

THE CONSTITUTION OF THE STATE OF SAN ANDREAS

Under the authorisation of President Gandalf and Prime Minister Aragorn, this revision of the Constitution shall take effect on the 20th October 2012.

Short Title

1. This constitution may be cited as the Constitution of the United State of Argonath, and hereon in shall be referred to as the 'Constitution'.

Constitution Application

2. The Constitution applies to the United State of Argonath in the San Andreas MP area, and its establishments only.
3. All citizens and visitors are subject to the provisions of the Constitution. Disregard for the Constitution or the law is punishable by fine, imprisonment, or court order.
4. The President and the Prime Minister are to be the ultimate authority within the United State of Argonath.

Part I – Constitutional Rights and Laws

Rights of the Individual

5. There shall be no law acknowledging the establishment of any state religion, or prohibiting the free exercise of religion, the freedom of speech, the freedom of the press, the right to assemble peacefully, or the right to petition the government.
 1. This section does not apply where a person's conduct is considered to be defamatory to a person or organisation.

Right to Bear and Keep Arms

6. There shall be no law to prohibit the right of citizens to bear and keep arms; for it necessary in the defence against terrorism or criminal offenders and the protection of property and the state.
 1. This section does not allow weaponry to be displayed in open sight without lawful purpose.
 2. Subsection 6(1) does not apply to appointed law enforcement officers unless directed otherwise by authorised law enforcement officials.

Right to Exclusive Possession

7. There shall be a right to request a person to vacate from one's owned property.
 1. This section does not apply to businesses in public markets.
 2. This section does not apply to law enforcement that has reasonable grounds to occupy property.
 3. This section is subject to section 12 of the Constitution.

Right to Privacy and Freedom from Unreasonable Searches

8. There shall be a right to privacy, where searches of property or person shall not be permissible without reasonable grounds, and a right to be free from arrest without reasonable grounds.
 1. Law enforcement may question a person where he or she has reasonable belief that a person is committing an illegal act or omission.
 2. Law enforcement may not subject a person to detention, where there is only an intention to interrogate or interview.
 3. Law enforcement is liable for any costs of transportation and is responsible for the transportation of a person found not guilty to the initial location they were engaged with by law enforcement.

Right to Pursue Happiness

9. There shall be a right to pursue happiness, and it shall be upheld unless the pursuit infringes the law.
 1. A citizen that has fully attested rights (passport) may own a house and a business.
 2. A citizen that has a driving licence may own a vehicle.
 3. A citizen may access his or her house or his or her business at any time, unless where restricted by a government official, judge, or law enforcement with just reason.

Right to Assemble Peacefully

10. There shall be a right to assembly peacefully. Groups or clubs assembling at a public place shall not block circulation regardless of its location, unless upon a national holiday or with the permission of a judge or a police chief.
 1. Judges and police chiefs may demand details for the assembly before providing permission. Failure to provide necessary details may result in denial of the assembly.
 2. No assembly shall obstruct entrance to government or private property.
 3. An assembly to strike may only obstruct the entrance to public property.

Freedom from Discrimination

11. There shall be a right to be free from any discrimination in the form of denial or an infringement by the state based on race, colour of skin, religion, criminal history, or prior lifestyle.
 1. This section does not apply to organisations denying employment on grounds that criminal history or prior lifestyle of a person may place the organisation or the state in danger.

Right to Access

12. Business owners shall not deny access to a citizen to his or her establishment, unless:
 1. The business is closed, approaching closing time, or at maximum capacity; or
 2. There is a dress code or membership requirement to enter; or
 3. The citizen has committed, is committing, or will commit an offence involving violence, destruction, defamation, promotion of another establishment without required consent, or any disruption to the normal course of business.

Right to Move Freely

13. There shall be a right to move freely within Argonath and to establish a home anywhere within the United State of Argonath.
 1. Access to certain areas may be denied under legislated or otherwise specific circumstances temporarily or permanently.
 - a. Grounds for permanent denial to access include denial by law enforcement and government officials. This applies to the LSPD Garage and North Parking, the SFPD Garage and South Parking, the LVPD Garage and West Parking, the SWAT Garage and buildings, and the FBI Garage and buildings.
 - b. Grounds for temporary denial to access include denial by law enforcement and government agencies for national security reasons or any just reason.

Right to Life, Liberty, and Safety

14. There shall be a right to life, liberty, and safety. A person cannot be deprived of those rights except where in accordance with fair and just principles, the interests of the state, or on grounds of national security.

Law Enforcement may Search and Seize Illegal Materials

15. Law enforcement may search and seize any illegal material or item. A search is only permissible where on reasonable grounds. A citizen in possession or owning the materials or items must be informed prior to the search.
 1. Where a person does not find the grounds reasonable, he or she may request a superior authority such as a sworn officer, police chief, federal agent, or government official, to intervene and make a decision to resolve the conflict.
 - a. A person may appeal this decision to a court.

Right to be Informed upon Arrest or Detention

16. If a citizen is arrested or detained, they must be promptly informed of the reason for the arrest or detention, their right to a lawyer, and be given access to a lawyer as soon as is reasonably possible.

Official Language

17. The official language of the United State of Argonath shall be English. All official work and requests, addresses to the state or a city, and advertising must be presented in the official language.

Supremacy of the Constitution

18. The Constitution is the supreme law of the United State of Argonath. Where a law is inconsistent with a provision of the Constitution, it shall be, to the extent of the inconsistency, of no effect.

1. This section does not apply to the World Rules of the Argonath People (server rules).

Part II – The Criminal Law

Committing a Criminal Offence

19. A person that commits an offence and is proven to guilty of the offence shall be punishable by imprisonment, unless another punishment is otherwise prescribed.

Offences against the Person or regarding Property

20. It is an offence to commit murder, assault, theft, vandalism, rape, abduct, or harm any person, person's wealth, or property.

Drug Offences

21. It is an offence to produce, use, sell, distribute, or possess heroin.

1. It is an offence to use, sell, or distribute marijuana in public areas.
 - a. This subsection does not make it an offence to produce or possess marijuana in public areas.

Traffic Offences and Regulations

22. The speed limit is 80 kilometres per hour (km/h) within city and town limits. The speed limit is 120 km/h outside of city and town limits. There is no speed limit on highways.

1. 'City limit' is defined as the borders located 300 metres from the outer most local street.
2. It is an offence to drive recklessly or drive on the incorrect (left) side of the road.
 - a. Committing an offence under this subsection is punishable by a maximum fine of \$250.
3. It is an offence to park in a manner that obstructs access to a building or a driveway or parking, or a road.
 - a. A person is not guilty of an offence if they park in a manner that partially obstructs the sidewalk.
4. A person is not guilty of an offence if they drive a damaged vehicle. A damaged vehicle may still be pulled over for verification purposes.

Threat and Conspiracy Offences

23. It is an offence to threat or plot to commit an offence, or encourage others to commit an offence.

Arms Trading

24. It is an offence to trade arms (weapons) unless in a weapons shop.

Invasion of Privacy Offences

25. It is an offence to spy, follow, track, interrogate, or stalk another person.

1. This section does not apply to law enforcement, except for the offence of stalking.

Provocation, Intimidation, Sabotage, and Inciting Mutiny

26. It is an offence to provoke another person

1. Provocation includes physical gestures, movements, and words.

27. It is an offence to intimidate, sabotage, or incite mutiny.

Hijacking

28. It is an offence to hijack a vehicle.

Corruption

29. It is an offence to engage in an act of corruption or to corrupt another person.

Impersonating Law Enforcement

30. It is an offence to impersonate law enforcement.

1. Fire Department and Medical Services rangers equipped with sirens must not use a blue or black coloured pattern.

Accessory to an Offence

31. Any person taking part in an offence shall be guilty of that offence.

32. Any person who encourages or helps to prepare or commit an offence shall be guilty of that offence.

33. A person must not help an offender to conceal evidence, evade arrest, or fail to report an offence after he or she has committed an offence.

Entering Private Areas while Intoxicated

34. It is an offence to, while intoxicated, enter a private space. While intoxicated, a person must reason in public areas.

1. This section does not apply to hospitals, bars, or prisons.

Obstruction of Justice

35. It is an offence to, by his or her presence, acts, or omissions, disrupt the operations of law enforcement.

Disobeying a Court Order

36. It is an offence to disobey an order of a court.
1. A person guilty of disobeying may be liable to have all belongings seized and imprisonment.

Treason

37. It is an offence to commit treason or perform acts or omissions that place the state or the nation at risk.

Protection of Property

38. Defence of property or belonging is a valid defence to any offence.
1. This section does not apply where a person has committed the offence of use of unreasonable violence, as defined in section 39.
39. It is an offence to kill another while defending their property when the acts or omissions involved were committed on unreasonable grounds.

Absolute Liability

40. Ignorance of the law is not a permissible defence to any offence.

Presumption of Innocence

41. A person is innocent until proven guilty.

New Offences

42. An offence may be created only through written official documents of the United State of Argonath.
1. Any matter not considered a criminal offence may be brought into the Civil Court, for determination of its eligibility to be resolved by trial.

Permissible Acts on Holidays

43. Certain acts on holidays may be permissible. These acts will be announced as temporarily legal by the supreme authorities of the United State of Argonath.

Ex Post Facto Laws

44. A person shall be not guilty of an offence where their infringing conduct occurred before the creation of the offence.

Law Enforcement

45. A person belonging to law enforcement includes:
 1. Security guards, cadets, police officers, Special Weapons and Tactics (SWAT) members, and Federal Bureau of Investigation (FBI) members.
 - a. Law enforcement may use necessary force to prevent an offence or stop an ongoing offence.
 - b. Law enforcement may use necessary force to apprehend an offender.
 - c. Law enforcement may arrest a person without a warrant where he or she is suspected of immediately committing an offence.
46. Persons who may issue arrest warrants include:
 1. The President, the Prime Minister, a judge, police chief, and a chief of the FBI.
47. A person must not attempt to help law enforcement if he or she is not a person belonging to law enforcement or is not on duty at the time.
48. A person on duty must provide necessary assistance if possible.
 1. A person who does not fulfil their duties and cannot provide reasonable grounds for not fulfilling their duties may be discharged and their rights as law enforcement revoked by the courts or by an appropriate chief.

Part III – Rules and Procedures of the Court

Due Process

49. There shall be a right to a speedy and public trial in the state of the criminal or civil action that he or she is being prosecuted or litigated in, and a right to representation by an attorney.
 1. Failure to attend court for a trial or a hearing shall result in a default judgment in favour of the opposing side.
50. No person shall be tried for a specific charge more than once.
51. No person shall be compelled to stand as witness against themselves, nor be deprived of life or property, and be awarded every legal right available.
52. No person shall talk in court unless given permission to by the presiding judge. Only the attorney of a party or the party itself may formulate an objection.
 1. An objection must be clearly stated, and may be sustained or overruled by a judge. Any unstated objections will be overruled.
53. A presiding judge shall determine which stages of a trial are to occur.
 1. A judge must not deny a party to speak at least once.
54. A judge can determine a time for a trial, and it is the responsibility of the parties to attend or to arrange legal representation to attend on their behalf.

55. In the absence of a judge during a trial, a judge from the same branch may replace the absent judge.

1. A judge may also be replaced where he or she is no longer able to perform their duties adequately.

56. All witnesses and evidence must be clearly identified and its validity proven.

1. Failure to comply with this section will result in the witness or evidence being inadmissible in court.

57. A judge may adjourn a trial for any particular reason.

Supreme Court

58. The Supreme Court is the highest court of the United State of Argonath, and is the final court of appeal.

1. The Supreme Court may hear appeals from all courts.

Stare Decisis

59. The court shall be bound and persuaded by previous legal cases.

1. Where the facts or circumstances differ from a previous legal case, the previous legal case will only bind the present case to the extent which it is applicable.

Disturbances of Court Procedure

60. It is an offence to disturb the operation and procedures of the courts.

1. Committing an offence under this section is punishable by any necessary sentence to prevent or halt the disturbance.

Court Fees

61. Any court document or legal action presented to a court shall be subject to a fee.

1. A fee shall not be greater than 25% of the wealth of a person.
2. It is an offence to deceive the court about a person's wealth.
 - a. Committing an offence under this subsection is punishable by seizure of all belongings.

Patents

62. A patent must only be issued for a legal invention.

63. A party must own at least one business and offer at least one service to be eligible to apply for a patent.

64. A party must own a passport to be eligible to apply for a patent.

65. A patent is only recognised where it is approved by a court of Argonath or approved by the President or the Prime Minister.

Part IV – Citizenship and Related Laws

- 66. Citizenship may only be attained through successfully passing a test by an administrator of the state.
 - 1. The citizenship test may only be taken after a person has been in the United State of Argonath for seven days or longer.
- 67. Driving licences may be attained by successfully passing an exam as provided by a recognised driving school.
 - 1. Driving licences may also be attained from an administrator where the citizen has been in Argonath for more than 20 days, and is unable to take driving lessons due to scheduling problems.
- 68. Where a person's passport and/or driving licence has been revoked, the person's house, business, and/or car shall be seized.
 - 1. The person will retain their money.

Part V – Legislation

- 69. Laws may be created by the state at any time.
- 70. The rights of the Constitution are guaranteed to every citizen.
 - 1. The rights and provisions of the Constitution may be amended at any time with the approval of the highest authorities of the state.
- 71. A person may submit a law to the Supreme Court. The law must be in accordance with the rights of the Constitution.
 - 1. The Supreme Court will examine and review the proposed law to determine its legality. If it is believed to be in accordance with all rights and laws, it will be submitted to the President and the Prime Minister.
- 72. The Supreme Court may review any laws and reverse or alter them to avoid inconsistency with the Constitution.
- 73. The President and the Prime Minister may approve, revoke, or amend any laws without approval from the Supreme Court.
 - 1. Notification may be sent to the Supreme Court, who must present and justify the amendments in the name of the Supreme Authority.