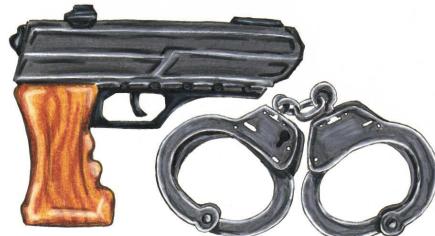


Criminal Offenses

As a juvenile, you cannot be convicted of a crime. However, it is important that you understand how crimes are classified, or ranked, because the prosecutor will list the classification on your delinquency petition and the classification may affect your disposition or sentencing if you are ever convicted of a crime in adult court.

This chapter also explains some crime delinquent acts and status delinquent acts.



Crime Classifications

Since all crimes aren't the same, the punishments aren't the same. Crimes are put into categories, or classifications. The punishment depends on the classification.

1. What is a crime?

A crime is considered an offense against the state of Indiana even though there might be a single person who is the victim. A crime is an act for which an adult might be imprisoned or incarcerated if convicted, or found guilty. Remember, if you are under the juvenile court's jurisdiction, you cannot commit a crime. Instead, you commit a delinquent act.

Adult Crime Class	Sentence Range	Fine
Murder	45 - 65 years	\$10,000
A Felony	20 - 50 years	\$10,000
B Felony	6 - 20 years	\$10,000
C Felony	2 - 8 years	\$10,000
D Felony	½ - 3 years	\$10,000
A Misdemeanor	0 days – 1 year	\$5,000
B Misdemeanor	0 days – 180 days	\$1,000
C Misdemeanor	0 days – 60 days	\$500

2. What are the two crime classifications?

The two classifications for crimes are misdemeanors and felonies. A misdemeanor conviction results in an adult paying a fine and/or being incarcerated for no longer than one year. A felony conviction results in an adult paying a fine and/or being able to be incarcerated for more than one year.

3. What is an infraction?

An infraction is not considered a crime. An infraction is a violation of a law that results in an adult or youth having to pay a fine. No one can be incarcerated or detained for committing an infraction. Many traffic offenses and youth possession of tobacco products are infractions.

Infraction	Judgment
Class A	Up to \$10,000
Class B	Up to \$1,000
Class C	Up to \$500
Class D	Up to \$25

4. Does Indiana have the death penalty?

Yes. If you are at least age eighteen and commit murder, you can be sentenced to death or life in prison without parole if found guilty and convicted in adult court.

5. Can anyone under age eighteen be sentenced to death?

No. However, if you are age sixteen or seventeen at the time the murder was committed, you can be sentenced to life imprisonment without parole if found guilty and convicted in adult court.

Status Delinquent Acts

As described in Chapter 5, there are two types of delinquent acts. The first type of delinquent act is an act that would be a crime if performed by an adult (a crime delinquent act). The second type of delinquent act is a status offense. Status offenses are delinquent acts only because someone under age eighteen commits them. Adults cannot commit status offenses. Below are the definitions of all the status offenses.

1. What is incorrigibility?

Incorrigibility, or disobedience, is the status offense of being under age eighteen and continually disobeying the reasonable and lawful commands of your parent or guardian.

2. What is truancy?

Truancy is the status offense of being under age eighteen and not attending school (without being suspended, expelled, or having withdrawn from school).

3. What is runaway?

Runaway is the status offense of being under age eighteen and leaving home without a good reason and without permission from your parent or guardian, who has requested that you return home. (Note that there is not a period of time that you have to be away. The act of leaving is what makes you a runaway, not how long you stay away from home.)

4. What status offenses involve minors and alcohol?

Possessing or using a fake identification card (I.D.) to obtain alcohol, possessing or drinking alcohol, transporting alcohol on a highway without your parent or guardian, or going into a bar are status offenses if you are under age eighteen. If you are between ages eighteen and twenty, then the acts become infractions or misdemeanor crimes and are under adult court jurisdiction.

5. What is a curfew violation?

If you are under age eighteen, then you have a curfew or times when you cannot be in public. If you are fifteen, sixteen, or seventeen years old, you cannot be in a public place after 1:00 a.m. and before 5:00 a.m. on Saturdays and Sundays. On Sundays through Thursdays,



you cannot be in a public place after 11:00 p.m. If you are younger than fifteen years old, you cannot be in a public place after 11:00 p.m. or before 5:00 a.m. on any day.

However, there are some exceptions to both sets of rules. You have a defense to the charge of curfew violation if:

- You are emancipated (See Chapter 8 for information on emancipation.);
- You are with your parent or guardian, or with another adult approved by your parent or guardian;
- You are going to, at, or returning from: work, a school activity, a religious event, an emergency involving protect-

ing a person or property from an immediate threat of serious bodily injury or substantial damage;

- You are taking part in an activity involving the exercise of your First Amendment rights (free speech);
- You are taking part in an activity put on by a nonprofit organization or a government agency that is supervised by at least one adult;
- You are taking part in an activity and have written permission from your parent or guardian; or
- You are passing through Indiana while traveling from one out-of-state location to another.

Crimes Against the Person

The following offenses are crime delinquent acts. The crimes are “crimes against the person.” Crimes against the person directly injure, attempt to injure, or threaten to injure a person’s body. Murder, kidnapping, rape, criminal deviate conduct, armed robbery or robbery causing injury, and carjacking are all crimes against the person that are direct file crimes if you are age sixteen or older. (See Chapter 5 for definitions for the crimes listed above.)

1. What is the difference between murder and manslaughter?

Murder is intentionally killing some-

one or unintentionally killing someone while committing another crime such as arson, burglary, rape, carjacking, or dealing drugs. There are two types of manslaughter offenses. Voluntary manslaughter is intentionally killing someone while acting under sudden and intense passion. Involuntary manslaughter is killing someone while also committing or attempting to commit battery, a class A misdemeanor, a class C felony, or a class D felony that poses a risk of serious bodily injury.

Remember that if you are at least age sixteen, murder is a direct file crime and your case will go to the adult court. However, if you commit voluntary or involuntary manslaughter, then your case will go to the juvenile court. (Waiver to the adult court is still a possibility.)

2. What if I get angry and shove someone but no one gets hurt?

The offense of battery is knowingly or intentionally touching another person in a rude or angry manner. You don’t need to cause injury or pain to commit the delinquent act of battery.

3. What if I provoke someone to hit me?

If you engage in conduct that is likely to make a reasonable person commit battery or hit you, then you have committed the delinquent act of provocation.



4. What is robbery?

Robbery is taking property from another person by using or threatening the use of force on any person or by putting any person in fear.

5. Can I have sex with my girlfriend or boyfriend?

If you have sex with someone under age fourteen, then you are committing the delinquent act of child molesting. If someone age eighteen or older has sex with a youth age fourteen or fifteen or touches or fondles such youth for either the youth's or his/her own arousal, then that person has committed the crime of sexual misconduct with a minor.

6. What happens if I am involved with a hazing ritual?

Hazing means having someone do an act that creates a risk of substantial bodily injury to be part of a group or organization. Hazing is a delinquent act, and it doesn't matter if the person wants to participate in the hazing. If you are willing to be the one who is hazed, then you are committing the delinquent act of criminal recklessness.

The law states that if you know of someone being hazed or see a hazing but make a report to the police or participate in legal proceedings against the other people involved in the hazing, then you will be protected against becoming a defendant in a criminal or civil case.

Crimes Against Property

The following offenses are more crime delinquent acts. These crimes are "crimes against property." Crimes against property are crimes that affect people's belongings or property.

1. What are theft, conversion, and receiving stolen property?

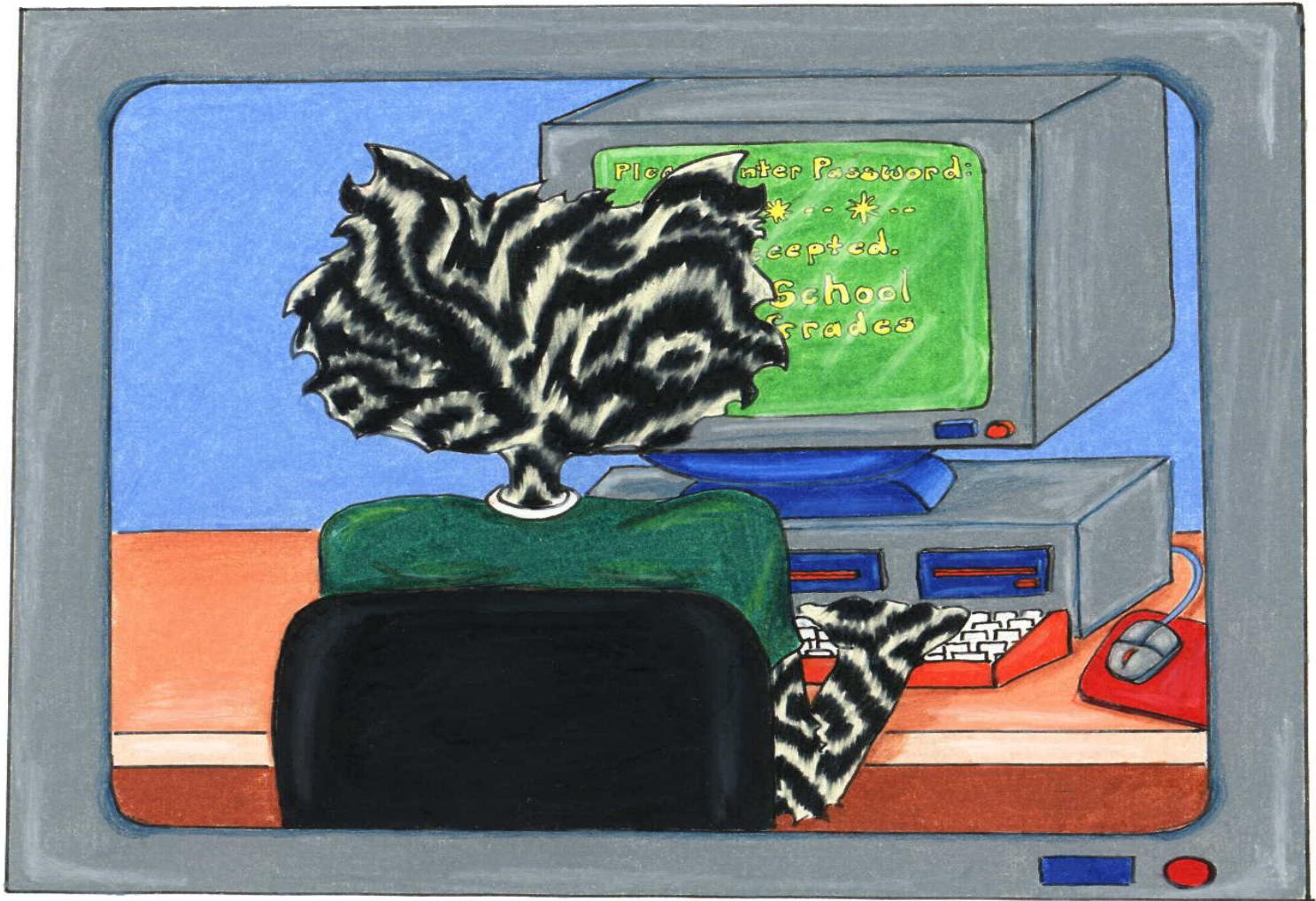
The delinquent act of theft is having someone else's belongings, without permission, with intent to deprive that other person of any part of the belonging's value or use. Conversion is the delinquent act of having someone else's belongings without permission. It is also a delinquent act to receive, keep, or get rid of stolen property. Shoplifting is either theft or conversion.

2. Can I take someone's car without his or her permission?

No. If you take someone's car or vehicle without permission, and if you intend to deprive the owner of the vehicle of the vehicle's value or use, then you commit the delinquent act of auto theft. Auto theft is also taking a component part of the car, such as the engine, a transmission, a body-chassis, a doghouse (front assembly), a rear-end, or a frame, without permission.

3. What is criminal trespass?

You've probably seen "No Trespassing" signs. You commit the delinquent act of criminal trespass if you enter someone's property after that person has told you or



posted a sign telling you not to enter. Criminal trespass is also refusing to leave the property after being asked to leave, riding in a vehicle that you know has been stolen, interfering with the possession or use of someone else's property without their consent, and entering someone's house without permission.

4. What is burglary?

The delinquent act of burglary is breaking and entering someone's house or building so that you can commit a felony, such as theft, rape, or murder.

5. Can I use my personal computer to access a school computer?

No. If you approach, instruct, communicate with, store data in, retrieve data from, or make use of resources of a computer, computer system, or computer network without the consent of the computer system's or computer network's owner, then you commit the delinquent act of computer trespass.

6. Can I send e-mail viruses to people?

If you knowingly or intentionally alter or damage a computer program or data, which comprises a part of a computer system or computer network, with-

out the consent of the owner of the computer system or computer network, then you commit the delinquent act of computer tampering.

Offenses Against Public Administration and Public Order

The following offenses are crime delinquent acts or infractions. These offenses focus on interacting with the police and keeping an orderly society. Criminal gang activity and criminal gang intimidation are crimes against public order that are direct file crimes if you are age sixteen or older. (See Chapter 5 for definitions of the crimes listed above.)

1. What is resisting law enforcement?

Resisting law enforcement is the delinquent act that many youth commit. Resisting law enforcement is resisting or interfering with the police, or someone assisting the police, while the officer is engaged in police duties. Resisting law enforcement is also fleeing, or running, from a police officer after the officer has identified himself or herself and ordered you to stop.

2. What is disorderly conduct?

Disorderly conduct is another delinquent act that many youth commit. Disorderly conduct is engaging in fighting or agitating behavior or making unreasonable noise after being asked to stop. Disorderly conduct is also disrupting a lawful gathering of people.

3. Can I make a prank phone call?

No. A prank phone call is a form of harassment. The delinquent offense of harassment includes calling someone to harass, annoy, or alarm with no purpose of legitimate communication. So long as you make the call with the intent to bother someone, you are harassing that person. It doesn't matter whether or not a conversation occurs. Remember that most people have caller ID on their telephones.

4. What if I throw my soda can out of the car window?

Littering is an infraction, which means you will have to pay a fine. Littering is putting solid waste or semi-solid waste (for example, your trash) on someone else's property that is not in a container provided for waste. It's also an infraction to throw a burning cigarette, cigar, or match from a moving car.

Guns and Weapons

Sadly, many Indiana youth are using guns and weapons to harm themselves and others. Carrying a handgun without a license, possessing a firearm, and dealing in a sawed-off shotgun are direct file crimes if you are age sixteen or older. (See Chapter 5 for definitions of the crimes listed above.) Read the following section to learn the laws regarding guns and weapons so that you can protect yourself and others.

1. What happens if I have a gun or give a gun to someone else?

It is a criminal offense for someone under age eighteen to possess a firearm or give a firearm to another child. Remember that a firearm is any weapon designed to project an object with an explosion. This offense is a direct file crime if you are age sixteen, meaning that your case will be filed in adult court. The judge can send you to a quasi-military program (boot camp) for rehabilitative purposes.

However, it is not an offense to possess a firearm if you are:

- Attending a hunter safety course or a firearms safety course;
- Engaging in target shooting practice at an established range or in an area where the discharge of a firearm is not prohibited or supervised by a qualified firearms instructor or an adult;
- Engaging in an organized competition involving the use of a firearm;
- Hunting or trapping under a valid license;
- Traveling with an unloaded firearm to or from an activity described in this section;
- On your parent's, adult family member's, or guardian's property with permission from your parent or guardian to possess the firearm; and
- At your home with permission from your parent, an adult family member, or guardian to possess a firearm.

2. What happens if I bring a gun to school?

If you have a firearm on school property, at a school function, or on a school bus, then you commit the delinquent act of possessing a firearm on school property. Again, if you are age sixteen or older, your case will go to adult court. You can also be expelled from school for one calendar year. (See Chapter 9 for information on school expulsion.)

3. Can I have a stun gun, automatic blade, or machine gun?

No. Youth under age eighteen cannot buy or possess a stun gun. No matter what your age, it is an offense to possess a knife with a blade that opens automatically or after pushing a button on the handle. Also, regardless of age, it is an offense to possess or use an automatic machine gun.

4. What happens if I use a firearm during another delinquent act?

If you use a gun while committing another delinquent act, you can receive a more serious disposition. In adult court, if you use a gun while committing certain offenses, such as kidnapping or dealing drugs, you can be sentenced to an additional five years in prison.

Alcohol, Tobacco, and Drugs

As you know, many Indiana youth drink alcohol, smoke cigarettes, and use drugs.

This section discusses the laws that involve alcohol and drug use.

Alcohol

1. When can I buy and drink an alcoholic beverage?

You cannot buy or drink an alcoholic beverage until you are age twenty-one. It is a status delinquent offense for you, under age eighteen, to possess and drink alcohol. You also are not able to transport alcohol on a public highway unless at least one parent or guardian accompanies you.

If you possess, drink, or transport alcohol while operating a motor vehicle,

the court will suspend your driver's license for at least sixty days.

2. Can my parents give me permission to drink at home?

No one can give you permission to drink alcohol if you are under age twenty-one. If your parents are over age twenty-one and encourage you to unlawfully possess alcohol, then they are committing an infraction called aiding unlawful possession.

3. Can I hold an alcoholic drink if I don't drink it?

No. You cannot possess, or hold, an alcoholic beverage.



4. What will happen if I buy alcohol using a fake ID or someone else's ID?

It is an infraction for you, as a minor, to make a false statement about your age or to give false evidence of your age to purchase or obtain alcohol. If you use a fake or altered driver's license, or someone else's driver's license, or are convicted of purchasing or obtaining alcohol with or without the fake or altered ID, then your driver's license will be suspended for up to one year. It is also an infraction to have fake identification with the intent to obtain alcohol, even if you don't actually obtain alcohol.

5. What if the driver of a car has an alcoholic beverage?

The driver can be charged with an infraction if the driver knows a container has been opened, has a broken seal, or has had contents removed from it by someone in the passenger compartment of the vehicle. A driver who knowingly drinks alcohol commits an infraction.

6. What is an OWI?

"OWI" stands for Operating (a vehicle) While Intoxicated. The legal limit is .08 blood-alcohol concentration ("BAC"). If your BAC level is .08 or above, then you are considered intoxicated. Having a BAC of .08 to .15 is a class C misdemeanor, and your case will go to the juvenile court. However, if you are under age twenty-one and have a BAC of .02-.08, then you commit an infraction. The juvenile court does not have jurisdiction over traffic offenses that are not misdemeanors. (See Chapter 4 for juvenile court jurisdiction.) Instead of juvenile court, your case will go to traffic court. If you have *any* BAC level, you may be charged with illegal consumption of alcohol, which is a status offense in juvenile court. If you have a BAC of .02-.08, your license may be suspended for up to one year.

7. What happens if I am pulled over when driving and refuse to take a breathalyzer test?

If the police officer believes that you have been drinking alcohol, the officer may ask you to take a breathalyzer test. To take a breathalyzer test, you blow air into a device that measures the alcohol content of your breath. If you refuse to take the test, your driver's license will be suspended. The suspension might last for one year. The police officer will take your driver's license or driver's permit, and you will not be permitted to drive home.

8. Can I serve alcohol in a restaurant if I'm a waiter?

It is against the law for anyone under age eighteen to deal with alcohol at a place where alcoholic beverages are sold or given away for people to drink. You cannot sell, give, or have anything to do with alcoholic beverages at your work.



9. What's the difference between public intoxication and minor consumption?

Public intoxication is being in public while you are drunk. If you are arrested for public intoxication, you are arrested for a crime delinquent act. Minor consumption is drinking alcohol while you are under age eighteen. If you are arrested for minor consumption, you are arrested for a status delinquent act.

Tobacco

1. When can I buy and smoke cigarettes or use tobacco products?

You can buy and smoke cigarettes or buy and use tobacco products when you are age eighteen. If you possess, use, or buy cigarettes or other tobacco products before you are age eighteen, you commit an infraction.

2. Can I work in a store that sells tobacco?

Yes. Even if you are under age eighteen, you can possess tobacco as part of your job responsibilities.

Other Drugs

1. What are Schedule drugs?

Drugs, including prescription drugs, are put into classifications called schedules. There is a Schedule I (1), II (2), III (3), IV (4), and V (5). The different schedules represent different characteristics about the drugs. For example, Schedule I (1) drugs have a high potential for abuse and have no accepted medical use. Alternatively, Schedule V (5) drugs have a lower potential for abuse than the drugs in Schedule IV (4), have accepted medical use, and have limited physical or psychological dependence.

2. What does dealing drugs mean?

Dealing drugs includes making and delivering drugs or financially supporting the making of drugs or delivering of drugs. Dealing drugs also includes possessing drugs with the intention to make, deliver, or financially support the making or delivering of drugs.

Remember, if you are at least age sixteen, dealing drugs is a crime you can be waived on, so your case could be sent to the adult court. Regardless of whether your case stays in juvenile court or goes to adult court the first time, your case will go to the adult court the second time

you deal drugs.

3. What if I only hold drugs for a friend but don't take them or sell them?

If you know that you are holding drugs or keeping them in your possession, then you commit the delinquent act of possessing drugs. If you are age sixteen, possessing drugs is a crime for which you can be waived to the adult court.

4. What does paraphernalia mean?

Paraphernalia is a word that means the materials, devices, or instruments that help you to use drugs, test the strength or purity of a drug, or enhance the drug's effect on the body. It is a delinquent act to make, possess, or deal paraphernalia.

5. What if I have something that looks like a drug, but isn't really a drug?

If you possess, deal, or make a substance that looks like a drug, you can be charged with dealing or possessing a look-a-like substance or a counterfeit substance. In order to see whether you intended to present the fake substance as a drug, the judge will look at how you packaged the fake substance, what you said to others about the fake substance, and whether you were paid money for the substance.

6. What if I deal drugs or bring drugs to school?

Bringing drugs on a school bus or

within 1,000 feet of a school, public park, family housing complex, or a youth program center is viewed by the judge as being more serious than dealing or possessing drugs where youth are not present. For example, if you deal marijuana, the crime is a class A misdemeanor. However, if you deal marijuana on school property, the crime is a class C felony. Even though the dispositions in juvenile court are discretionary, or up to the judge, you will probably receive a more restrictive, or serious, disposition if your delinquent act is on school property.

7. Are marijuana, cocaine, or methamphetamines considered drugs?

Yes. Many Indiana youth don't realize that it is against the law to have marijuana, cocaine, or methamphetamines. Possession of cocaine or methamphetamines is a class C felony. Possession of marijuana is a class A misdemeanor. However, the crime classifications increase depending on how much of the substance you have and where you have it. (See the above question for more information.)

8. What is a legend drug?

A legend drug is a prescription drug that can have a harmful effect if it is not used under the supervision of a doctor. It is a delinquent act to use or possess a legend drug without a prescription by a doctor.

Chapter 6 Sources

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I.C. 31-9-2-29; I.C. 31-32-2-4
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I.C. 35-45-2-2
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I.C. 35-47-10-5; I.C. 35-47-10-10
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I.C. 35-47-9-2
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I.C. 35-50-2-11; I.C. 35-50-2-13

Alcohol, Tobacco, and Drugs

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