parents don't have to bail you out financially – it's their choice.

“What's so bad about credit cards?”

Absolutely nothing, as long as it's you controlling them, and not the other way around.

Credit cards are not the same as cash – you may have to pay annual fees and other charges to use them. With some you may be even charged interest for the full time between your purchases and your payment – even if you pay your bill in full. Interest and finance charges are set by the banks and retailers which issue the cards and vary with different kinds of credit cards.

“Someone ripped me off...what now?”

Immediately report loss or theft of a credit card to the bank or company that issued it. If it's not promptly reported, you may be responsible for up to \$50 of unauthorized charges on the credit card.

“What is a credit report?”

A credit report is a summary of what debts you owe and a history of how promptly you have paid your bills. The information comes from the companies where you have credit accounts and from public court records. It is collected and stored by companies often called credit bureaus who make the information available when you want to get a credit card or make a major purchase on time payments.

“Does a bad credit HISTORY ever go away?”

That depends on the seriousness of past problems. The files may go back seven years (or ten years for bankruptcies). You may obtain your file for a fee

to review what has been collected from your credit history. In Tennessee, if you have been denied credit based on the information in a credit report, you may obtain a free copy of the report if you ask the credit bureau for it within thirty days. (TCA §47-18-1005). If it contains mistakes you have the right to ask that they be corrected.

“What is collateral?”

Collateral is an item of value that is accepted by the lender to be used to pay back the loan if you are unable to repay it yourself.

“Can a lender have difficult rules for making loans to women, men, or minorities?”

No, it is unlawful for a creditor to discriminate against any applicant on the basis of race, sex, or marital status. Lenders may only make distinctions based on the applicants credit rating.

CONSUMER PROTECTION



I had over half of a large pepperoni pizza and drank half a pitcher of coke for lunch...guess that makes me a consumer.”

There are Tennessee Consumer Acts regulating consumer products such as motor vehicle sales and repairs, home solicitations, and home improvement contracts.

“The truth, the whole truth, and nothing but the truth...”

Truth in lending requires disclosure of credit costs and contract provisions. It also gives you a three-day right to cancel any credit sale which took place in your home. This could involve a LIEN on YOUR residence.

“What happens if I get a ‘lemon’?”

You might be able to cancel the purchase if you bought from a dealer. You must notify the dealer and give him an opportunity to fix it. If it continues to be a problem, you must notify the dealer that you are canceling the purchase and must return the item intact. But, if you buy something, like a car, from a private person, it’s yours and you will be stuck with the problem.

“What’s the difference between an ‘expressed’ and an ‘implied’ warranty?”

There are two types of consumer warranties: an expressed and implied warranty.

An expressed warranty is a written contract with the manufacturer/dealer which gives the manufacturer/dealer a reasonable opportunity and number of chances to repair defects. If they are unable to do so, the merchandise is replaced or your money refunded. This warranty applies to whoever owns the merchandise during the warranty period.

An implied warranty is a warranty implied by law. There is implied in every consumer purchase that the item purchased will be “suitable” for the purposes for which it is intended. If one buys a watch, he expects it to adequately tell time, not merely look nice on the wrist.

An implied warranty exists with every purchase to protect consumers. However, if an item is bought “as is,” then there is no warranty of any type and the buyer should beware because he is left without recourse should the item be a “lemon.”

“What if nobody will listen?”

There are local, state, and national agencies established to protect the consumer:

- You might also go to **GENERAL SESSIONS COURT** if your claim is under \$25,000. You do not have to be a lawyer to go to General Sessions Court, but the person you sue may use a lawyer.
- **LOCAL CONSUMER AGENCY** – check phone book for local agencies.
- **STATE OF TENNESSEE** – see listing in your local telephone book.
- **OFFICE OF CONSUMER AFFAIRS** Department of Health, Education and Welfare 621 Reporter Building, Washington, DC 20201
Phone: (202) 755-8020

ALCOHOL

“It is really a big deal”

The legal drinking age in Tennessee for alcoholic beverages, including beer, liquor and wine, is 21 years of age. (TCA §1-3-113b) It's against the law to sell or give alcoholic beverages to a person under 21 or to let the person drink those beverages in a bar or store. (TCA §57-4-203) Parents who permit parties with alcohol for minors are committing a crime in Tennessee and if someone gets hurt or dies, the adult faces civil damages in addition to criminal prosecution.



“Beer and wine are alcoholic beverages, right?”

Any liquid product containing distilled alcohol capable of being consumed by a human being is an alcoholic beverage. That includes beer, wine or any other liquor.

“What happens if I go into a store or bar to buy some beer?”

Anyone purchasing alcohol must show proof that he or she is at least 21 years of age. (TCA §57-5-301)

“What if I borrow a driver's license or change the age on mine to show I'm 21 or over?”

You will be breaking the law in either case. Also, the person who gave you the false identification will be committing a crime. You cannot lend, borrow, or alter a driver's license or other identification in any way. Using a fake ID may result in you losing your driver's license for over a year.” (TCA §55-50-601, §57-4-203b)

And there's more...

It is against the law for a person under 21 to:

- Possess liquor on any street, highway or public place; or carry liquor in a car; or be a passenger in a car carrying liquor unless accompanied by a parent or legal guardian; even if the container is sealed. (TCA §57-3-412, §57-4-203)
- Enter and remain in a bar without lawful business. (TCA §57-5-301)
- DUA (driving under age) conviction can result in loss of driver's license for a year, days picking up trash and possible jail time.

You're not the only one with rules. It is against the law for anyone to:

- Have an open alcoholic container in a car, whether you are drinking or not, or to drink while you're driving, or to drive a car under the influence of alcoholic beverages. (TCA §55-10-416, §55-10-401)
- Be drunk or under the influence of drugs in public or on a public highway and therefore be in such condition as to be a threat to oneself and to others. (TCA §39-17-310)
- Drink, sell or give liquor to any person or possess liquor on any public school or school grounds. (TCA §39-17-715)
- Permit a minor to loiter in a place where liquor is sold and which is not operated as a restaurant.
- DWI (driving while impaired) results in loss of license and DUI (driving under influence) means jail time, loss of license, heavy fines and costs.

Notice of Penalties

Listed below are the penalties for convictions for Driving under the Influence:

- 1st Offense** **Class A Misdemeanor**
- 24 hours in custody, minimum
 - 11 months, 29 days probation
 - 24 hours community service
 - loss of license for 1 year, restricted license available for work and school
 - \$465 fine
 - DUI school, approximately 8 hours
- 2nd Offense** **Class A Misdemeanor**
- 45 days in custody, minimum
 - 11/29 probation
 - loss of license for 2 years, no restricted license available
 - \$600 to \$3500 fine
 - Alcohol rehabilitation program
- 3rd Offense** **Class A Misdemeanor**
- 120 days in custody, minimum
 - 11/29 probation
 - loss of license 3-10 years, no restricted license available
 - \$1100-\$10,000 fine
 - Alcohol rehabilitation program
- 4th Offense** **Class F Felony**
- 150 days in custody minimum
 - 11/29 probation
 - loss of license for 5 years, no restricted license available
 - \$3000-\$15,000 fine
 - Alcohol rehabilitation program

Please Note:

1. The minimum sentence cannot be suspended and must be served on consecutive days.
2. The minimum fine must be imposed and cannot be waived.
3. A conviction in another state for Driving Under the Influence (DUI) of an Intoxicant or Driving while Impaired shall be used to enhance punishment for future violations of DUI in the State of Tennessee.
4. If convicted one or more times of DUI, there shall be a presumption of intoxication if the offender is over the age of 21 years and his/her BAC is .08% or higher. This also applies to anyone under the age of 21 years if his/her BAC is .02% or higher.
5. By law, ten dollars (\$10.00) will be added to each fine for the State Brain Injury Fund.
6. The vehicle used in the commission of the offense may be subject to confiscation for DUI 2nd offense and above.

GUNS and other weapons

“And you’re gonna tell me there are some laws about this, too?”

There sure are: Black’s Law Dictionary defines a dangerous weapon: One that is dangerous to life and by its use will probably inflict a fatal wound.

Generally speaking, anything that disqualifies you as a VOTER or a JUROR, such as a felony, also legally disqualifies you as a GUN OWNER. This is no coincidence; these three rights/duties are historically and philosophically related.

“So what are the rules?”

- You must be 18 to buy rifles or shotguns (21 for handguns).
- Leaving a loaded gun in a place where a child can have access to it is illegal and punishable by a fine or prison term. (TCA §39-13-103)
- No one can hide concealable weapons in his car or on his person without a handgun permit. (TCA §39-17-1307)
- You cannot carry a loaded firearm on yourself, in a vehicle, in a public place or in any other area where it is forbidden. (TCA §39-17-1307)
- You cannot have blackjacks, sling shots, billy clubs, sandbags, or metal knuckles. (TCA §39-17-1302a)
- You cannot make a blackjack, a metal knuckle or carry explosives. (TCA §39-17-1302)
- You cannot carry, sell, lend or give away a switchblade knife. (TCA §39-17-1302)
- When you are on school grounds, you cannot carry or have any kind of knife or razor blade. (TCA §39-17-1309)

“Hey, I’m not really going to hurt anybody...”

Other than in reasonable self-defense, it is against the law to threaten anyone with a deadly weapon or carry such a weapon without a license. (TCA §39-13-102, §39-17-1307).

“How about if I’m just real careful when I do my target practice?”

You got it...be careful wherever you shoot a firearm. But there still are restrictions about where you can do that shooting. You cannot shoot any firearm from or upon a public road or highway in any city. It is also against the law to shoot a firearm at any house, vehicle, building or aircraft and of course, at a person.

DRUGS AND NARCOTICS

“I suppose there are some laws about drugs and narcotics, too.”

There sure are. It is illegal for anyone to possess or traffic, give or sell a controlled substance. You may only possess those drugs prescribed by a physician for you. To possess or use another person’s prescription is illegal. Penalties range from 12 months in the county jail and a \$250 fine for marijuana to a sentence of 8 to 12 years in the state penitentiary and a fine of \$5,000 to \$10,000 for more dangerous substances, such as cocaine. (TCA §39-17-401 to §39-17-423). Federal prosecution can result in long prison terms, 10 years + for small amounts of crack, cocaine and methamphetamine.

“What do you classify as dangerous drugs?”

- Hallucinogens, including marijuana, LSD, Peyote, PC (angel dust) and many others.
- Stimulants (uppers).
- Sedatives (downers).
- Anabolic Steroids
- Narcotics, such as heroin, opium, morphine, and methadone.
- Crack and powder cocaine.
- Methamphetamine

The above drugs are illegal, except by prescription.

It is illegal to:

- Use, possess, transport, sell, give away narcotics or dangerous drugs.
- Use or be under the influence of dangerous drugs, unless prescribed by a licensed person – usually a doctor.
- Encourage, try to sell to, or force any minor to break any of the narcotic laws.
- Make or use a false or changed prescription.
- Plant, cultivate, harvest, dry or process marijuana or other drugs.
- Possess any instrument or means used to inject any illegal drug.
- Sniff glue or cement with toluene.
- Use, sell, or possess any narcotic or dangerous drugs at school or elsewhere.
- Drive on any highway or road while under the influence of drugs.
- Own a pipe or other device used unlawfully to smoke an illegal substance, or visit or be anywhere an illegal drug is being unlawfully smoked.
- Use anabolic steroids for enhancement of sports performance.

TOBACCO

Smoke gets in your eyes...and theirs!

“I can smoke now, right?”

It may be legal...that doesn't mean it's healthy! Just remember that it is unlawful to sell or give away tobacco product to minors under 18. (TCA §39-1504-1504) That includes chewing tobacco.

“What about those no-smoking areas?”

The areas should be marked. Every year, there are more of them. In some towns, almost all public places are smoke free. If you work and are medically affected by tobacco smoke, you may be entitled to a non-smoking area in your workplace.

RECREATION

“It’s party time!”

PARTIES

Sounds great! Just don’t disturb your peaceful neighborhood. What might your neighbors consider to be disturbing their peace?

- Fighting
- Loud music
- Rowdiness
- Use of alcohol and drugs
- The party lasting too late (TCA §39-17-305)



“I didn’t even invite half these guys...they just crashed it.”

Then they’re in trouble. Crashing a party is trespassing and so it is illegal. If necessary, the police can be called to remove uninvited guests. (TCA §39-14-405)

GRAFFITI

Defacing someone else’s property (including buses) with paint or any other liquid is vandalism, and if the damage is serious enough you may be sent to prison. You’ll have to pay for the damage you caused. (TCA §39-14-408).

RECREATION (cont.)

BOATING

You certainly don't have the freedom of Moby Dick! Learn how to operate the boat safely. Know speed limits in all areas and where and how to tow a skier. Know right-of-way rules. In case of an accident, the boat operator can be held responsible. There is no requirement that you have a license to operate a boat. While you **may have alcohol on a boat, being under the influence is illegal.** It is vehicular homicide when death occurs while operating a vehicle including a boat, **while intoxicated.** (TCA §39-13-213a). One is not to operate a recreational vessel, water skis, aquaplane, etc. with 0.10 alcohol concentration in the blood. (TCA §69-10-217a)

PARKS

**"The parks are mine.
I pay my taxes!"**

Welcome! And be sure to notice the rules of the park. There may be signs about the park hours, bicycles and cars, use of firearms, fires, littering, and use of alcohol and drugs.



FISHING

"There is such a thing as free lunch!"

A license is needed for any fishing (other than off a free pier). Be sure to carry that license with you while fishing.

HUNTING

Take your license with you. It doesn't weigh much and is required to hunt. To obtain a license in Tennessee you need a hunter safety training course.

CRIMINAL CHARGES



“You have the right to remain silent. Everything you say can and will be used against you...”

You have a right to a lawyer and should have one with you if you are being questioned by the police.

“What is a crime?”

A crime is doing something the law says you are not to do, which is made punishable by a fine or imprisonment.

“Is there a hierarchy of crimes...or are they all just bad!”

There are three types of crimes:

- **Felonies** are the most serious crimes and can result in commitment to state or federal prison.
- **Misdemeanors** are less serious crimes and cannot result in commitment to state prison, but rather to county jail for not more than one year.
- **Infractions** are traffic tickets for which you may have to pay a fine or have your license suspended.

All Misdemeanor and Felony convictions will permanently be on your record—FOREVER.

“What if I don’t know that something I did is a crime?”

You are still guilty of the crime – not knowing the law is no excuse. Ask yourself if what you are doing will harm or injure a person or property not your own. If it will, it’s wrong.

“I’m really not expecting to be arrested...but what if I am?”

If arrested, you can expect to be searched or be taken to a police station. You will be advised of your rights under the United States Constitution.

Important rights to remember are the right not to talk to the police and the right to have an attorney present. If you cannot afford an attorney, the court will appoint one for you.

“So I should just stay quiet?”

You should remember your right to have an attorney present. Once you have identified yourself, you may refuse to make any statement or discuss the case with anyone.

On the other hand, you may choose to answer questions, sign papers or take tests. However, any information you give voluntarily can be used as evidence against you in court.

Law enforcement officers cannot force or threaten you into answering question and cannot offer leniency in exchange for any written or oral statements. But they can put pressure on you and that is legal. Know your rights.

“Here comes the judge”

“How long would I have to wait for that?”

After you are arrested and processed, an “initial appearance” usually occurs within 24 hours. Exceptions are on weekends, when you may have to wait until Monday morning when court opens. However, magistrates routinely set bail during the night and on weekends.

“Couldn’t I get bailed out?”

Bail is designed to guarantee your appearance in court. The court will often require a specific amount of money to be deposited with the clerk of courts. Sometimes the court allows deposit of a bond or title to a home. Usually a member of your family must obtain the funds, deposit the money, and then show the receipt in order to get you released. Sometimes, you might be released on your own recognizance without posting bail.

“What if I can’t afford to hire an attorney?”

The first thing to tell the court at your initial appearance is that you wish to speak to someone from the Public Defender’s Office. Generally, the court will postpone your case to give you time to contact a public defender.

“What happens if I cause a friend under 18 years old to break a law?”

If you help a minor commit a crime, you may also have to go to court. (TCA §39-12-102)

“What would happen if I lie and make a report which is not true?”

It is a crime to make a false police report or give false information to an officer or turn in a false fire alarm. (TCA §39-16-502)

If questioned as a witness by the police or in court, you should tell the truth. To lie when you are under oath is a crime. (TCA §39-16-701)

Each of these examples is a crime and could cause you to receive jail time. Police officers, Prosecutors, and Judges do not like to be lied to. To lie to them will get you in trouble and will likely land you in jail. Keep it simple: Always tell the truth.

FEDERAL CRIMES

And there's more...

“Good grief – more? Do other states have all these laws that we have in Tennessee?”



They sure do. And in addition to the state laws, the government of the United States has enacted many other laws. Generally, these federal crimes relate to acts involving U.S. government agencies, such as the Post Office and the Treasury, and to crimes committed in interstate commerce.

“Is that where the FBI comes in?”

The Federal Government has its own system of courts and law enforcement agencies – the FBI is one of those. The federal trial courts are known as United States District Courts. The federal courts also have their own sentencing provisions and correctional agencies.

“I didn't know there was a difference between state and federal crimes. Are federal ones more serious?”

Generally, more serious – most federal crimes are felonies and are punishable by over one year's imprisonment. Examples of federal crimes are:

- Transporting a stolen vehicle across state lines.
- Making a false statement to the government with intent to defraud.
- Mailing a matter which is obscene or incites to crime.
- Possession, manufacture and distribution of crack, cocaine, methamphetamine, marijuana and other drugs.
- Transporting or importing narcotics.
- Forgery of government checks.

- Possession of stolen mail and of items – such as credit cards – which have been stolen from the mail.
- Robbery of a bank or savings and loan institution.

In addition, the federal courts will punish violations of state laws when committed on government property, such as a national park or a federal office building.

It's serious stuff because a person convicted of a federal crime has a criminal record for the rest of his life.

“I thought a record could be sealed.”

A Tennessee Juvenile Court record can be sealed when you become 18. But adult records are public for life.

“What does that really mean?”

Sealing a Tennessee Juvenile Court record means that those charges, arrests, and probation status reports contained in a record cannot be seen by anyone without the person's permission.

“Then my slate would be clean?”

Even when a record has been ordered sealed by the court, there are so many records that a partial record is still left with local police, the State Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation.

“The consequences worse than the punishment ...like what?”

Listen to these examples:

- A driver's license **may be denied** on the basis of a criminal record, and many jobs require a car.
- A criminal record might prevent a person from **being accepted by the college** or university of his choice.
- A person who has been convicted of a crime may be **prevented** from entering the Armed Forces or if accepted, may not be given a commission or a security clearance.
- A person who has been convicted of certain kinds of felonies **may lose the right to vote.**
- Many businesses require employees to be bonded. An insurance company usually **refuses to bond** anyone who has been convicted of a felony.

- Some **employment may be closed** to those convicted of a crime or those who committed an offense which would be a crime if committed by an adult.

“What can I do if I feel like a policeman is setting me up?”

Submit to arrest, even if you think it is unlawful. At a later time you can protest and seek lawful remedies against the policeman. (Amend IV, V and III U. S. Constitution)

“That’s easy for you to say!”

There are avenues of recourse for redress of grievances and injustices. You may hire a private attorney for legal proceedings or seek assistance from one of the many organizations which provide legal aid. You can take your case to special units of law enforcement agencies or to private agencies or organizations set up for that purpose.

“It’s that or nothing?”

If there is an unusually serious offense involved or if you wish to bypass these channels, you should report it to the Internal Affairs Division of the Police Department.

For situations where there is a violation of a federal law, you might contact either the United States Attorney or the FBI.

“Policemen are supposed to be cool ... they’re trained for times like that.”

While it is sometimes true that a police officer has acted improperly or illegally in a situation, it must be recognized that frequently the behavior is in response to provocation, mistakes made under pressure, or doubt as to what the law is. Good police community relations are a two-way street, with both sides either contributing to the problem or to its solution.

“So what’s the final word?”

There are four of them:

Keep – your – act – together.

Laws are made for the benefit of all, so that we may live together in harmony and be governed by the same standards. In the United States, laws are enacted in accordance with the provisions of our Constitution. We all have the opportunity and duty to examine laws and to attempt to change them through lawful procedures. Age, ignorance of the law, or disagreement with the law does not permit non-compliance or provide exemption from arrest for committing an offense.

EMPLOYMENT



As in making a living... getting a job.

“Will I be offered a written contract with a job?”

Probably not. Most employment contracts are verbal.

Is there any guarantee I can keep my job if I do my best?”

Unfortunately, jobs don't come with even limited warranties. Generally, an employer can fire an employee without specific reason. There are exceptions: an employer may not fire or discriminate against someone based on race, sex, color, or religion.

“But what if I am discriminated against?”

You can contact the State of Tennessee Human Rights Commission, the Civil Rights Commission or your local Equal Employment Opportunities Commission.

“My paycheck. So much and now so little.”

That's more shocking than “Friday the 13th!” Thirty-five to forty percent of your paycheck is withheld for:

- Federal income tax
- State income tax
- Social Security
- Unemployment fund

SOCIAL SECURITY

“What is this F.I.C.A. stuff all about?”

That is Social Security, an insurance policy which provides retirement, disability and death benefits to workers. The employer pays half of the premium and you pay the other half.

“So that’s why I had to get a Social Security card?”

Yes, everyone must have a Social Security card before they can be employed. Applications are available at a local Social Security Office.

WORKERS’ COMPENSATION

“Then what is Workers’ Comp all about? I thought that was some kind of insurance.”

It is. Workers’ Compensation is insurance your employer pays to provide compensation and medical insurance to you in case of an injury on the job.

This insurance will also protect you in case you develop an occupational disease as a result of your job. It is not meant to take the place of your own personal insurance plan.

“I worked hard for that money. Will I get any of it back?”

Maybe when you file your income tax return. Don’t forget your income tax return must be mailed to the Internal Revenue Service no later than April 15 of each year. You would be entitled to a refund if you paid more income than required through employer withholding.

MILITARY SERVICE



Uncle Sam wants YOU

“When can I enlist in the military?”

If you have written permission from your parents, you may enlist at **17**. Otherwise you must be **18**.

“I have to register or something when I turn 18, don't I?”

Yes, if you're a male citizen of the United States, you must register for the volunteer service within six months of your 18th birthday. Women are exempt.

“How do I do that?”

Go to your local post office and fill out a form giving your name, address, sex, birth date and social security number. Physical examinations will not be conducted and classifications will not be issued when you register.

“Will I get a draft card?”

No. If there were a draft, you would be notified by Western Union. The mailgram would order you to report for a physical examination and processing.

“How do I know who would be called first?”

A lottery would determine draft priorities by birth date. The 20-year olds born on that date would first be called, followed by 21-, 22-, 23-, 24-, and 25-year olds. Last would be the 18- and 19-year olds born on that date.

“I'm going to go to college next fall, can I get an exemption?”

There are no student or job-related deferments. However, hardship, conscientious objector, and ministerial exemptions are still being allowed.

HOTLINES

Emergency - 911

Adult Protective Services	634-6624
Child Support Payment and Information.	209-6740
Child Abuse and Neglect Services	266-0162
Crime Stoppers	698-3333
Drug Helpline.	1-800-378-4435
Emergency Services	209-6900
Family Violence Hotline	755-2700

OTHER SOURCES OF ASSISTANCE

Alcohol and Drug Program	209-8345
District Attorney's Office	209-7400
Board of Education	209-8400
Health Department	209-8000
TN Department of Employment Security	634-3046

Bureau of Motor Vehicles

Driver License Testing Center	634-6218
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Chattanooga Bar Association

Chattanooga Bar Association	756-3222
Lawyer Referral Service	266-5950
SE TN Legal Services	756-4013

Chattanooga City Government

City Court Clerk	757-5141
Equal Employment Opportunity	757-4755
Fair Housing	757-4755
Recreation Commission	757-5167
City Police Services	698-2525

Hamilton County Government

Auto Tag and Title	209-6505
Marriage License	209-6500
Chancery Court Clerk and Master	209-6600
Circuit Court Clerk	209-6700
Criminal Court Clerk	209-7500
Registration of Deeds	209-6560
Probate Court	209-6615
Juvenile Court	493-9250
State Government Public Defender's Office	634-6374
Chattanooga/Hamilton Co. Bicentennial Library	757-5310

Federal Government

Social Security Information and Services	899-0649
Federal Government Information Center	1-800-688-9889
Taxpayer Assistance	1-800-342-1003

Social Services

AIDS Counseling and Testing	209-8250
Birth and Death Certificates	209-8025
Family Planning and Birth Control	209-8050
Credit Counseling	490-5620
Elder Abuse	755-2870
Pregnancy Counseling	755-2800
Sexual Assault Center	755-2706
Domestic Violence Shelter	755-2840
Family and Children's Services	755-2822
TN Department of Children's Services	634-6516
TN Infant Parent Services/TIPS	634-3010
READ Chattanooga	855-4443
(Reading Education and Adult Development)	