

## Sources of Law

Name: \_\_\_\_\_

**KWL Chart.** Before the lesson, fill out the first two columns. After the lesson, fill in the third column.

	One thing I already know:	One thing I wonder:	One thing I learned:
Criminal Law			
Civil Law			
Military Justice			
Juvenile Justice			

# Sources of Law

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## Types of Law

Laws can be divided into two main categories: criminal and civil. The sources of law you just read about create both kinds of laws. However, courts treat criminal and civil cases differently.



*Judge's-eye view of a typical courtroom*



## Criminal Law

Criminal laws are laws that make certain actions a crime. These laws come from all three levels of government (federal, state, and local) and can be found in statutes, regulations, and sometimes in state constitutions.

There are two general levels of crimes. **Felonies** are serious crimes that normally have a punishment of more than a year in jail.

**Misdemeanors** are less serious crimes where the penalty is usually less than a year in jail or even just a fine. A law that makes it a crime to do something usually says whether violating the law will be considered a felony or a misdemeanor. Felonies and misdemeanors are also divided into classes depending on how serious they are.

In a criminal trial, the question is always, "Did this person commit a crime?" The government is always on one side of the case, charging someone with a crime. The person accused of the crime, called the defendant, is always on the other side. The defendant is either found innocent of the crime and is acquitted, or he or she is found guilty and is sentenced with a fine or jail time.

### Three Categories of Crimes:

- Crimes against people
- Crimes against property
- Crimes against the government

Can you think of an example for each?

## Civil Law

Here's a basic rule of thumb: If it's not criminal, it's civil! Civil laws involve a wide range of subjects such as property, divorce, contracts, wills, personal injury, bankruptcy, employment, agriculture, and taxes. For this reason, there are many more civil laws than criminal laws.

**Civil laws** usually help settle disagreements between people. People may disagree over things like rights to property, custody of children in divorce, or what a contract says. The two sides in a civil case each get to tell their side of the story. The judge or jury decides what the facts are and what the *remedy*, or solution, should be.

Sometimes, like criminal cases, civil cases involve someone who has injured someone else. Many injuries, such as accidents, are not caused by a crime. The person who caused the accident and the person who was hurt must come to an agreement about how the injured person can be compensated for his or her loss.

Very often, civil law does not involve a problem or disagreement at all. If someone wants to make a will or draw up a contract to sell something, there are civil laws that say how those things should be done.

### Taking Sides

**Defendant:** Someone who is charged with a crime or accused of other wrongdoing

**Plaintiff:** Someone who files a lawsuit against someone else in a civil court



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## Special Systems of Law

There are two systems of law that work a little differently from our regular system of law. They are different because they deal with two unique populations—the military and people under the age of 18. The special circumstances of these two groups make it necessary to have systems of law that are designed to handle their unique issues.



*A military trial is called a court-martial. The Manual for Courts-Martial explains how military trials must operate and gives details about the laws in the UCMJ. The manual is actually an executive order signed by the president.*



## Military Law

The U.S. Constitution gives Congress the power “to make Rules for the Government and Regulation of the land and naval Forces.” Congress did this by enacting the **Uniform Code of Military Justice (UCMJ)**, which is a set of criminal laws that apply to people in the military. The UCMJ also lists the procedures for conducting a military trial and explains what punishments are allowed.

The military justice system is entirely separate from the civilian system. It is designed for the special needs of the military, so the UCMJ contains some laws that would not be needed for regular citizens. For example, it includes laws against leaving the military without permission, showing disrespect to a superior officer, and failing to obey an order. All members of the military are subject to the military justice system.

## Juvenile Law

Criminal laws apply to everyone. But when a person under age 18 commits a crime, most states have a system of **juvenile justice** that deals with the case. The juvenile justice system is usually more flexible than the adult justice system. It allows a judge to look at many factors in a child’s life when deciding what the consequences for committing a crime should be. The juvenile system is different because, as a society, we believe that young people sometimes make bad choices that they would not make if they were more mature. The juvenile system offers more chances for young people to learn from mistakes without being negatively affected for the rest of their lives.

Outside the juvenile justice system, there are other kinds of laws that affect people under 18. Some of these are laws targeted at young people, like curfew laws or laws about school attendance. Other laws have been passed in order to protect children from abuse. Most states have a whole set of laws that describe what happens when an abused child is removed from his or her home. There are also laws about adoption, foster care, and special health and education programs for children.



**Delinquent:** a juvenile found guilty of a crime

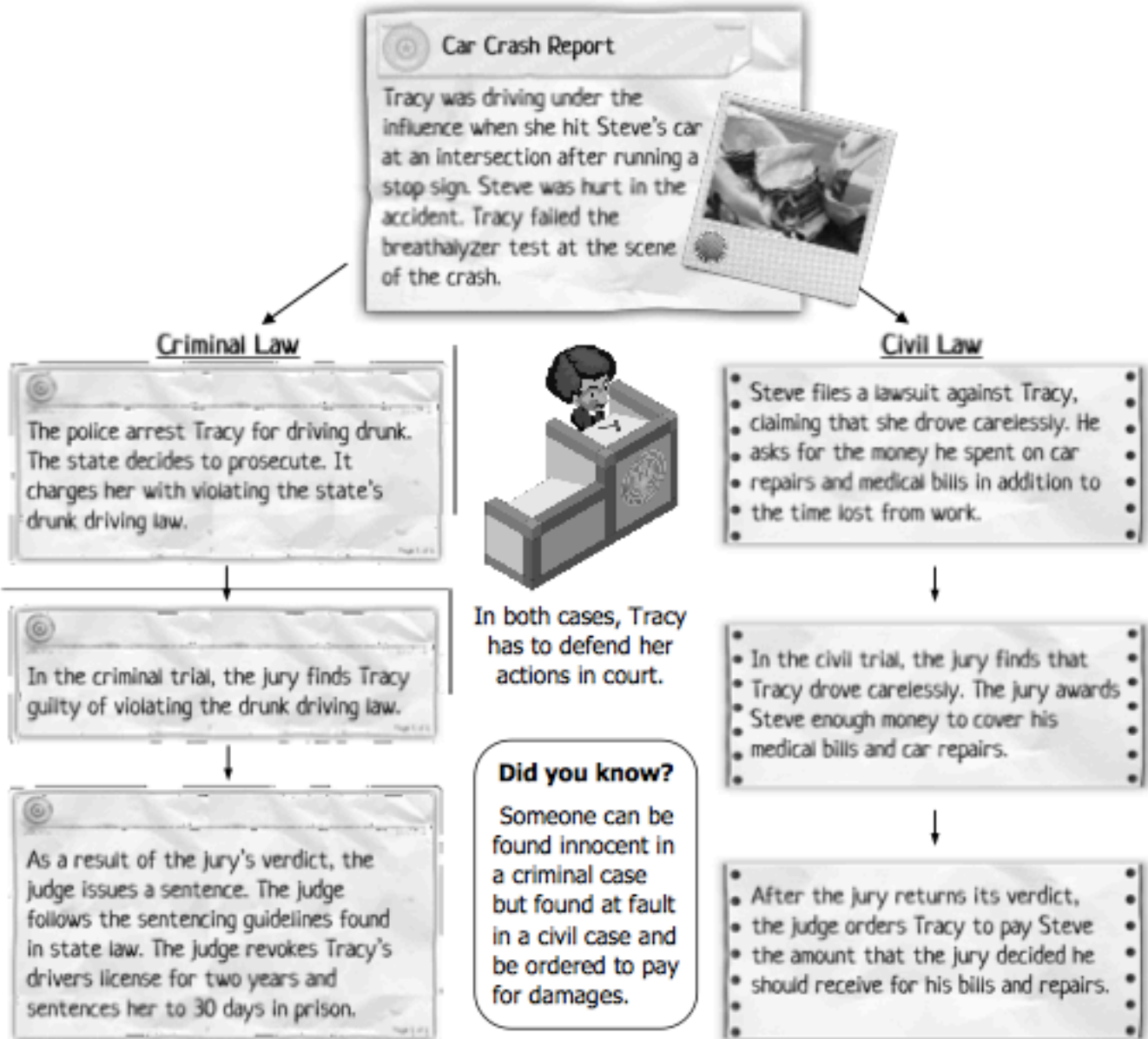
**Status Offender:** a juvenile that is found guilty of breaking a law that wouldn’t be a crime if they were an adult (like skipping school)

**Child Protective Services:** government agency in most states that respond to reports of child abuse or neglect

# Sources of Law

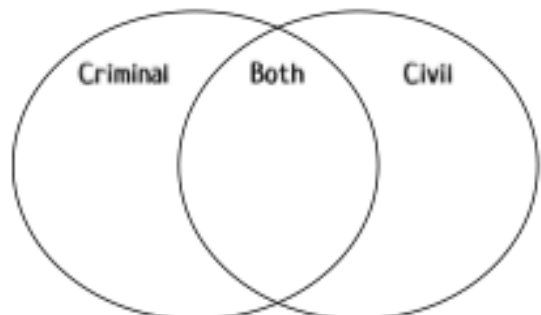
Name: \_\_\_\_\_

**A. One Accident, Two Trials.** Follow the diagram through to the questions below.



**Compare & Contrast.** Based on what you have learned, complete the Venn diagram by using the statements below.

- (A) The defendant may have to pay money
- (B) The defendant may get jail time or loss of privileges
- (C) Deals with a crime that was committed
- (D) The case involves a problem between two individuals
- (E) The case involves the government against a person
- (F) Trials can be heard and decided by a jury
- (G) The remedy is decided according to state guidelines
- (H) The remedy is decided according to what is asked for



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**B. Vocabulary.** Match the term with the correct definition from the lesson.

- |                           |  |
|---------------------------|--|
| ___ 1. delinquent         | A) An interpretation of a law that is used in later trials |
| ___ 2. precedent          | B) Set of laws specifically for the U.S. military          |
| ___ 3. United States Code | C) A disagreement brought to the courts for a resolution   |
| ___ 4. lawsuit            | D) A young person found guilty of a crime                  |
| ___ 5. UCMJ               | E) Collection of laws passes by the United States Congress |



**C. What If?** Select the correct type of law based on the scenario.

\_\_\_ 6. When a soldier failed to return to base after going on leave, he was charged and brought to trial for being AWOL (Absent Without Official Leave).

- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law

\_\_\_ 9. Julie was pulled over by the police at 2:00am and was charged with breaking the curfew law in her town. She was fined and released back to her parents.

- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law

\_\_\_ 7. A man was caught on tape robbing a gas station. He was arrested, brought to trial, and found guilty of burglary. He was sentenced to 10 years in prison and a fine.

- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law

\_\_\_ 10. A married couple decides to get a divorce. They disagree over who gets what. A judge hears both sides and makes a decision about how their property should be divided.

- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law

\_\_\_ 8. The Smith family has decided to adopt their foster child, Anna. They work with their state adoption agency to complete all of the necessary paperwork.

- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law

\_\_\_ 11. Karen ordered an iPod off the internet and paid with her credit card, but she never received the order. The seller is refusing to refund her money, so she takes the matter to court.

- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law

