

# Manitoba Addictions Awareness Week



## Legal Brainteasers

### What Do You Know About The Law?



*Use the following scenarios to help students explore some of the legal and personal consequences of substance misuse.*

#### **SUGGESTED PROCESS:**

- Use this activity with a class or student groups.
- After reading each scenario:
  - Have students brainstorm what they "think" might be the legal/personal consequences, and to whom?
  - Use the Fact Sheet on the reverse to examine the "actual" legal consequences and revise the personal consequences if appropriate.
  - Record any questions not answered through the scenario analysis/Fact Sheet, have students research the answers and report back to class.
- Follow-up Optional Activity: Divide students into groups, have each group generate a scenario that they believe will have legal/personal consequences. Have them research/record the "factual" legal consequences. Rotate these new scenarios through the groups for analysis/discussion.

#### **SCENARIO #1 - IMPAIRED DRIVING**

Joel age 17, his brother Barry age 16, and two friends ages 19 and 20 went to Grand Beach to camp for the long weekend. Joel borrowed his mother's van and his brother's tent. His friends purchased three bottles of Vodka and Rye and hid them in the camping gear. They arrived at the campground at about 7:30, unloaded the van and started a fire. They decided to have a couple of drinks before setting up the tent. At 8:30 the 20 year old went to the van to get his stash of marijuana; he rolled some joints and returned the unused portion to the van. At 9:00, after having consumed 4 drinks of Vodka, Joel felt sleepy so he went to the van to lie down. When he entered the van he felt chilled so he let it run for about 10 minutes to warm up. Leaving the keys in the ignition, he lay down in the back of the van and fell asleep. The group began to get very boisterous around 10:00 P.M. and the Park Rangers came to investigate. They found Joel asleep in the van, and the group drinking around the campfire. Barry, and the 19 year old each had half a joint in their pockets. The Park Rangers searched the van and found 2 grams of marijuana.

#### **SCENARIO #2 - IMPAIRED DRIVING**

Sandy, age 16 had just obtained her Beginner's License and she and her boyfriend Rick, age 18 went to a Christmas party at a friend's house. Rick had consumed about 4 or 5 bottles of beer and when they went to leave he was feeling dizzy and asked Sandy to drive. Sandy agreed, as she was worried about driving with him. Rick fell asleep, and on the way home they were pulled over at an Alert Check Stop. When Sandy rolled down the window, the police could smell liquor on her breath and asked her to take a Breathalyzer test. Sandy's reading was .02%.

#### **SCENARIO #3 - SERVER RESPONSIBILITY**

Fourteen-year-old Tom had gone to his friend Bill's to watch the hockey playoffs. Bill's father came home with a case of beer and offered one to each of the boys. Tom was not used to drinking, but didn't want to refuse Bill's father. By the end of the third period, Tom had consumed 3 beers. He felt dizzy and nauseated, but rode his bike home. On the way home he hit the curb, fell off his bike and passed out on the boulevard. The police were driving by and after examining him, realized he had been drinking. Concerned he may have hit his head; they took him to the hospital. He had no identification on him.

#### **SCENARIO #4 - SERVER RESPONSIBILITY**

Judy, age 15, was attending a family social at the local community club. Judy was sitting with her cousin Susan age 16, when Judy's older brother gave her some drink tickets. She went to the bar and over the next two hours purchased 3 rye and cokes each for her and Susan. As they sat in the corner laughing and talking loudly, a gentleman approached them asking for identification. When they could not produce it, he identified himself as a Liquor Inspector.



# Fact Sheet For Legal Brainteasers

## What Do You Know About The Law?

After discussing/recording what you "think" are the legal consequences and to whom these would apply in each scenario, and brainstorming/recording the "possible" personal consequences - check your answers against the "LAW" - revise your list of personal consequences where appropriate.

Please Note: The Legal consequences given are based on the information provided without reading anything more into the scenarios or taking into account any additional investigation that might take place. These are the charges that could arise but may not necessarily be laid.

Scenarios	Legal Consequences - Note: Consequences based on Laws at date of publication
<p><b>Scenario # 1</b></p>	<p>To Barry (age 16) -</p> <ol style="list-style-type: none"> <li>1. Minor Consumption - Section 121(5) LCA * - Fine \$247.00</li> <li>2. Possession of a substance - (Schedule II) CDSA * - Fine, jail or both &amp; YCJA - see NOTE</li> </ol> <p>To Joel (age 17) -</p> <ol style="list-style-type: none"> <li>1. Minor Consumption - Section 121(5) LCA * - Fine \$247.00.</li> <li>2. Impaired (if he exhibited signs) and Over .08 (if he blew) while having care and control of a vehicle - Section 253(a) &amp; (b) Criminal Code * - fine, jail or both &amp; YCJA - see NOTE</li> <li>3. Prohibit driving 1 year if convicted of (2) not to mention provincial suspension.</li> <li>4. Immediate Vehicle impounded for 30 days if breath sample between 0.08 and 1.60 and 60 day impoundment if breath sample over 1.60 - Section 242.1 (1.1) HTA *.</li> </ol> <p>NOTE: Youth aged 18 and under, fall within the jurisdiction of the new <i>Youth Criminal Justice Act</i>. Options for police in the area of CDSA and Criminal Code charges can include: doing nothing (unlikely in the case of impaired driving); issuing a verbal warning; issuing a caution (written warning); referring to an agency that has agreed to take on the client, such as: AFM, Child &amp; Family Services (extra judicial measures); laying a charge and moving to court.</p> <p>To 19-year-old -</p> <ol style="list-style-type: none"> <li>1. Possession of a substance (Schedule II) CDSA * - Fine, jail or both.</li> <li>2. Supplying liquor to a minor if evidence supports - Section 121(1) LCA * - Fined \$1074.00 and/or three months in Jail.</li> </ol> <p>To 20-year-old -</p> <ol style="list-style-type: none"> <li>1. Supplying liquor to a minor if evidence supports - Section 121(1) LCA * - Fined \$1074.00 and/or three months in jail.</li> </ol> <p>Note: Park rangers would likely evict them as well considering rowdy behaviour and parents of minors would be notified.</p>
<p><b>Scenario # 2</b></p>	<p>To Sandy -</p> <ol style="list-style-type: none"> <li>1. Minor Consumption - Section 121(5) LCA * - Fine \$247.00.</li> <li>2. Driving outside restriction of driver's licence (Licenced driver impaired) - Section 173(2) HTA * - No set fine would have to go to court.</li> <li>3. 3 month licence suspension for drinking any amount (new graduated licence rule).</li> </ol> <p>To Rick -</p> <ol style="list-style-type: none"> <li>1. Permitting non-authorized driver to drive - Section 199(1) HTA * - \$144.00</li> </ol>
<p><b>Scenario # 3</b></p>	<p>To Tom -</p> <ol style="list-style-type: none"> <li>1. Minor Consumption - Section 121(5) LCA * - Fine \$247.00.</li> <li>2. Impaired operation of a bicycle - Section 227(1) HTA * - Fined not more than \$2000.00 and/or imprisonment for a term of not more than one year. (Note: doubt this would be laid unless other parties involved).</li> </ol> <p>To Bill - No charges as liquor supplied by father.</p> <p>To Father -</p> <ol style="list-style-type: none"> <li>1. Supplying liquor to a minor - Section 121(1) LCA * - Fine \$1074.00 and/or three months in Jail and possibly a civil suit.</li> </ol>
<p><b>Scenario # 4</b></p>	<p>To Judy and To Susan -</p> <ol style="list-style-type: none"> <li>1. Minor Consumption - section 121(5) LCA * - Fine \$247.00.</li> </ol> <p>To Older brother - No charges unless he actually handed them the liquor.</p> <p>To Bartenders -</p> <ol style="list-style-type: none"> <li>1. Supplying liquor to a minor - Section 121(1) LCA * - Fined \$1074.00 and/or three months in Jail. (Note: have to prove who exchanged liquor for tickets if more than one.)</li> </ol> <p>To Licensee or permit holder of social -</p> <ol style="list-style-type: none"> <li>1. Supplying liquor to a minor - Section 121(1) LCA * - Fined \$1074.00 and/or three months</li> </ol>

in jail.

- **CANADIAN & MANITOBA LAWS CITED:** LCA [Liquor Control Act](#); CDSA [Controlled Drugs and Substances Act](#); CCC [Canadian Criminal Code](#); HTA [Highway Traffic Act](#); YCJA Youth Criminal Justice Act.