

LAW amusements

California (US) Laws

Vehicles may not contain sound systems which allow someone to hear noise outside the vehicle. However, this does not apply to a vehicle which is attempting to sell something

Citation: Section 9.07.010 Raucous Noise.
No driver of a vehicle shall operate or permit operation of any radio system intended to make sound audible outside the vehicle when the vehicle is being operated upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation. This section shall not apply to authorized emergency vehicles or vehicles operated by gas, electric, communications, or water utilities. This section shall not apply to the radio systems of vehicles used for advertising, or in parades, political or other special events, except that use of radio systems on such vehicles may be prohibited by a local authority by ordinance or resolution.

All food in a children's camp must be approved by the director before being used

Citation: 11.08.080 Food supply.
It is unlawful to use any food in a children's camp unless such food is from a source approved by the director.

It is illegal to set metal balloons afloat in the air

Citation: 11.69.010 Metallic balloons.
B. Ban. It shall be unlawful to allow one or more metallic balloons to float, rise or remain aloft outdoors at a height of five feet or more for any advertising, promotional or commercial purpose.

No person may charge admission to a house party

Citation: 13.41.020 Charging admission to parties in residential zones prohibited.
It is unlawful to charge admission to any party conducted in a residential zone.

It is illegal to skateboard and roller-ski through the courthouse and library

Citation: 17.20.010 Skateboarding and roller-skating prohibited.
No person shall use or operate any skateboard or roller skates on county property at the following locations, except in areas designated for such purposes by the director of the county department having jurisdiction thereof:

- A. The Los Angeles County Superior Court at 200 West Compton Boulevard, Compton, California;
- B. The Compton Branch of the County Public Library at 240 West Compton Boulevard, Compton, California.

It is unlawful to give another fireworks

Explanation: Tumbleweeds abound in this region, so fireworks are a definite fire hazard. To prevent large-scale forest fires, this law was passed.

Citation: Section 9.20.020 Unlawful uses.
It is unlawful for any person, firm, or corporation to have in his or its possession, or to keep, store, use, shoot, discharge, set off, ignite, manufacture, sell, give, or transport, any fireworks, pursuant to a permit obtained under the provisions of Sections 12509, 12511, 12413, 12600 et seq. and 12650 et seq. of the Health and Safety Code of the State of California.

Growing oleander flowers is illegal

Citation: Section 6.08.010 Prohibition.
No person, corporation or public agency shall plant or cultivate the oleander plant at any place in the city for any purpose whatsoever.

It is illegal to fish from an overpass in the city

Citation: 9.36.010 Jumping or fishing from bridge or overpass prohibited.
It shall be unlawful for any person to jump or fish from any bridge or overpass located within the city limits.

No person may carry a fish into a bar

Citation: 6.05.410 Animals prohibited from food establishments.
It is unlawful for any person to allow or permit any animal in, or take any animal, whether loose, on a leash, or in arms, into any food establishment, such as a restaurant, grocery store, meat market or into any place where alcoholic beverages are sold, except guide dogs or dogs being trained as guide dogs.

One may not raffle off a dog as a gift in any public place

Citation: 6.12.020 Selling, giving away or auctioning animals. It is a violation of this title to sell or give away unaltered dogs and cats in any public places or to auction off or raffle unaltered dogs and cats as prizes or gifts. No person in the city shall publish or advertise to city residents the availability of any unaltered cat or dog unless the publication or advertisement includes: the unaltered animal's license number, provided, however that nothing in this ordinance shall prohibit licensed breeders from advertising in national publications for sale of a planned litter or litters.

Remote control cars can only be driven in designated areas of city parks

Citation: 10-1.03 Restricted areas.
It shall be unlawful for any person within the limits of public schools, parks, recreation areas, and open spaces which are now or which may hereafter be within the City, including all grounds, roads, ways, avenues, parks, buildings, campgrounds, swimming pools, equestrian trails, bicycle trails, hiking trails, and school facilities under the control, management, or direction of either the Simi Valley Unified School District and the Simi Valley Recreation and Park District.

(d) To play or engage in the flying of motorized or self-propelled model airplanes or rockets or motorized self-propelled model cars and boats, the driving of golf balls, archery, baseball, softball, football, soccer, volleyball, or any similar game of a hazardous nature, except at such places and times as shall be especially set apart for such purposes.

Source: www.crazy-laws.com.

LAW lexicon

- Legal process** - A formal paper that is legally valid; something issuing from the court, usually a command such as a writ or mandate.
 - Legal texts** - Books that cover specific areas of the law, usually dealing with a single topic.
 - Legislation** - The act of giving or enacting laws; the power to make laws via legislation in contrast to court-made laws.
 - Legitimate** - That which is legal, lawful, recognized by law or according to law.
 - Leniency** - Recommendation for a sentence less than the maximum allowed.
 - Letters of Administration** - Legal document issued by a court that shows an administrator's legal right to take control of assets in the deceased person's name.
 - Letters Testamentary** - Legal document issued by a court that shows an executor's legal right to take control of assets in the deceased person's name.
 - Liabile** - Legally responsible.
 - Libel** - Published defamation which tends to injure a person's reputation.
 - Licensing boards** - State agencies created to regulate the issuance of licenses, i.e., to contractors, cosmetologists, realtors, etc.
 - Lien** - An encumbrance or legal burden upon property.
 - Limited jurisdiction** - Refers to courts that are limited in the types of criminal and civil cases they may hear. For example, traffic violations generally are heard by limited jurisdiction courts.
- Source: Jurist International.

HUMAN RIGHTS advocacy

Does the law treat the insane differently than the retarded?

THERE is little legal connection between insanity and mental retardation. "Insanity" is a legal term, not a medical one. "Mental retardation" is a medical construct—generally applied to anyone who scores below about 70 on an IQ test. A defendant can be mentally retarded without being legally insane, and vice versa. Still, there is some overlap. Between 20 to 35 percent of all non-institutionalized mentally retarded people have also been diagnosed with some form of mental illness.

Evidence of mental retardation tends to be a factor at two limited phases of a criminal trial: during a preliminary competency hearing, and later—if the defendant proceeds to conviction—to mitigate the severity of the punishment. Insanity, on the other hand, is a legal defence. Evidence of a defendant's insanity is put on during trial to support a specific legal theory for the defence: that the offender didn't understand what he was doing at the time of the crime. Courts have been clear that the insanity defence and competence to stand trial are wholly independent determinations because they involve a defendant's mental state at different times and because the ultimate questions differ.

The competency hearing
Court competency hearings determine whether or not a retarded defendant can: 1) comprehend the nature of the charges against him; and 2) assist in his own defence. If the defendant cannot do so, he will usually be committed to a forensic hospital or, under some state laws, to prison sometimes for life,

depending on his crime. These hearings are conducted by judges who rely heavily on psychiatric reports.

An insane defendant may also go through a competency hearing prior to trial. But unlike a severely retarded offender, he may well be deemed competent to stand trial. Since retardation is a permanent condition while "insanity" may be treatable, the insane offender can be often be "made" competent, with medication or therapies, whereas the retarded defendant may not.

The insanity plea
An insane defendant found competent to stand trial still has the option of pleading "not guilty by reason of insanity," a term which dates back to English common law. M'Naghten's Rule—still the test for legal insanity in about a third of the states—derives from an 1843 case involving a man who shot Prime Minister Robert Peel's secretary in the mistaken belief that the man was Peel. M'Naghten's rule holds that a person is insane if "at the time of committing the act, he was labouring under such a defect of reason from disease of the mind as not to know the nature and quality of the act he was doing, or if he did know it, that he did not know what he was doing was wrong." About half the states use a more lenient standard than this "right versus wrong" test to determine insanity, specifically whether "the defendant could have known of the criminality (wrongfulness) of his conduct or conform his conduct to the requirements of law." Most mentally retarded people are not found to be legally insane.



The fakers

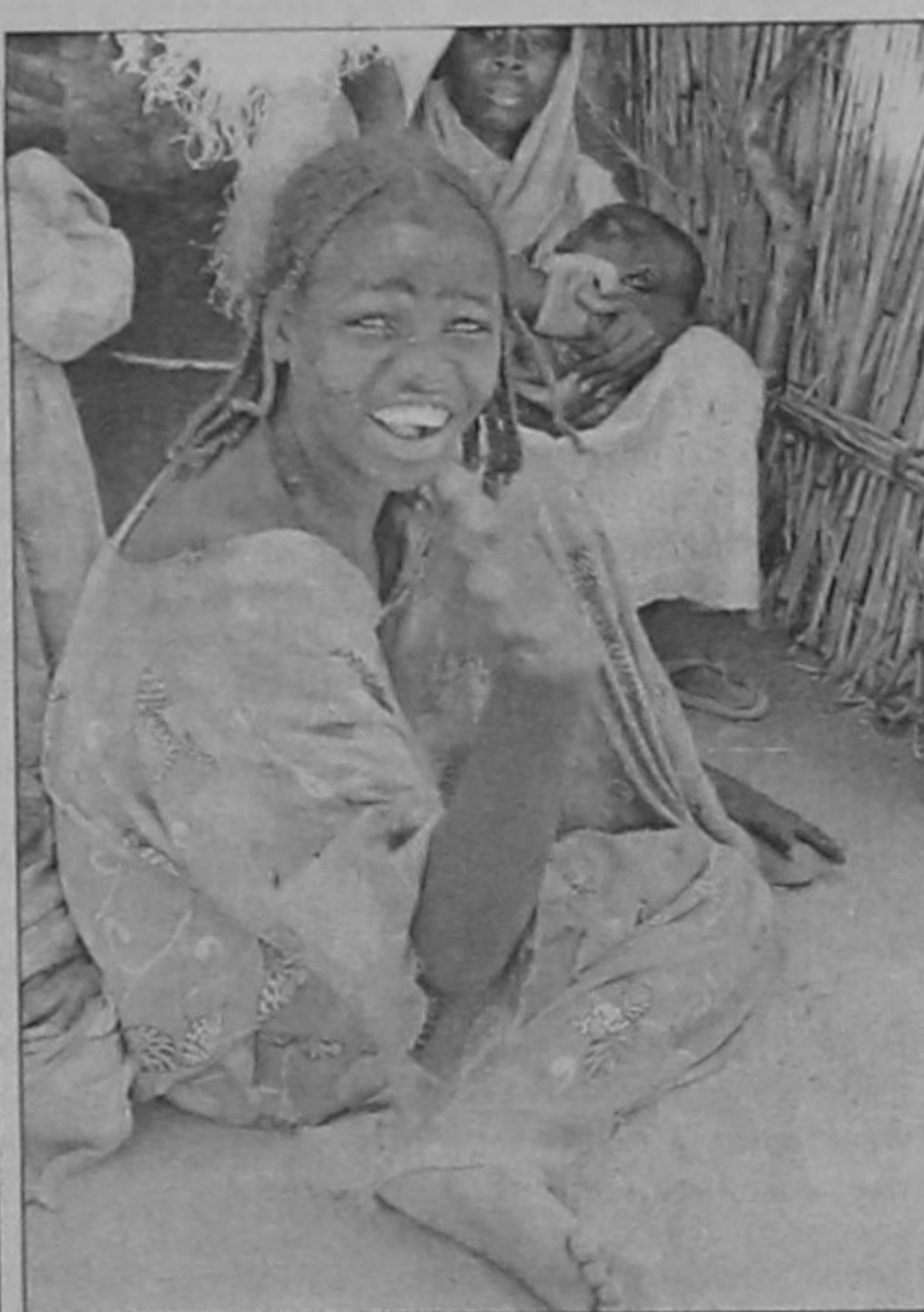
While the public believes that some famous insanity pleaders, including the Unabomber, Lorena Bobbitt, and most notoriously, John Hinckley, "fake" insanity to avoid punishment, a 1991 study showed that just under 1 percent of defendants pleaded not guilty by reason of insanity, and that only one in four of those pleas resulted in an acquittal. Even if a defendant can prevail on an insanity defence, s/he'll most likely be confined to a hospital for the severely mentally ill for a longer or equivalent period of time to his/her likely prison sentence.

Since the death penalty was reinstated in 1976, at least 35 men-

tally retarded defendants have been executed in the United States. In 1989, the Supreme Court ruled that it was "okay" to execute the mentally retarded because there was no "national consensus" against the practice. They have agreed to revisit that issue next term, in part because in 1989, only two states barred executing the mentally retarded.

Even if found competent to stand trial, a defendant has the right to bring in evidence of his mental retardation at the sentencing phase of the hearing. Juries can determine at that time whether an offender's mental retardation should be a mitigating factor in penalising him.

What are the legal rights of the retarded?



The American Association on Mental Retardation defines someone as mentally retarded if they:

- 1) Have an IQ below 70-75;
- 2) Are limited in two or more adaptive skill areas (daily living skills needed to live, learn, work, and play in the community); and
- 3) If the condition is present from childhood (defined as age 18 or younger).

An estimated seven million mentally retarded people live in the United States. Mentally retarded individuals have the same legal rights to marry, drive cars, and own homes as any other American, says Dr. Richard Redding of the University of Virginia's Institute of Law, Psychiatry, and Public Policy, and they need not pass any competency tests. So long as a mentally retarded individual can pass the DMV tests, he may drive a car; so long as he can pay the rent, a mentally retarded person may live where he pleases.

Education
Under federal law, public schools may no longer assume that all retarded children must be sent to special classrooms. Instead, every retarded child is evaluated to determine what kind of education is appropriate. Some are placed in special classrooms for children with learning disabilities, while others are placed in a regular classroom with a special aide.

Marriage

More than 30 states either prohibit or restrict marriage between people with "developmental disabilities" (another term for mental retardation). Such marriage laws are rarely enforced. But when they are, a competency hearing can be triggered by a guardian or family member who suspects manipulation or coercion behind the marriage. Courts adjudicating the denial of such fundamental rights as the right to marry or procreate will use a heightened level of scrutiny to evaluate whether the retarded individual is being unfairly denied his or her constitutional rights.

Housing

There has also been significant litigation under the Americans with Disabilities Act involving mentally retarded individuals evicted or denied access to housing based on their disability. Under the Americans with Disabilities Act and other civil rights legislation, including the Fair Housing Amendments Act of 1988, landlords and communities can no longer deny housing, employment, or other fundamental rights to the developmentally disabled without a strong showing that they simply have no capability to function.

The articles are compiled from www.slate.com, published on the occasion of World Mental Health Day.

RIGHTS corner

Unequal health-care systems are hurting poor worldwide, UN report

PEOPLE in different countries and even within the same State or city face strikingly different health outcomes because of vast inequalities in both access to health care and the amount they have to pay for that care, according to a new United Nations report, which calls for an overhaul of the way such assistance is provided worldwide.

The annual World Health Report, launched by the World Health Organization (WHO), finds that the inequalities are now much greater than they were 30 years ago and that too often health care is treated as a commodity on which a profit can be made.

It recommends a return to so-called "primary health care," a more holistic approach developed in the 1970s where general practitioners, family doctors or nurses perform tasks that these days are frequently carried out by specialists.

"In far too many cases, people who are well-off and generally healthier have the best access to the best care, while the poor are left to fend for themselves," WHO said in a press release accompanying the report's launch.

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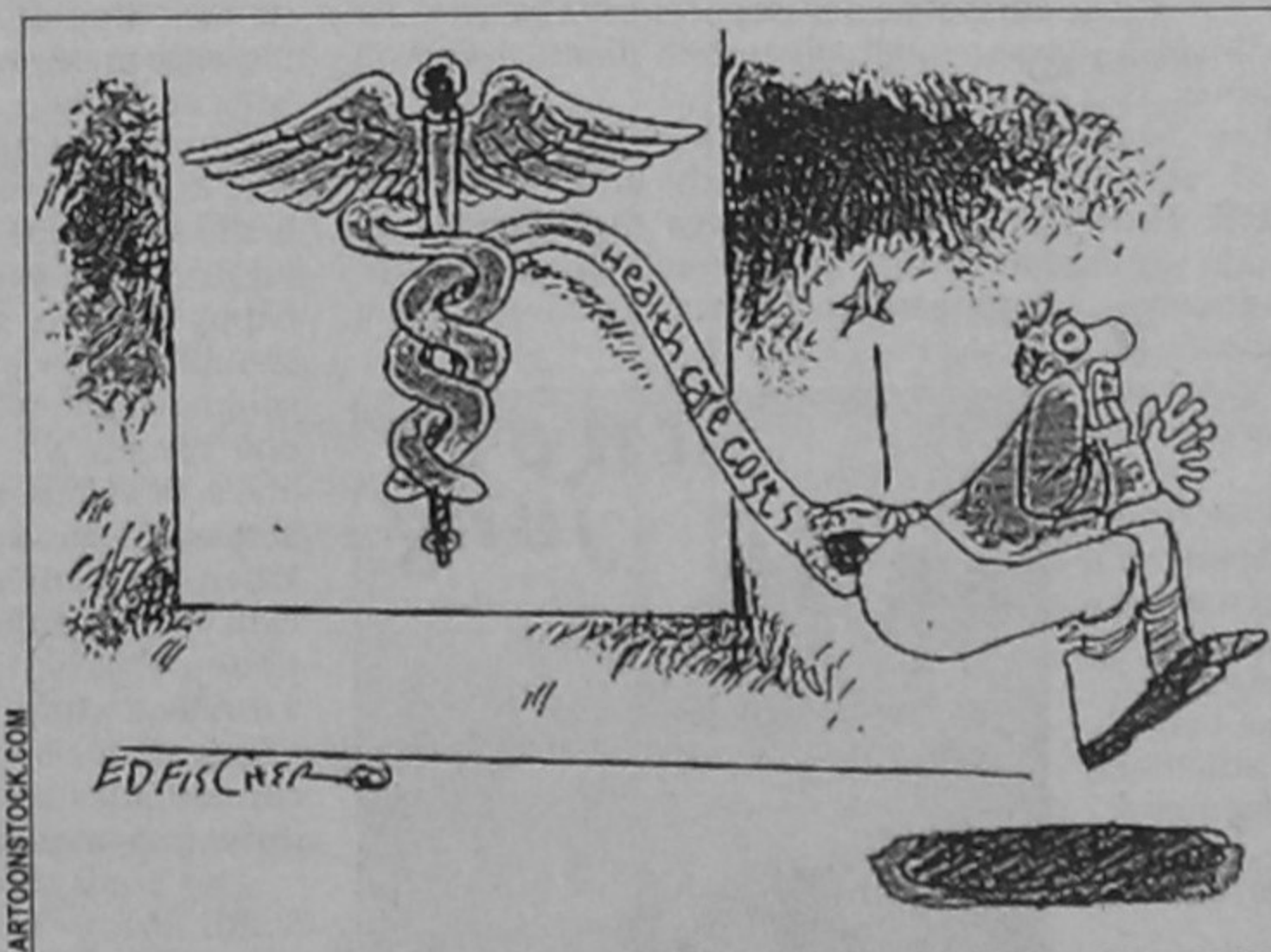
"Health care is often delivered according to a model that concentrates on diseases, high technology, and specialist care, with health viewed as a product of biomedical interventions and the power of prevention largely ignored."

Annual government expenditure on health varies greatly across the globe, from as little as \$20 per person to over \$6000 in some countries, while differences in life expectancy between the richest and poorest nations now exceeds 40 years.

Sharp discrepancies in health care also occur within individual cities. In the Kenyan capital, Nairobi, high-income areas have an under-five mortality rate of below 15 per thousand, compared to 254 deaths per thousand in slum neighborhoods of the same city.

"A world that is greatly out of balance in matters of health is neither stable nor secure. The World Health Report sets out a way to tackle inequalities and inefficiencies in health care, and its recommendations need to be heeded," said WHO Director-General Margaret Chan.

For 5.6 billion people in low and middle-income countries, more



than half of all health care expenditure is through out-of-pocket payments and, at a time of global financial crisis, such personal expenditure pushes more than 100 million people below the poverty line each year, the UN agency suggested.

"Viewed against current trends, primary health care looks more and more like a smart way to get health development back on track," said Dr. Chan. "We are, in effect, encouraging countries to go back to the basics. Thirty years of well-monitored experience tell us what works and where we need to head, in rich and poor countries alike."

The launch of the WHO report in Kazakhstan commemorates the 30th anniversary of the Alma-Ata International Conference on Primary Health Care, which placed health equity on the international political agenda.

Source: UN News Centre.

LAW week

Interpol finds Morshed Khan's Tk 14.15cr stashed in HK bank

The International Criminal Police Organization (Interpol) has detected a deposit of over Tk 14.15 crore by absconding former foreign minister M Morshed Khan and his son Faisal Morshed Khan with a Hong Kong bank. Both the Khans have been convicted in several cases relating to corruption, hiding wealth information, land grabbing and criminal activities after the caretaker government came to power in January 2007.

The Hong Kong police, through the Interpol's Dhaka office, have informed the matter to the government and wanted to know whether Bangladesh wants to confiscate the money.

Sources said the Hong Kong police have uncovered that the money was laundered from the earnings of Citycell, a telco partly owned by Morshed Khan and his son.

Hasib Aziz, assistant inspector general of police (AIG) who is also in charge of Interpol in Dhaka, said the Hong Kong authorities detected 16 million Hong Kong dollars in the account. But they did not mention the name of the bank in the letter sent to Dhaka Interpol eight days ago. The AIG said, "We have already forwarded it to the Bangladesh Bank, Anti-Corruption Commission (ACC), the Attorney General and other higher authorities of the government." - *The Daily Star, October 16, 2008.*

Students asked to skip illegal educational institutions

The government has asked the students not to get admitted to unauthorised local and foreign educational institutions known as university, college, school, outer campus, regional centre, distant-learning centre, regional resource centre, study centre, admission centre or information centre.

"The government will not be responsible if any unwanted situation arises out of fraudulence in admission and legitimacy of certificates given by the unapproved educational institutions," the education ministry said in a handout.

Presently, there are 51 private universities in the country and validity of provisional certificates of many of those has already expired, it said, adding that the government has taken initiative to update the university-governing rules. - *The Daily Star, October 14, 2008.*

HC hears EC petition for vacating stay

The High Court (HC) heard an application filed by the Election Commission (EC) for vacating the HC order staying the EC's redemarcation of the parliamentary constituencies.

An HC bench of justices Syed Mahmud Hossain and Quamrul Islam Siddiqui on Sunday fixed October 14 for hearing the EC's application. Another HC bench of justices Mir Hasmat Ali and Shamim Hossain fixed October 19 for the final hearing of two important writ petitions challenging the legality of the EC's redemarcation of the parliamentary constituencies and the proclamation of the state of emergency in the country on January 11 last year. The counsels for the petitioners prayed to the HC bench for fixing a date to hold the hearing of the writ petitions considering their public importance.

On July 20, the HC bench issued a rule asking the government to explain within four weeks why the proclamation of the state of emergency in the country on January 11 last year should not be declared illegal and unconstitutional. The court also directed the government to file an affidavit specifying the grounds on which the state of emergency was proclaimed and what fundamental rights were suspended under the emergency with the court within a month. - *The Daily Star, October 14, 2008.*

Army officer 'takes care' of SC cause list

Barrister Rafique-ul-Huq, principal counsel of former premiers Khaleda Zia and Sheikh Hasina, has alleged that a junior army officer "takes care" of the cause list for hearing of petitions by the chamber judge of Supreme Court.

"An army major sits in a room on the second floor of the Supreme Court building where no one is allowed to enter. This major takes care of the cause list for hearing of petitions by the chamber judge," Barrister Rafique told a meeting of SC lawyers. "Nothing can be so unfortunate other than this," he said at the urgent meeting of Supreme Court Bar Association (SCBA) in its South Hall.

The meeting was convened in protest against Saturday's bomb blast at the residence of Justice Sharif Uddin Chaklader and reconstruction of the HC benches by the chief justice allegedly sidelining senior judges. Meanwhile, anonymous letters were sent on Saturday to three senior SC lawyers Barrister Rafique-ul-Huq, Barrister Shafique Ahmed and Barrister M Amir-UI Islam. The letters addressed the senior lawyers as "national betrayers" for defending persons accused in different graft cases. - *The Daily Star, October 13, 2008.*

ACC seeks to vacate court stay

Anti-Corruption Commission (ACC) Chairman Hasan Mashhud Chowdhury said the commission will seek in a couple of days resumption of legal proceedings in the cases filed by it and stayed by the High Court (HC) as the Supreme Court (SC) reopens October 12 after its annual vacation.

"We want to have the HC stay orders vacated and the cases resumed. We will make the move in a couple of days," he told a press briefing at the ACC office. In reply to questions, Hasan Mashhud said the government would decide whether politicians convicted in graft cases would participate in the upcoming national election or not.

"The government will decide over the matter of convicted politicians taking part in the election. And it is not just taking a decision, the decision must be in accordance with law." Asked about success of the anti-graft drive in the wake of convicted and graft-suspect politicians gaining bail ahead of the election, the ACC chief said, "A situation of stagnancy as regards our cases has followed the HC stay orders. And once we recover from it, you will see that we are moving ahead," he added.

A total of 73 ACC-filed cases have been stayed by the HC. And 30 more cases are pending with different special courts. - *The Daily Star, October 12, 2008.*

AL debates changes to its constitution

Amidst differences of opinion on retaining the provisions for party's 'associated' organisations in its constitution, Awami League's (AL) highest decision-making body holds a crucial meeting today to decide on the matter and to bring some amendments to it to get registered with the Election Commission (EC).

A draft of the amendments to the party constitution will be placed at a meeting of the AL Central Working Committee (ALCWC) with suggestions not to keep the names of associated bodies in it, sources said.

The draft prepared by AL advisory council member HT Imam and AL information and research secretary Nuh-ul-Alam Lenin also suggested that the associated organisations work independently. - *The Daily Star, October 11, 2008.*

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You may send us your daily life legal problems including family, financial, land or any other issues. Legal experts will answer those. Please send your mails, queries, and opinions to: LawDesk, The Daily Star, 19 Karwan Bazar, Dhaka-1215; telephone: 8124944, 8124955, fax 8125155; email: dslawdesk@yahoo.co.uk, lawdesk@thedailystar.net