

4.5: Re-Evaluating Policy

Policies represent the current political climate and it is necessary to revisit and change them as necessary. For example, in 1787, only white men over 21 could vote, and the President could serve for as long as he was elected. Obviously, this changed. In the criminal justice world, many crimes are socially constructed and *mala prohibita* rather than *mala in se*, so creating laws and policies around them is as short-lived and fleeting as the new most popular meme. For example, the Eighteenth Amendment states (1917):

“After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.”

At the time, it was believed alcohol was the cause of crime, poverty, and social ills. Policy makers believed that the prohibition of alcohol (1920-33), or the “noble experiment” as it was called, would reduce crime and corruption, solve social problems, reduce the tax burden created by prisons and poorhouses, and improve health and hygiene in America. ^[1] As you know, the experiment was an absolute failure. Crime actually increased and became organized, alcohol became more dangerous to drink because of the lack of regulations on bootlegged and black market production, corruption of public officials was rampant, and courts and prisons were stretched to capacity.

Prohibition was eventually repealed by the 21st Amendment in 1933. There are many more laws and policies enacted every year in the United States that represent a current political climate or agenda. It is necessary, therefore, to reevaluate these policies, apply research the scientific method to assess their efficacy, and change modifies or repeal the laws as society changes. The United States Constitution is a living document, as are laws and policies.

Bizarre, Weird, and Funny Laws

As mentioned in this chapter, laws, and policies need to be revised and amended. Here are a few examples of outdated, bizarre, and just plain old funny laws from around the country.

- Alabama: No stink bombs or confetti, spray string or bathing in public fountains
- Alaska: It is illegal to get drunk or be drunk in a bar.
- Arizona: It is unlawful to spit “in or on” any public building, park, sidewalk, or road. Furthermore, if you are caught stealing soap, you must wash until the bar of soap has been completely used up.
- Arkansas: Strictly prohibited to pronounce “Arkansas” incorrectly.
- California: It is illegal to build, maintain, or use a nuclear weapon within Chico, California city limits.
- Colorado: It is illegal to drive a black car on Sundays in Denver.
- Connecticut: A pickle cannot be sold unless it bounces.
- Delaware: No trick or treating on Sunday. If Halloween falls on a Sunday, door to door trick or treating must happen on Saturday, October 30th.
- Florida: It is a felony to sell your children. And if an elephant is left tied to a parking meter the parking fee has to be paid.
- Georgia: It is unlawful to eat fried chicken with utensils. “Finger lickin” good was made into law in 1961.
- Hawaii: Billboards are strictly prohibited.
- Idaho: It is illegal to engage in cannibalism or “non-consensual consumption” of another human. It is also illegal for a man to give his fiancé a box of candy that weighs more than 50 lbs (22.5 kg).
- Illinois: Fancy bike riding is a big no-no.
- Indiana: Black cats must wear bells on Friday the 13th. And baths may not be taken between the months of October and March.
- Iowa: It is illegal to pass off margarine as butter and is punishable by up to 30 days in jail and a \$625 fine.
- Kansas: It is illegal to throw snowballs in Topeka.
- Kentucky: Public officials must swear to not having been engaged in a duel with weapons.
- Louisiana: It is illegal to steal another person’s crawfish.
- Maine: It is illegal to use tombstones for advertising.
- Maryland: It is illegal to swear or curse upon any street or highway in Rockville.
- Massachusetts: You cannot dance to the national anthem.
- Michigan: Before 2006, it was encouraged to kill starlings and crows.

- Minnesota: Pig greasing competitions and turkey scrambles are considered misdemeanors. Furthermore, citizens may not enter Wisconsin with a chicken on their head.
- Mississippi: No limit on Big Gulp sizes.
- Missouri: It is illegal to swing upon another person's motor vehicle and honk their horn for them.
- Montana: It is illegal to play Frisbee golf in non-designated areas.
- Nebraska: No person afflicted with a venereal disease may get married.
- Nevada: In Eureka, it is illegal for you to kiss a woman if you have mustaches.
- New Hampshire: It is unlawful to collect seaweed at night
- New Jersey: You may not murder someone while you are wearing a bulletproof vest.
- New Mexico: It's forbidden for a female to appear unshaven in public (Carrizozo, New Mexico).
- New York: Sliced or "altered" bagels carry an eight cents sales tax.
- North Carolina: It's against the law to sing off-key
- North Dakota: It is illegal to set off fireworks after 11 pm.
- Ohio: Coal mines must provide toilet paper. And it is illegal to get fish drunk
- Oklahoma: It is illegal to be involved in a horse tripping event or wrestle a bear.
- Oregon: Engaging in a test of physical endurance while driving is strictly prohibited.
- Pennsylvania: It is illegal to sing in the bath and to use dynamite to catch fish.
- Rhode Island: It is unlawful to impersonate an auctioneer.
- South Carolina: It is illegal to work or dance on Sundays.
- South Dakota: Farmers can set off fireworks to protect their sunflower crops.
- Tennessee: Panhandlers must apply for a permit.
- Texas: A program has been created that attempts to modify and control the weather. Additionally, you can be considered legally married by publicly announcing a person as your wife/husband by saying it 3 times.
- Utah: It is illegal to fish with a crossbow.
- Vermont: A woman cannot wear false teeth without her husband's permission.
- Virginia: It's against the law for a woman to drive a car in Main Street unless her husband is walking in front of the car waving a red flag.
- Washington: You cannot buy meat of any kind on Sunday. Additionally, a motorist with criminal intentions must stop at the city limits and telephone the chief of police as he is entering the town. Most importantly, you can be arrested or fined for harassing Bigfoot.
- West Virginia: While whistling underwater is prohibited, you may take roadkill home for supper.
- Wisconsin: It is illegal to serve margarine and their cheese must be "highly pleasing."
- Wyoming: You may not take a picture of a rabbit from January to April without an official permit.

[2]

Conclusion

We can look at criminal justice policy through three perspectives: theoretical, political, and practical. The theoretical perspective enables us to better understand the causes and consequences of crime and what can be done insofar as crime control or prevention. By researching the theory behind the crime, we can better implement effective policies. From a political perspective, studying policy confirms the need for evidence-based practices and decisions based on research rather than fear and haphazard agenda setting. And finally, the policy is practical. It utilizes theory, research, evidence-based practices to solve practical problems in the world around us.

1. Thornton, M. (1991). Alcohol prohibition was a failure. *Policy Analysis*, 157:1-12. Retrieved object.cato.org/sites/cato.org/files/pubs/pdf/pa157.pdf%5D↵
2. Isaac, J. (2009). *The Wacky World of Laws*. San Diego, CA: Lawyer In Blue Jeans Group Publishing. Reader's Digest Editors (n.d.). Here are 50 of the dumbest laws in every state. Reader's Digest. Retrieved: <https://www.rd.com/funny-stuff/dumbest-laws-america/> Triangle Realty. (2018). Unusual Laws in Texas. Retrieved <https://www.trianglerealtyllc.com/unusual-laws-in-texas/>↵

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