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Examples of Juvenile Curfew Laws and Penalties

To get an understanding of what juvenile curfew laws cover -- including potential penalties for violations -- check out the following examples of juvenile curfew laws in five U.S. cities. (You may also want to see Juvenile Curfew Laws in the 25 Most Populous U.S. Cities.)

- Birmingham, Alabama**
Under a curfew law that went into effect on October 1, 2008, unsupervised children under 17 are prohibited from being on Birmingham streets after 9:00 p.m. on weekdays, and after 11:00 p.m. on weekends. Fines for curfew violations are \$500 for each offense, and parents may also be held liable for their child's curfew violations under the Birmingham law.
More information: Birmingham curfew law (City of Birmingham) [PDF file]
- Columbus, Ohio**
A new pilot program in Columbus, Ohio requires children under 13 to be home one hour after sunset, and prohibits minors under 17 from being on the streets after midnight. After the first violation, the child and a parent must attend a 3-hour workshop. A second curfew violation requires the minor to perform community service, coordinated by the local YMCA. A third curfew violation could result in charges, a fine of \$500, or jail time.
More information: Columbus Curfew Program (City of Columbus Mayor's Office) [PDF file]
- District of Columbia**
In D.C., persons under 17 cannot remain "in or on a street, park or other outdoor public place in a vehicle or on the premises of any establishment" during curfew hours, subject to certain exceptions like adult-supervised activities and work. Curfew hours in D.C. are 11:00 p.m. to 6:00 a.m. Sunday to Thursday, and 12:01 a.m. to 6:01 a.m. on Saturday and Sunday.
More information: D.C.'s Curfew Laws: Know the Facts (D.C. Metro Police Department)
- Los Angeles**
City of Los Angeles curfew laws prohibit people under 18 from being outside or in public places between 10 p.m. and sunrise, subject to a number of exceptions. Curfew violations are punishable by fines and penalty assessments that total \$675, and violations may also result in community service and driver's license restrictions.
More information: City of Los Angeles Curfew Information (Los Angeles Police Department)
- Philadelphia**
In Philadelphia, curfew hours vary between the school year and summer break, and between weekdays and weekends. For example, during the school year, children under 13 may not be in a public place after 9:00 p.m. on weekdays, and after 9:30 p.m. on the weekends. A first violation of Philadelphia's curfew law will result in the imposition of a \$250 fine and/or community service.
More information: Philadelphia Curfew Law Summary (City of Philadelphia Department of Human Services) [Word file]

FAQs

Besides hiring, what other aspects of the employment relationship are regulated by antidiscrimination laws?
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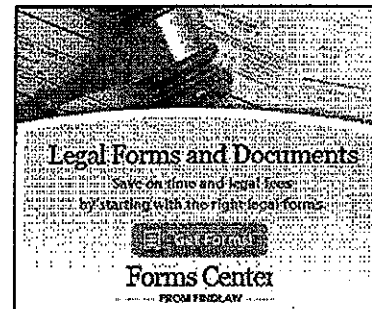
Legal Challenges to Curfew Laws

- Examples of Juvenile Curfew Laws

Curfew Laws in 25 U.S. Cities

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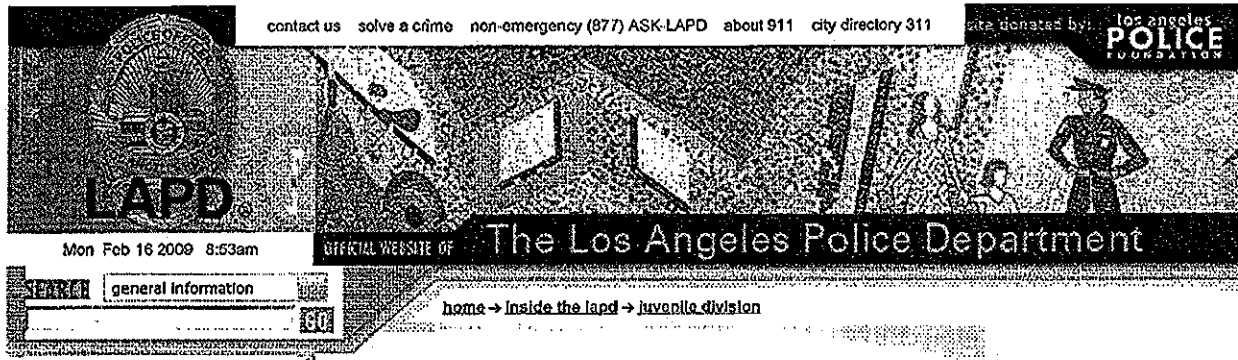
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City of Los Angeles Curfew Information

What Parents & Juveniles Should Know
Para Español

Curfew laws restrict the rights of juveniles to be outdoors or in public places during certain hours of the day. Such laws aim to establish a safer community and to better protect kids from becoming victims of crime or becoming involved in delinquent behaviors. The Los Angeles Municipal Code (LAMC) 45.03 states:

It is unlawful for any minor under the age of eighteen (18) to be present in or upon any public street, highway, road, curb area, alley, park, playground, or other public ground, public place, or public building, place of amusement or eating place, vacant lot or unsupervised place between the hours of 10 p.m. on any day and sunrise of the immediately following day; provided, however, that the provisions of this section shall not apply:

a. when the minor is accompanied by his or her parent or parents, legal guardian or other adult person having the lawful care or custody of the minor, or by his or her spouse eighteen years of age or older; or

b. when the minor is upon an errand directed by his or her parent or parents or legal guardian or other adult person having the legal care or custody of the minor, or by his or her spouse eighteen years of age or older; or

c. when the minor is attending or going to or returning directly home from a public meeting, or a place of public environment, such as a movie, play, sporting event, dance or school activity; or

d. when the presence of such minor in said place or places is connected with or required with respect to a business, trade, profession or occupation in which said minor is lawfully engaged; or

e. when the minor is involved in an emergency such as a fire, natural disaster, automobile accident, a situation requiring immediate action to prevent serious bodily injury or loss of life, or any unforeseen combination of circumstances or the resulting state which calls for immediate action; or

f. when the minor is in a motor vehicle involved in interstate travel; or

g. when the minor is on a sidewalk abutting the minor's residence.

Violations are punishable by a fine of \$250.00 totaling \$675.00 with penalty assessments, community service, and/or may affect whether you can obtain or keep a driver's license number.

TOQUE DE QUEDA

LO QUE LOS PADRES Y JOVENES DEBEN DE SABER

La ley de toque de queda restringe los derechos de los juvenes

INTERESTING FACTS

The City of Los Angeles is 468 square miles

The LAPD was established in 1869

The LAPD badge, motto, uniform and acronym are the Intellectual Property of the City of Los Angeles

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OR COMPLAINT**

que andan fuera de sus hogares o en lugares publicos durante ciertas horas del día. Con esta ley se espera mantener la seguridad de la comunidad y proteger a niños y jóvenes de ser víctima de cualquier crimen y/o comportamiento delincuente. El código Municipal de Los Angeles 45 03 dice:

Es contra la ley que cualquier joven que sea menor de diezlocho (18) años este presente en cualquier lugar publico, ya sea calle, carretera, camino, bordillo, callejon, parque, jardín de juegos, jardín publico, lugar publico, edificio publico, lugar de entretenimiento, lugar publico para comer, lote baldio, o cualquier lugar sin la supervision de un adulto, entre las diez de la noche (10:00 p.m) y el amanecer del día siguiente. Los reglamentos de este código no se aplican en lo siguiente:

a. cuando el menor de edad es acompañado por su(s) padre(s), guardian legal u otro adulto que este legalmente a cargo del menor o por su esposo(a) que tenga mas de diezlocho (18) años; o

b. cuando el menor esta haciendo un mandado ordenado por sus padre(s) o guardian legal u otro adulto que este legalmente a cargo del menor o por su esposo(a) que tenga mas de diezlocho años; o

c. cuando el menor esta atendiendo, saliendo o regresando directamente a su hogar despues de atender un evento o lugar publico, por ejemplo un cine, teatro, juego deportivo, baile o cualquier actividad en la escuela; o

d. cuando la presencia del menor en lugares publicos esta relacionada con negocios, comercios, profesion, ocupacion, o cualquier acto en el cual el menor esta legalmente envuelto; o

e. cuando el menor esta envuelto en una emergencia como por ejemplo un incendio, desastre natural, accidente de automovil, una situacion en la cual se necesite atencion inmediata para prevenir danos graves o perder la vida, o cualquier combinacion de circunstancias en la cual se necesite accion inmediata; o

f. cuando el menor esta viajando en un vehiculo de transporte en una carretera estatal; o

g. cuando el menor esta en la banqueta o proximo a su residencia

Estas violaciones seran castigadas con una multa de \$250.00 hasta un total de \$675.00, por gastos penales, o servicio a la comunidad, y/o puede afectarle para poder obtener/conservar su licencia de manejo

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The Los Angeles Police Department

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Police Department

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Juvenile & Family Services: Juvenile Curfew

Information

SFPD Juvenile & Family Services Unit

Protecting the Youths of San Francisco

What parents and juveniles should know.

Curfew laws restrict the rights of juveniles to be outdoors or in public places during certain hours of the day. Such laws aim to establish a safer community and to better protect kids from becoming victims of crime or becoming involved in delinquent behaviors. The San Francisco Municipal Police Code (SF MPC) 539 states:

*It shall be unlawful for any minor (**under 14 years**) to be in or on any public street, public park, or any other public place between the hours of 12:00 midnight and 5:00 a.m., except for the following:*

When the minor is accompanied by his or her parent or parents, legal guardian or other adult person having the lawful care or custody of the minor, or by his or her spouse eighteen years of age or older

When the minor has express parental permission;

Express parental permission is the verifiable permission of a minor's parent or legal guardian for the minor to be in or on any public street, public park, or any other public place during the hours of curfew set forth in Subdivision (c). When stopped for a possible violation of Subdivision (c), it shall be the minor's responsibility to demonstrate that he or she has express parental permission. The minor may satisfy this burden equally through any means including, but not limited to, signed and verifiable documentation from a parent or legal guardian specifying the date, time and purpose of permission or presentation of a form developed and administered by the Police Department. If a minor is unable to demonstrate that he or she has express parental permission and no other exception applies, the minor may be transferred to the nearest district police station. For minors who allege but are unable to demonstrate express parental permission, the officer in custody of the minor at the station immediately shall attempt to contact the minor's parent or legal guardian to determine if the minor has express parental permission. If the officer determines that the minor has express parental permission and the minor is not being held for any other charges, the minor immediately shall be released and returned to the place of initial detention as authorized by the minor's parent or legal guardian. If the officer does not determine that the minor has express parental permission, the minor shall be deemed to be in violation of Subdivision (c).

When the minor is an emancipated minor;

An emancipated minor is a minor who has entered into a valid marriage, is on active duty with any of the armed forces, or has received a declaration of emancipation, as more fully set forth in California Family Code Sections 7000, et seq.

When the minor is engaged in an emergency mission;

An emergency mission is a venture to obtain medical, police, fire, or other assistance that is required by some reasonable necessity to which a minor must attend.

When the minor is participating in a religious or political activity.

A religious or political activity includes, but is not limited to, a rally, demonstration, march, vigil, service, or distribution of information which has as its primary focus political or religious purposes.

When the minor is engaged in legitimate employment.

Legitimate employment is any lawful source of employment or self-employment in connection with a business, trade, profession, or occupation.

If a minor is found to be in violation of MPC 539, the minor will be taken into custody and cited for the offense. The minor will then be released to the care of the parent or guardian. If the parent or guardian cannot be located, the minor will be transferred to a juvenile receiving facility.


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Juvenile Law (Truancy and Curfew)

Truancy

Education Code (48264) Juveniles must attend school. Failing to attend can result in an appearance before the Student Attendance Review Board.

Daytime Loitering

Daytime Loitering (Municipal Code 58 05b1) governs that juveniles are not to be in public on a school day between 8:30 a.m. and 1:30 p.m. without their parent or legal guardians' permission.

"Daytime Loitering hours" means the period from 8:30 a.m. and 1:30 p.m. on any school day.

Daytime Loitering Restrictions

- It is unlawful for any juvenile who is subject to compulsory education to loiter, idle, wander, or be in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, or the premises of any establishment, vacant lots or any unsupervised place between the hours of 8:30 a.m. and 1:30 p.m. on any day when school is in session for that juvenile.
- It is unlawful for any juvenile who is subject to a compulsory alternative education program to loiter, idle, wander, or be in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, or the premises of any establishment, vacant lots or any unsupervised place between the hours of 8:30 a.m. and 1:30 p.m. on any day when that juvenile would otherwise be required to attend a regular compulsory education school.
- It is unlawful for the parent of any juvenile to knowingly permit or by insufficient control allow the juvenile to be in violation of Section 58 05(b)(1) or (2).

Daytime Loitering Exceptions

- When the juvenile is accompanied by his or her parent or other adult having the care or custody of the juvenile.
- When the juvenile is on an emergency errand directed by his or her parent. When the juvenile is going to, or coming directly from, their place of school-approved employment.
- When the juvenile is going to, or coming directly from, a medical appointment.
- When the juvenile has permission to leave the school campus for lunch or a school-sponsored activity or has in his or her possession a valid, school-issued, off-campus permit.

- When the juvenile is going to, or coming from, a compulsory alternative education program activity
- When the juvenile is attending or, without any detour or stop, going to or returning from, an official school, religious, government-sponsored, or other recreational activity supervised by adults and sponsored by The City of San Diego or a civic organization

Curfew

Municipal Code 58 0101, 58 0102, and 58 0103

"Curfew hours" means the period from 10:00 p.m. any evening of the week, until 6:00 a.m. the following day

Curfew Restrictions

- It is unlawful for any minor to be present in any public place or on the premises of any establishment within the City of San Diego during curfew hour
- It is unlawful for any parent or guardian of a minor knowingly to permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the City during curfew hours.

Curfew Exceptions

- Accompanied by the minor's parent or guardian, or by a responsible adult
- On an errand at the direction of the minor's parent or guardian, or the responsible adult, without any detour or stop
- In a motor vehicle involved in interstate travel
- Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop
- Involved in an emergency
- On the sidewalk abutting the minor's residence
- Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of San Diego, a civic organization, or another similar entity that takes responsibility for the minor
- Exercising First Amendment rights protected by the United States Constitution
- Emancipated pursuant to law

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Long Beach Police Department

Media Relations
400 W Broadway
Long Beach, CA 90802
(562) 570-5273

Anthony W Batts, Chief of Police

6/9/2008

FOR IMMEDIATE RELEASE

PRESS RELEASE #2008

Subject : CURFEW ENFORCEMENT/NIGHT TIME LOITERING – SUMMER 2008

Contact : Dina Zapalski, Sergeant, Media Relations (562) 570-5273

The 2008 summer break for Long Beach students is fast approaching and schools will be letting out for the summer.

The Long Beach Police Department would like to remind parents that Section 9 58.010 of the Long Beach Municipal Code states: "It is unlawful for any minor under the age of eighteen (18) years to remain in or upon any 'public place' as defined in Section 9.02 090, between the hours of 10:00 p.m. until 6:00 a.m. the following day."

The Long Beach Police Department takes nighttime loitering/curfew violations seriously. Our experience has shown us that children who are on the street after curfew are more likely to become victims of violent crime, and also are more likely to become involved in criminal behavior.

We are here to remind parents that it is important for them to know where their children are at all times and ensure they get home safely before curfew. The Long Beach Police Department will strictly enforce the curfew statutes through the summer break. Additionally, we have adjusted our staffing at the Youth Services Division to accommodate any enforcement action.

Curfew laws are there to protect children/youth and keep them safe, and Long Beach police officers will enforce this law with your child's safety in mind. By working together, we can help provide your child/youth a safe and enjoyable summer break.

This information is preliminary and has not been completely verified. It is based in part on hearsay and is intended for early information use rather than being a formal investigative report. This information is available in an alternative format by request to Community Relations Division at (562) 570-7215.

###

ORDINANCE NO. 18000-03-2008

AN ORDINANCE AMENDING SECTION 23-19, "CURFEW HOURS FOR MINORS," OF THE CODE OF THE CITY OF FORT WORTH, AS AMENDED, BY REVISING THE EFFECTIVE DATE AND BY ADDING AN AMENDED SUNSET PROVISION; PROVIDING A PENALTY NOT TO EXCEED \$500; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Fort Worth City Council held public hearings on February 26, 2008 and March 4, 2008, on the need for continuation of this ordinance ("the Section"), at which time they considered the Report of the City Manager and the public's comments concerning said need, reviewed the Section's effects on the community and on the problems the Section was intended to remedy; and

WHEREAS, the Fort Worth City Council has determined the continuation of the ordinance, as amended, is sound public policy and in the best interests of the citizens of Fort Worth, and

WHEREAS, Texas Local Government Code §370.002 requires the ordinance be reviewed and public hearings conducted every third year.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That Section 23-19, "Curfew Hours for Minors", of the Code of the City of Fort Worth, is hereby amended herein and after said amendment shall read as follows:

"Sec. 23-19. Curfew Hours for Minors.

(A) Definitions In this section:

(1) **Curfew Hours** means:

- (a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and
- (b) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday

(2) **Date of the Adoption of this Section** means March 4, 2008.

- (3) **Emergency** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life
- (4) **Establishment** means any privately-owned place of business operated for a profit to which the public is invited including but not limited to any place of amusement or entertainment
- (5) **Guardian** means:
 - (a) a person who, under court order, is the guardian of the person of a minor; or
 - (b) a public or private agency with whom a minor has been placed by a court
- (6) **Minor** means any person under 17 years of age.
- (7) **Officer** means a police officer, city marshal or deputy city marshal.
- (8) **Operator** means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation
- (9) **Parent** means a person who is:
 - (a) a natural person, adoptive parent, or step-parent of another person; or
 - (b) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- (10) **Public place** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- (11) **Remain** means to:
 - (a) linger or stay; or

- (b) fail to leave premises when requested to do so by an officer or the owner, operator, or other person in control of the premises
- (12) **Serious bodily injury** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- (13) **This Section** means Section 23-19 of the Fort Worth City Code.

(B) Offenses.

- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.
- (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(C) Defenses.

- (1) It is a defense to prosecution under subsection (b) that the minor was:
 - (a) accompanied by the minor's parent or guardian;
 - (b) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (c) in a motor vehicle involved in interstate travel;
 - (d) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (e) involved in an emergency;
 - (f) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did

not complain to the police department or marshal's office about the minor's presence;

- (g) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Fort Worth, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Fort Worth, a civic organization, or another similar entity that takes responsibility for the minor;
- (h) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (i) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code

- (2) It is a defense to prosecution under subsection (B)(3) that the owner, operator, or employee of an establishment promptly notified the police department or marshal's office that a minor was present on the premises of the establishment during curfew hours and refused to leave.

- (D) **Enforcement.** Before taking any enforcement action under this section, an officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (C) is present

- (E) **Penalties.**

- (1) A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).
- (2) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates subsection (B)(1) of this section and shall refer the minor to juvenile court.

- (F) **City Manager's Report.** Before the third anniversary of the date of the adoption of this section, the city manager shall review this section, report to the city council,

and make recommendations concerning the effectiveness of and need for this section. The city manager's report shall specifically include the following information:

- (1) The practicality of enforcing this section and any problems with enforcement identified by the police department and city marshal's office;
 - (2) The impact of this section on crime statistics;
 - (3) The number of persons successfully prosecuted for a violation of this section; and
 - (4) The City's net cost of enforcing this section
- (G) City Council review. Before the third anniversary of the date of the adoption of this section, and every third year thereafter, the City Council shall:
- (1) review the Section's effects on the community and on the problems the Section was intended to remedy;
 - (2) conduct public hearings on the need to continue the Section; and
 - (3) abolish, continue or modify the Section.
- (H) Sunset provision. Failure by the city council to act in accordance with paragraphs (G) (1)-(3) shall cause this Section to expire at 12:01 a.m. March 4, 2011.

SECTION 2.

That Chapter 23 of the Code of the City of Fort Worth, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 3.

That the terms and provisions of this ordinance are severable and are governed by Section 1-5 of Chapter 1 of the Code of the City of Fort Worth, as amended.

SECTION 4.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the ordinances amended in Section 1 hereof, which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption and Sections 1 and 6 of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 6.

That this ordinance shall take effect after its passage and publication as required by law, and it is accordingly so ordained.

APPROVED AS TO FORM AND LEGALITY:

Karen Anderson
Assistant City Attorney

Date: _____

ADOPTED: March 4, 2008

EFFECTIVE: March 30, 2008

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 3/4/2008 - Ord. No. # 18000-03-2008

CONTINUED FROM A PREVIOUS WEEK

DATE: Tuesday, February 26, 2008

LOG NAME: 35CURFEW

REFERENCE NO.: G-16067

SUBJECT:

Conduct Public Hearings and Review and Reinstatement of Curfew Ordinance for Minors; Adoption of Curfew Ordinance for Three Years

RECOMMENDATION:

It is recommended that the City Council:

1. Hold public hearings on February 26, 2008, and March 4, 2008, on the curfew ordinance;
2. Review the effect of the Curfew Ordinance for Minors on the community and on the problems the ordinance was intended to remedy, and make a determination that the purposes of the ordinances are met; and
3. Adopt the attached ordinance that reinstates the lapsed curfew ordinance for Minors for three more years

DISCUSSION:

In 1994, the City Council adopted an ordinance establishing curfew hours for minors. With limited exceptions, persons under 17 years of age are prohibited from remaining in public places, or on the premises of an establishment from 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day and from 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

In 1995, the Texas Legislature enacted provisions that address a City's authority to enact juvenile curfew ordinances. This legislation requires a city to conduct periodic reviews of its curfew ordinance. A city must review its curfew ordinance at least every three years, addressing:

1. The ordinance's effect on the community and on problems the ordinance was intended to remedy; and
2. Whether the purposes of the ordinance are met

After the review, the City Council must conduct public hearings and decide whether to abolish, continue or modify its ordinance. If a city fails to conduct the required review and public hearings, the ordinance automatically expires. Public hearings were held on March 30 and April 6, 2004, and the ordinance was renewed on April 6, 2004.

The ordinance automatically expired on April 6, 2007. Public hearings are scheduled for February 26, 2008, and March 4, 2008 with a view to re-enacting the curfew ordinance.

The attached ordinance the City Council is being asked to adopt is identical to the one enacted April 6, 2004.

An article has been placed in the Fort Worth Star-Telegram inviting public feedback on the ordinance at both of the regularly scheduled meetings of the Fort Worth City Council for February 26, 2008, and March 4, 2008.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that this action will have no material effect on City funds.

TO Fund/Account/Centers

FROM Fund/Account/Centers

Submitted for City Manager's Office by:

Joe Paniagua (6575)

Originating Department Head:

Patricia Knebllick (6191)

Additional Information Contact:

Karen Anderson (6799)

MEMPHIS, TN

Sec. 10-28-4 Minor curfew.

A. It is unlawful for any minor between seventeen (17) and eighteen (18) years of age to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the city during the following time frames:

- 1 Monday through Thursday between the hours of eleven p.m. to six a.m.;
- 2 Friday through Sunday between the hours of twelve midnight to six a.m.

B. It is unlawful for any minor sixteen (16) years of age and under to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the city during the following time frames:

- 1 Monday through Thursday between the hours of ten p.m. to six a.m.;
- 2 Friday through Sunday between the hours of eleven p.m. to six a.m.;

C. It is unlawful for a parent or legal guardian to knowingly permit or by inefficient control to allow such minor to be or remain upon any street or establishment under circumstances not constituting an exception to, or otherwise beyond the scope of subsections A and B of this section. The term "knowingly" includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. The term "knowingly" is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It is not a defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor child.

D. The following are valid exceptions to the operation of the curfew:

- 1 At any time, if a minor is accompanied by such minor's parent or legal guardian;
- 2 When accompanied by an adult authorized by a parent or guardian of such minor to take such parent or guardian's place in accompanying the minor for a designated period of time and purpose within a specified area;
- 3 Until the hour of twelve-thirty a.m., if the minor is on an errand as directed by such minor's parent or guardian;
- 4 If the minor is legally employed, for a period of from forty-five (45) minutes before to forty-five (45) minutes after, while going directly between the minor's home and place of employment. This exception shall also apply if the minor is in a public place during the curfew hours in the course of the minor's employment. To come within this exception, the minor must be carrying written evidence of employment which is issued by the employer;
- 5 Until the hour of twelve-thirty a.m. if the minor is on the property of or the sidewalk directly adjacent to the place where such minor resides or the place immediately adjacent thereto, if the owner of the adjacent building does not communicate an objection to the minor and the law enforcement officer;
- 6 When returning home by a direct route from (and within thirty (30) minutes of the termination of) a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception does not apply beyond one a.m.;
- 7 In the case of reasonable necessity, but only after such minor's parent has

communicated to law enforcement personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including place of origin and destination. A copy of such communication, or the record thereof; an appropriate notation of the time it was received and of the names and addresses of such parent or guardian and minor constitute evidence of qualification under this exception;

8 When exercising first amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. A minor shall show evidence of good faith of such exercise and provide notice to city officials by first delivering to the appropriate law enforcement authority written communication, signed by such minor, with the minor's home address and telephone number addressed to the mayor of the city specifying when, where and in what manner the minor will be on the streets at night in the exercise of a First Amendment right specified in such communication; and

9. When a minor is, with parental consent, in a motor vehicle engaged in good faith interstate travel

Each of the foregoing exceptions, and the limitations are severable.

E. When any child is in violation of this section, the apprehending officer shall act in one of the following ways:

1 In the case of the first violation, and in the opinion of the officer such action would be effective, take the child to the child's home and warn and counsel the parents or guardians;

2 Issue a summons to the child and/or parents or guardians to appear at the juvenile court; or

3 Bring the child into custody of the juvenile court for disposition

F Penalty for Violation.

1. A minor violating the provisions of this section shall commit an unruly act disposition of which shall be governed pursuant to Tennessee Code Annotated Title 37

2 Any parent, guardian or other person having the care, custody and control of a minor violating the provisions of this section is guilty of a misdemeanor and shall be fined no more than fifty dollars (\$50.00) for each offense; each violation of the provisions of this section shall constitute a separate offense. (Ord. 4430 § 1, 8-6-96; Code 1985 § 20-32)

Austin City Code

TITLE 9. PROHIBITED ACTIVITIES.

CHAPTER 9-3. NON-EMERGENCY CURFEWS.

CHAPTER 9-3. NON-EMERGENCY CURFEWS.

§ 9-3-1 Definitions

§ 9-3-2 Offenses

§ 9-3-3 Defenses

§ 9-3-4 Enforcement Procedure

§ 9-3-5 Penalty

§ 9-3-6 Expiration

§ 9-3-1 DEFINITIONS.

In this chapter:

(1) **DIRECT ROUTE** means the shortest path a person may travel through a public place to reach the person's destination without a detour or additional stop at any other destination along the way.

(2) **DOWNTOWN ENTERTAINMENT DISTRICT CURFEW AREA** means that area bounded by the south curb of Tenth Street, the east curb of the IH-35 West Frontage Road, the south curb of Fourth Street, the east curb of Congress Avenue starting at Fourth Street, south to the south curb of Second Street (West), the west curb of San Antonio Street, north to the south curb of Fourth Street (West), west to the west curb of Nueces Street, the north curb of Seventh Street (West), and the west curb of Congress Avenue.

(3) **EMERGENCY** means an unforeseen circumstance including a fire, natural disaster, automobile accident, or the need to obtain immediate medical care for another person.

(4) **ESTABLISHMENT** means a privately owned place of business operated for a profit to which the public is invited, including a place of amusement or entertainment.

(5) **JUVENILE** means a person under 17 years of age.

(6) **OPERATOR** means an individual, firm, association, partnership, or corporation operating, managing, or conducting an establishment, including a member or partner of an association or partnership and an officer of a corporation.

(7) **PARENT** means a person who is the natural or adoptive parent of a juvenile, including a court-appointed guardian or other person 21 years of age or older, authorized by a parent, court order, or court-appointed guardian to have the care and custody of a juvenile.

(8) **PUBLIC PLACE** means a public street, alley, highway, sidewalk, playground, park, plaza, building, or place used or open to a member of the public; or a building, business, or amusement or

entertainment establishment.

(9) **RELIGIOUS ACTIVITY** means a function or event sponsored by a religious organization that has received tax exemption under Section 501(C)(3) of U S C.

Source: 1992 Code Section 10-7-1, Ord 031023-13, Ord 031211-11; Ord 20080618-090

§ 9-3-2 OFFENSES.

(A) A juvenile commits an offense if the juvenile is in a public place in the Downtown Entertainment District Curfew Area between 11:00 p.m. and 6:00 a.m. on any day.

(B) Except as provided in Subsections (C) and (D), a juvenile commits an offense if the juvenile is in a public place or is on the premises of an establishment between 11:00 p.m. and 6:00 a.m. on Sunday through Thursday or between midnight and 6:00 a.m. on Saturday and Sunday.

(C) Except as provided in Subsection (D), if the following day is an Austin Independent School District holiday, curfew hours are the same as on Saturday and Sunday. During the regular Austin Independent School District summer recess, curfew hours are the same as an Austin Independent School District holiday.

(D) Subsections (B) and (C) do not affect the curfew established under Subsection (A).

(E) While school is in session, a juvenile commits an offense if the juvenile remains, walks, runs, idles, wanders, strolls, or aimlessly drives or rides about in or on a public place between 9:00 a.m. and 2:30 p.m. on Monday, Tuesday, Wednesday, Thursday or Friday.

(F) A parent having custody of a juvenile commits a violation if the person knowingly allows the juvenile to be in violation of this chapter. A parent is presumed to knowingly allow or permit the juvenile to be in violation of this chapter if the juvenile has two previous convictions for violations of this chapter. For the purpose of this section a deferred adjudication is a conviction.

(G) The owner, operator, or employee of an establishment commits an offense if the person knowingly allows a juvenile to remain on the premises of the establishment during curfew hours.

Source: 1992 Code Section 10-7-2, Ord 031023-13, Ord 031211-11, Ord 20080618-090

§ 9-3-3 DEFENSES.

(A) It is a defense to prosecution under Section 9-3-2 (*Offenses*) that:

(1) the juvenile is accompanied by the juvenile's parent or spouse;

(2) the juvenile is on an errand authorized by the juvenile's parent or spouse or made necessary by an emergency;

(3) except as provided in Subsection (C), the juvenile is traveling by a direct route through a curfew area or to the juvenile's home in a curfew area;

(4) the juvenile is in a vehicle involved in transportation for which passage through a curfew area is the most direct route;

(5) the presence of the juvenile is connected with or required by a religious activity, educational activity, or a business, trade, profession, or occupation in which the juvenile is lawfully engaged;

(6) except as provided in Subsection (C), the juvenile is on the sidewalk in front of the juvenile's residence or on the sidewalk of either adjacent neighbor who is not communicating an objection to the presence of the juvenile to a police officer; or

(7) the juvenile is exercising First Amendment rights protected by the United States Constitution, including the free exercise of religion, freedom of speech, and the right of assembly.

(B) It is a defense to a violation of Subsection 9-3-2(E) (*Offenses*) that:

- (1) the school that the juvenile attends is not in session;
- (2) the juvenile is a high school graduate or has an equivalent certification; or
- (3) the juvenile is on an excused absence from the juvenile's school.

(C) Subsections (A)(3) and (A)(6) are not defenses to a violation of Subsection 9-3-2(E) (*Offenses*).

(D) It is a defense to prosecution under Subsection 9-3-2(G) (*Offenses*) that the owner, operator, or employee of an establishment promptly notified the Police Department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave after being requested to do so by the owner, operator, or employee.

Source 1992 Code Section 10-7-3, Ord 031023-13, Ord 031211-11, Ord 20080618-090

§ 9-3-4 ENFORCEMENT PROCEDURE.

The Police Department shall adopt enforcement procedures in compliance with Chapter 52 (*Proceedings Before and Including Referral to Juvenile Court*) of the Texas Family Code

Source 1992 Code Section 10-7-4, Ord 031023-13, Ord 031211-11, Ord 20080618-090

§ 9-3-5 PENALTY.

(A) A juvenile who violates this chapter commits a Class C misdemeanor.

(B) A person not a juvenile who violates this chapter commits a Class C misdemeanor, punishable by a fine of not less than \$50.

Source 1992 Code Section 10-7-99, Ord 031023-13, Ord 031211-11, Ord 20080618-090

§ 9-3-6 EXPIRATION.

This chapter shall expire if it is not reviewed and readopted every three years as prescribed by Chapter 370 (*Miscellaneous Provisions Relating to Municipal and County Health and Public Safety*) of the Texas Local Government Code.

Source 1992 Code Section 10-7-5, Ord 031023-13, Ord 031211-11, Ord 20080618-090

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Charlotte, NC**ARTICLE VII. YOUTH PROTECTION***

***State law references:** Authority to adopt ordinances imposing a curfew on persons of any age less than 18, G S 160A-198.

Sec. 15-151. Purpose.

The purpose of this article is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for juveniles under the age of 16 years in the city. This article is intended to reinforce and promote the role of the parent in raising and guiding children and promote the health, safety, and welfare of both juveniles and adults by creating an environment offering better protection and security for all concerned.

(Code 1985, § 15-145)

Sec. 15-152. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Direct route means the shortest reasonable path of travel or a commonly used route to reach a final destination without any detour or stop along the way

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or death. This term also includes any action that is reasonably necessary in order to respond to the medical needs of a family member of the juvenile, regardless of whether the juvenile's action is taken in order to prevent death or serious bodily injury.

Establishment means any privately owned place of business operated for profit to which the public has access or is invited, including, but not limited to, any place of amusement or entertainment

Guardian means a person who is court appointed to be the guardian of a juvenile

Juvenile means any person under the age of 16 years

Owner/operator means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment, including the employees, members or partners of an association or partnership and the officers of a corporation.

Parent means a person who is a natural parent, adoptive parent, foster parent, stepparent or another person, or a person to whom legal custody has been given by court order

Public place means any place that is generally open to and used by the public or a substantial group of the public, whether it be publicly or privately owned, including, but not limited to, streets, sidewalks, highways, alleys, rights-of-way, public vehicular areas and parking lots, transportation facilities, theaters, restaurants, shops, bowling alleys, schools and school grounds, places of business and amusement, playgrounds, parks, similar areas that are open to the public, and other common areas open to or accessible to the public.

Remain means to linger or stay in a public place, to fail to leave the premises when requested to do so by a police officer, or to fail to leave the premises of an establishment when requested to do so by the owner/operator or employee of the premises.

Restricted hours The time of night referred to in this article is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in the city. *Restricted hours* means:

(1) On any Sunday, Monday, Tuesday, Wednesday, or Thursday, 11:00 p m until 6:00 a m of the following day; and

(2) On any Saturday or Sunday, 12:01 a m until 6:00 a m

(Code 1985, § 15-146)

Cross references: Definitions generally, § 1-2

Sec. 15-153. Offenses.

Except as provided by section 15-154, the following offenses constitute a violation of this article:

(1) A juvenile commits an offense by being present in or remaining in any public place or on the premises of any establishment within the city during the restricted hours

(2) A parent or guardian of a juvenile commits an offense if he knowingly permits, or by insufficient control, allows the juvenile to remain in any public place or on the premises of any establishment within the city during the restricted hours. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

(3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours. The term "knowingly" includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment. The standard for "knowingly" shall be applied through an objective test: whether a reasonable person in the operator's or employee's position should have known that the patron was a juvenile in violation of this article.

(4) It shall be a violation of this article for any person 16 years of age or older to aid or abet a juvenile in the violation of subsection (1) of this section.

(5) It shall be a violation of this article for a parent or guardian to refuse to take custody during the restricted hours of a juvenile for whom the parent or guardian is responsible.

(Code 1985, § 15-147)

Sec. 15-154. Exceptions.

A juvenile who is in a public place or establishment during the restricted hours shall not be in violation of this article if the juvenile is:

(1) Accompanied by his parent or guardian.

(2) Accompanied by an adult 18 years of age or older authorized by the parent or guardian of such juvenile to take the parent's or guardian's place in accompanying the

juvenile for a designated period of time and purpose within a specified area

(3) On an errand, using a direct route, at the direction of the juvenile's parent or guardian until the hour of 12:30 a m

(4) In a motor vehicle with parental consent engaged in interstate travel through the city or originating or terminating in the city.

(5) Traveling in a motor vehicle with a parent or guardian, or traveling in a motor vehicle with an adult 18 years of age or older authorized by the parent or guardian of such juvenile to take the parent's or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area.

(6) Engaged in a lawful employment activity, or using a direct route to or from a place of employment

(7) Reacting or responding to an emergency

(8) Attending or traveling to or from, by direct route, an official school, religious, or recreational activity that is supervised by adults and sponsored by a public or private school, the city or other governmental entity, a civic organization, or another similar entity that accepts responsibility for the juvenile

(9) Exercising First Amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech, and the right of assembly.

(10) Married or emancipated

(11) When authorized, by special permit from the chief of police or his designee carried on the person of the juvenile thus authorized, as follows: When necessary nighttime activities of a juvenile may be inadequately provided for by other sections of this article, recourse may be had to the chief of police, or his designee, either for a regulation as provided in subsection (12) of this section or for a special permit as the circumstances warrant. Upon the findings of reasonable necessity for the use of a public place to the extent warranted by a written application signed by a juvenile, and by a parent of the juvenile, if feasible, stating (i) the name, age and address of the juvenile; (ii) the name, address, and telephone number of a parent thereof; (iii) the height, weight, sex, color of eyes and hair and other physical characteristics of the juvenile; (iv) the necessity that requires the juvenile to remain upon a public place during the restricted hours otherwise applicable; (v) the public place; and (vi) the beginning and ending of the period of time involved by date and hour, the chief of police or his designee may grant a permit in writing for the juvenile's use of a public place at such hours as in the opinion of the chief of police may reasonably be necessary and consistent with the purposes of this article.

(12) When authorized, by regulation issued by the chief of police or his designee in other similar cases of reasonable necessity, similarly handled as set forth in subsection (11) of this section but adapted to reasonably necessary nighttime activities of more juveniles than can readily be dealt with on an individual special permit basis. Normally such regulation by the chief of police or his designee permitting use of public places should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies, such as the schools, and shall define the activity, the scope of the use of the public places permitted, the period of time involved not to extend more than one hour beyond the time for termination of the activity, and the reason for finding that the regulation is reasonably necessary and is consistent with the purposes of this article.

(Code 1985, § 15-148)

Sec. 15-155. Defense.

It is a defense to prosecution under section 15-153(3) that the owner, operator, or employee of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during the restricted hours and refused to leave.

(Code 1985, § 15-149)

Sec. 15-156. Enforcement.

(a) Before taking any enforcement action under this article, a police officer shall ask the apparent offender's age and reason for being in the public place or establishment during restricted hours

(b) The officer shall not prepare a juvenile arrest report, issue a citation, or make an arrest under this article unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception or defense in section 15-154 or 15-155 is present.

(Code 1985, § 15-150)

Sec. 15-157. Penalties.

(a) A juvenile who violates any section of this article is subject to being adjudicated delinquent. The court may, in its discretion, impose any dispositional alternatives that are provided in the state juvenile code for any juvenile who is delinquent.

(b) Any person other than a juvenile who violates any section of this article shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$100.00 and imprisonment in the discretion of the court in accordance with G.S. 14-4.

(Code 1985, § 15-151)

Secs 15-158--15-185. Reserved

8-16-020 **Curfew hours for minors.**

(a) *Definitions.* Whenever used in this section:

(1) "**Curfew hours**" means:

(A) 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and

(B) 11:00 p.m. on any Friday or Saturday and until 6:00 a.m. of the following day

(2) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) "Establishment" means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(4) "Guardian" means:

(A) A person who, under court order, is the guardian of the person of a minor;

or
(B) A public or private agency with whom a minor has been placed by a court

(5) "Minor" means any person under 17 years of age.

(6) "Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(7) "Parent" means a person who is:

(A) A natural parent, adoptive parent, or stepparent of another person; or

(B) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(8) "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

(9) "Remain" means to:

(A) Linger or stay; or

(B) Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

(10) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(b) *Offenses.*

(1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during **curfew hours**.

(2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during **curfew hours**.

(3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during **curfew hours**

(c) *Defenses*

(1) It is a defense to prosecution under subsection (b) that the minor was:

- (A) Accompanied by the minor's parent or guardian;
- (B) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (C) In a motor vehicle involved in interstate travel;
- (D) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (E) Involved in an emergency;
- (F) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (G) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility **for** the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility **for** the minor;
- (H) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (I) Married or had been married or is an emancipated minor under the Emancipation of Mature **Minors** Act, as amended.

(2) It is a defense to prosecution under subsection (b)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during **curfew hours** and refused to leave.

(d) *Enforcement* Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason **for** being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (c) is present.

(e) *Penalties.* A person who violates a provision of this chapter is guilty of a separate offense **for** each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.

(Prior code § 190-2; Amend Coun. J. 6-17-92, p. 18292; Amend Coun. J. 6-10-96, p. 23800; Amend Coun. J. 4-29-98, p. 66564; Amend Coun. J. 3-10-04, p. 19860, § 1; Amend Coun. J. 2-6-08, p. 20739, § 1)

106-22 Morals and Welfare

8. **PENALTY.** a. A person who violates subs. 2, 3, 5 or 6 may be required to forfeit not more than \$1,000

b. A person who violates subs. 4 and 7 may be required to forfeit not more than \$1,500

c. A person in default of a forfeiture under pars. a or b may be imprisoned in the county jail or house of correction for no more than 60 days, until such forfeiture costs are paid

9. **CITATIONS** a. Citations may be issued for all violations of this section with or without prior order or notice by a peace officer.

b. Citations may be issued by the library's investigator or other designated agent for any violation of subs. 2, 3, 5 or 6

c. Citations issued for violation of sub 3 shall, for administrative purposes, refer to the incident location defined in this section

d. The stipulation, forfeiture and court procedure as set forth in s. 50-25 shall apply for any citation issued in accordance with this section

106-22. Penalty, General. Any person violating any of the provisions of this chapter, for the violation of which no penalty is in this chapter specified, shall be punished by a fine of not less than \$1 nor more than \$100

106-23. Loitering of Minors (Curfew Hours). It shall be unlawful for any person under the age of 17 years to congregate, loiter, wander, stroll, stand or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, places of employment, vacant lots or any public places in the city either on foot or in or upon any conveyance being driven or parked thereon, between the hours of 10 p.m. and 5 a.m. of the following day, official city time, Sunday through Thursday and between 11 p.m. and 5 a.m. Friday and Saturday, from September 1 through May 31; and between 11 p.m. and 5 a.m. from June 1 through August 31.

1. **EXCEPTIONS** This section shall not apply where the actor was accompanied by his or her parent, guardian or other adult person having his or her care, custody or control, or where the actor was exercising first amendment rights protected by the United States constitution or the Wisconsin constitution, including freedom of speech, the

free exercise of religion, and the right of assembly Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall, prior to issuing a citation for an offense under this section, afford the actor an opportunity to explain his or her reasons for being present in the public place. A peace officer shall not issue a citation for an offense under this section unless the officer reasonably believes that an offense has occurred, and that none of the exceptions described in this subsection apply.

2. **RESPONSIBILITY OF PARENTS** It shall be unlawful for the parent, guardian or other adult person having the care and custody of a person under the age of 17 years to suffer or permit or by inefficient control to allow such person to congregate, loiter, wander, stroll, stand or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, places of employment, vacant lots or any public places in the city between the hours of 10 p.m. and 5 a.m. of the following day, official city time, Sunday through Thursday, and between 11 p.m. and 5 a.m. Friday and Saturday, from September 1 through May 31; and between 11 p.m. and 5 a.m. from June 1 through August 31, unless one of the exceptions described in sub. 1 applies; provided that any parent, guardian or other adult person who shall have made a missing person notification to the police department shall not be considered to have suffered or permitted any person to be in violation of this section

3. **RESPONSIBILITY OF OPERATORS.** It shall be unlawful for any person, firm or corporation operating places of amusement or entertainment, or any agent, servant or employee of any person, firm or corporation to permit any person under the age of 17 years to enter or remain in such places of amusement or entertainment during the hours prohibited under this section, unless one of the exceptions described in sub. 1 applies.

4. **RESPONSIBILITY OF HOTELS, ETC.** It shall be unlawful for any person, firm or corporation operating a hotel, motel, lodging or rooming house, or any agent or servant or employee of such person, firm or corporation operating a hotel, motel, lodging or rooming house, to permit any person under the age of 18 years to visit, loiter, idle, wander or stroll in any portion of such hotel, motel, lodging or rooming house between the hours of 10 p.m.

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and 7 a.m. of the following day, official city time; provided, however, that this section does not apply when one of the exceptions described in sub. 1 applies.

5. **PENALTY.** Any person, firm or corporation violating this section upon conviction shall forfeit not less than \$100 nor more than \$200, and in default of payment thereof be confined in the county house of correction not more than 8 days.

106-23.1. Truancy. 1. **DEFINITIONS.** In this section: a. "Acceptable excuse" means an excuse described under ss. 118.15 and 118.16(4), Wis. Stats.

b. "Habitual truant" means any pupil who is truant for part or all of 5 or more days in a school semester.

c. "Truant" means a school pupil who is at least 12 years of age who is absent from school without an acceptable excuse for part or all of any day in which school is held during a school semester.

2. **PROHIBITION.** It is a violation of this section for any person under 18 years of age to be truant or a habitual truant.

3. **PENALTIES.** a. Any truant may be subject to any or all of the following:

a-1. An order to attend school.

a-2. A forfeiture of not more than \$50, plus court costs, for a first violation.

a-3. A forfeiture of not more than \$100, plus court costs, for a second or subsequent violation committed within 12 months of the commission of a previous violation, subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during a school semester.

a-4. An order to pay court costs, subject to s. 938.37, Wis. Stats.

b. Any habitual truant may be subject to any or all of the following:

b-1. Suspension of his or her operating privileges for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the Wisconsin department of transportation together with a notice stating the reason for and the duration of the suspension.

b-2. An order to participate in counseling or a supervised work program or other community service work as described in s. 938.342(1g)(b), Wis. Stats.

b-3. An order for the department of workforce development to revoke, under s.

103.72, Wis. Stats., a permit issued under s. 103.70, Wis. Stats., authorizing the employment of the habitual truant.

b-4. An order to attend school.

b-5. A forfeiture of not more than \$500, plus court costs, subject to s. 938.37, Wis. Stats.

b-6. An order placing the habitual truant under formal or informal supervision as described in s. 938.34(2), Wis. Stats., for up to one year.

b-7. An order for the habitual truant's parent, guardian or legal custodian to participate in counseling or to attend school with the habitual truant, or both.

c. All or part of any forfeiture assessed pursuant to this section may be assessed against the truant or habitual truant, his or her parent or guardian, or both.

106-23.2. Contributing to the Delinquency of Minors. Any parent or legal guardian having legal custody of a minor under the age of 18 years who, through his or her negligence, laxity or disregard of the morals, health and welfare of the minor, has contributed to the delinquency of the minor, or any person who shall contribute to the delinquency of any minor shall be punished by a fine of not less than \$25 nor more than \$500, or in default thereof, by imprisonment in the county jail or house of correction until such fine, including costs and disbursements, is paid, but not to exceed 60 days.

106-23.3. Contributing to Truancy. 1. In this section "truancy" has the same meaning as defined under s. 118.16(1)(c), Wis. Stats.

2. Except as provided in sub. 4, no person 18 years of age or older shall knowingly encourage or contribute to the truancy of a minor under the age of 18 years.

3. An act or omission contributes to the truancy of a minor, whether or not the minor is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the minor to be truant.

4. Subsection 2 does not apply to a person who has under his or her control a truant minor who has been sanctioned through the state Learnfare program under s. 49.50(7)(h), Wis. Stats.

5. A person who is convicted of violating this section shall forfeit not less than \$25 nor more than \$500, and in default of

106-23.4 Morals and Welfare

payment shall be imprisoned in the house of correction or the county jail for not less than one day nor more than 20 days

106-23.4. Newscarrrier Regulations (Minors)

1. UNDER THE AGE OF 12 YEARS
Except as provided in s. 103 23(2), Wis Stats, no child under the age of 12 years shall be allowed to hawk or sell newspapers or other articles upon the streets of the city.

2. PENALTY Parents and guardians, or those having children in their charge, are hereby required to see that the provisions of this section are carried out and, in case of failure to do so, are made subject to a fine of not less than \$1 nor more than \$10, or to imprisonment in the house of correction of Milwaukee county for not less than 5 days nor more than 15 days in the discretion of the court

106-23.5. Parental Responsibility for Misconduct of Juveniles.

1. PURPOSE The purpose of this section is to require proper supervision on the part of custodial parents in order to reduce the number of ordinance violations by juveniles from occurring

2. DEFINITIONS In this section:

a "Custodial parent" means a parent or legal guardian of a juvenile who has custody of the juvenile

b "Custody" means either physical custody of a juvenile under a court order under s 767 23 or 767 24, Wis Stats., custody of a juvenile under a stipulation under s. 767 10, Wis Stats, or actual physical custody of the juvenile. Custody does not include legal custody, as defined under s 48 02(12), Wis Stats, by an agency or a person other than a juvenile's birth or adoptive parent. In determining which parent has custody of a juvenile for purposes of this section, the court shall consider which parent had responsibility for caring for and supervising the juvenile at the times that the juvenile's ordinance violations occurred

c "Juvenile" means any person less than 17 years of age.

d "Parental responsibility" means a custodial parent of a juvenile residing with such custodial parent shall meet his or her duty to supervise the juvenile.

3. PROHIBITED CONDUCT

a It shall be unlawful for the custodial parent of a juvenile to not properly

supervise the juvenile. Any custodial parent of a juvenile who is convicted of ordinance violations 2 times within a 6-month period or 3 or more times within a 12-month period is guilty of failing to properly supervise the juvenile where the violations were a foreseeable consequence of the breach of the duty, in that:

a-1 The parent aided or abetted the juvenile during an act forming the basis of a violation; or

a-2 The parent acted or failed to act to impose reasonable supervisory controls on the juvenile that made the violation foreseeable

b The 6 and 12-month periods shall be measured from the date of the first conviction. Adjudication in the court that the juvenile has violated an ordinance shall bar a juvenile's custodial parent from denying that the juvenile committed the violation.

4. DEFENSE OF PARENT The following shall be among the defenses to a violation of sub 3 where proven by the parent by clear and convincing evidence:

a The parent was not legally responsible for the supervision of the juvenile at the times the juvenile's ordinance violations occurred

b The parent had a physical or mental disability or incompetence rendering him or her incapable of supervising the juvenile at the times the juvenile's ordinance violations occurred

c The parent had reported to the appropriate authorities the juvenile's ordinance violations at the times the violations occurred or as soon as the parent learned of the violations

d The parent is the victim of the acts underlying the juvenile's ordinance violations

e A competent physician or licensed psychologist had diagnosed the juvenile before the times the juvenile's ordinance violations occurred as suffering from a mental disorder that renders parental supervision and control ineffective

f The parent can provide specific evidence of on-going participation in or recent completion of parenting classes, family therapy, group counseling or AODA counseling which includes the parent or family.

5. PENALTY A person who is convicted of violating sub 3 shall forfeit not less than \$200 nor more than \$400, and in default of payment thereof shall be imprisoned

(This information is available from: "www.municode.com", the Municipal Code Corporation web page, which has the entire Code of Ordinances for the City of San Antonio, on-line and searchable.)

YOUTH CURFEW

CODE OF ORDINANCES City of SAN ANTONIO, TEXAS

Codified through Ordinance No. 88874, adopted November 19, 1998. (Supplement No. 42)

PART II CODE

Chapter 21 OFFENSES AND MISCELLANEOUS PROVISIONS*

ARTICLE V. YOUTH CURFEW*

ARTICLE V. YOUTH CURFEW*

*Editor's note--Ord. No. 74025, adopted July 25, 1991, as amended, has been included herein at the discretion of the editor as Art. V, §§ 21-121--21-125.

Sec. 21-121. Definitions.

[As used in this article the following words and terms shall have the meanings respectively ascribed:]

(a) Minor shall mean any person under seventeen (17) years of age and over nine (9) years of age.

(b) Parent shall mean a person who is the natural or adoptive parent of a person. As used herein, "parent" shall also include a court appointed guardian or other person eighteen (18) years of age or older, authorized by the parent, by a court order, or by the court appointed guardian to have the care and custody of a person.

(c) Guardian shall mean any person to whom custody of a minor has been given by a court order.

(d) Emergency shall include but not be limited to fire, natural disaster, an automobile accident, or obtaining immediate medical care for another person.

(e) Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office building, transport facilities, and shops.

(Ord. No. 74025, § 1, 7-25-91; Ord. No. 76419, § 1, 9-3-92)

Sec. 21-122. Offenses.

(a) It shall be unlawful for a child to purposefully remain, walk, run, stand, drive or ride about in or upon any public place in the City of San Antonio between the hours of 10:30 p.m. and 6:00 a.m. on a Sunday, Monday, Tuesday, Wednesday, or Thursday and between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on Friday or Saturday.

(b) It shall be unlawful for a child to purposefully remain, walk, run, stand, drive or ride about in or upon any public place in the City of San Antonio between the hours of 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday.

(c) It shall be unlawful for the parent having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in sections 21-122(a) and 21-122(b).

(Ord. No. 74025, § 2, 7-25-91; Ord. No. 79327, § 1, 12-16-93; Ord. No. 86567, § 1, 9-4-97)

Sec. 21-123. Defenses.

It is a defense to prosecution under section 21-122 of this article that:

- (a) The minor was accompanied by his or her parent;
- (b) The minor was accompanied by another adult approved by the parents;
- (c) The minor was on emergency errand;
- (d) The minor was attending a school, government sponsored, or religious activity or is going to or coming from a school, religious, or government sponsored activity without detour or stop.
- (e) The minor was engaged in a lawful employment or volunteer work at a recognized charity institution or is going to or coming from such activity without detour or stop.
- (f) The minor was on the sidewalk of the place where such minor resides or on the sidewalk of a place where the minor has permission from his/her parent or guardian to be or on the sidewalk of a next-door neighbor not communicating an objection to the police officer;
- (g) The minor was upon an errand directed by his or her parent;
- (h) The minor was in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through the curfew area is the most direct route;
- (i) The minor was exercising his or her First Amendment Rights protected by the United States or Texas Constitution, including but not limited to the free exercise of religion, freedom of speech, and freedom of assembly;
- (j) The minor was married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.
- (k) With respect to section 21-122(b) of this article, that the offense occurred during the scheduled vacation of or on a holiday observed by the school in which the minor is enrolled; or that the minor has graduated from high school or received a high school equivalency certificate; or that the minor has permission to be absent from school or be in a public place from an authorized school official.

In the case of a child being educated in a home school, a parent shall be deemed a school official.

(Ord. No. 74025, § 3, 7-25-91; Ord. No. 76419, §§ 2--4, 9-3-92; Ord. No. 79327, § 2, 12-16-93)

Sec. 21-124. Enforcement procedure

(a) Any peace officer, upon finding a minor in violation of section 21-122 of the San Antonio City Code, shall determine the name and address of the minor, and the name and address of his or her parent(s) or guardian(s). A warning notice shall be forwarded to the youth services division of the community initiatives department, which shall send a letter to the parent(s) or guardian(s) of the minor advising of the fact that the minor was found in violation of this Ordinance No. 86567, and soliciting cooperation in the future.

(b) Provided, that if a police officer shall find a minor in violation of section 21-122 of the San Antonio City Code, who has once previously been so found, and warned as in (a) above, the peace officer may transfer the case to proper authorities for handling under the provisions of Title 3 of the Family Code. In addition, a complaint will be filed against the parents in Municipal Court for violation of City Code section 21-122(c). The police department shall file all necessary legal papers, supply all necessary documentation, and provide necessary testimony as required for pursuing violation of this article by either the minor or by any parent or guardian. If a peace officer does not file such a complaint against a minor who has once previously been found in violation of section 21-122 of the San Antonio City Code, and warned as in (a) above, the officer shall again

record the name and address of the minor and the name and address of his or her parent(s) or guardian(s), the peace officer may issue a warning notice and direct the minor to go home by the most direct route. A copy of the second warning shall be forwarded to the youth services division of the community initiatives department, which shall schedule a person to person conference with the parent(s) or guardian(s) of the minor and the minor concerning this curfew ordinance and the city's expectation and requirement for parental control

(c) Any peace officer, upon finding a minor in violation of section 21-122 of the San Antonio City code, who has previously been found in violation of an issued warning as provided for in (a) above, shall transfer the case to proper authorities for handling under the provisions of Title 3 of the Family Code. In addition, a complaint will be filed against the parents in Municipal Court for violation of section 21-122(b) hereof. The police department shall file all necessary legal papers, supply all necessary documentation, and provide necessary testimony as required for pursuing violation of this article by either the minor or by any parent or guardian
(Ord. No. 74025, § 4, 7-25-91; Ord. No. 86567, § 2, 9-4-97)

Sec. 21-125. Penalties

(a) Any minor violating the provisions of this article shall be guilty of a Class C misdemeanor as defined in the Texas Penal Code and shall be dealt with in accordance with the provisions of Title 3 of the Texas Family Code.
(b) A parent of a minor violating this article shall be guilty of a misdemeanor, which shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).
(c) In assessing punishment for either a parent or a child, the municipal court judges are encouraged to consider the community service program.
(Ord. No. 74025, § 5, 7-25-91)

Secs. 21-126--21-150. Reserved

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DALLAS, TEXAS

SEC. 31-33. CURFEW HOURS FOR MINORS.

(a) Definitions. In this section:

(1) **CURFEW HOURS** means:

(A) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and

(B) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

(2) **EMERGENCY** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) **ESTABLISHMENT** means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(4) **GUARDIAN** means:

(A) a person who, under court order, is the guardian of the person of a **minor**;
or

(B) a public or private agency with whom a **minor** has been placed by a court.

(5) **MINOR** means any person under 17 years of age.

(6) **OPERATOR** means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(7) **PARENT** means a person who is:

(A) a natural parent, adoptive parent, or step-parent of another person; or

(B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a **minor**.

(8) **PUBLIC PLACE** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(9) **REMAIN** means to:

(A) linger or stay; or

(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(10) **SERIOUS BODILY INJURY** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(b) Offenses.

(1) A **minor** commits an offense if he remains in any public place or on the premises of any establishment within the city during **curfew** hours.

(2) A parent or guardian of a **minor** commits an offense if he knowingly permits, or by insufficient control allows, the **minor** to remain in any public place or on the premises of any establishment within the city during **curfew** hours.

(3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a **minor** to remain upon the premises of the establishment during **curfew** hours

(c) Defenses

(1) It is a defense to prosecution under Subsection (b) that the **minor** was:

- (A) accompanied by the minor's parent or guardian;
- (B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (C) in a motor vehicle involved in interstate travel;
- (D) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (E) involved in an emergency;
- (F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (G) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the **minor**, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the **minor**;
- (H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (I) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(2) It is a defense to prosecution under Subsection (b)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a **minor** was present on the premises of the establishment during **curfew** hours and refused to leave.

(d) Enforcement Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection (c) is present.

(e) Penalties

(1) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.

(2) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a **minor** who violates Subsection (b)(1) of this section and shall refer the **minor** to juvenile court.

(f) Expiration This section expires on May 1, 2009, unless sooner terminated or extended by city council ordinance (Ord. Nos 20966; 21309; 23079; 24235; 25231; 26336)

JACKSONVILLE, FLORIDA

Sec 603 201 Children's Curfew

It shall be a violation of this section for any child to be or remain in or upon any public or semi-public place during curfew hours; provided however, that this prohibition shall not apply with respect to presence in any public or semi-public place if the child is:

- a. Accompanied by a parent or legal guardian or another person 18 years of age or older authorized and approved by the parent or guardian to have care and control of the child; provide, that the Sheriff may verify this authorization or approval through contact with the parent or legal guardian or otherwise;
- b. Engaged in lawful employment or traveling directly to such place of employment from home, or to home from such place of employment; provided, that the Sheriff may verify such employment through contact with the employer, parent, or legal guardian or otherwise;
- c. Engaged in bona fide interstate movement through the city or interstate travel beginning or ending in the city; provided, that the Sheriff may verify such travel through contact with the parent or legal guardian or otherwise;
- d. Engaged in an errand in a case of reasonable necessity with permission from his or her parent or legal guardian; provided, that the Sheriff may verify such necessity through contact with the parent or legal guardian or otherwise;
- e. Attending or traveling directly to or from a function sponsored by a religious organization, school, club, civic or other lawful organization, which special function is supervised by adults; provided, the Sheriff may verify such function through contact with the parent, legal guardian, religious organization, school, club or other lawful organization or otherwise;
- f. On a sidewalk in the area immediately within or on the border of his or her residence, or the residence of the child's next-door neighbor, provided the next-door neighbor agrees to the child's presence; and provided further, the Sheriff may verify such fact through contact with the parent or legal guardian or otherwise;
- g. Exercising First Amendment rights protected by the United States Constitution (or those equivalent rights protected by Article 1, Sections 3 and 4 of the Florida Constitution), such as free exercise of religion, freedom of speech, and the right of assembly; provided, that the child has permission from his or her parent or legal guardian; provided further, that the Sheriff may verify such permission through contact with the parent or legal guardian or otherwise. This exception, however, does not include association in the nature of social gatherings
- h. Attending or returning home directly from a specific activity at a public or semi-public place which is open to the general public and supervised by adults; provided further, that the child has permission from his or her parent or legal guardian authorizing the child to attend or engage in that specific activity; and provided further that the Sheriff may verify such authorization through contact with the parent or legal guardian or otherwise.
- i. Attending or returning home directly from a private residence while visiting a friend or relative while supervised by adults; provided further, that the child has permission from his or her parent or legal guardian authorizing the child to attend or engage in that activity; and provided further that the Sheriff may verify such authorization through contact with the parent or legal guardian or otherwise.

(Ord 2006-889-E, § 2)

SUBTITLE 34
MINORS - DAYTIME AND NIGHT TIME CURFEWS

§ 34-1. Definitions.

(a) *In general*

In this subtitle the following terms have the meanings indicated.

(b) *Establishment*

“Establishment” means:

- (1) any privately-owned place of business carried on for a profit; or
- (2) any place of amusement or entertainment to which the public is invited.

(c) *Juvenile holding facility*

“Juvenile holding facility” means a place, as established or designated by the City, to which minors believed to be in violation of § 34-3 {“Prohibited conduct of minors – nighttime curfew”} of this subtitle can be taken to determine an appropriate course of action.

(d) *Minor*

“Minor” means any person under the age of 17 years.

(e) *Operator*

- (1) “Operator” means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment.
- (2) Whenever used in any clause prescribing a penalty, the term “operator”:
 - (i) as applied to associations or partnerships, shall include the members or partners thereof; and
 - (ii) as applied to corporations, shall include the officers thereof.

(f) *Parent*

“Parent” means:

- (1) any natural parent of a minor;
- (2) a guardian; or
- (3) any person 18 years old or older who is legally responsible for the care and custody of a minor

(g) *Public place*

"Public place" means any public street, highway, road, alley, park, playground, wharf, dock, public building, or vacant lot

(h) *Remain*

"Remain" means to loiter, idle, wander, stroll, or play in or upon

(i) *Truancy center*

"Truancy center" means a place, as established or designated by the City, to which minors believed to be in violation of § 34-4 {"Prohibited conduct of minors – daytime curfew"} of this subtitle can be taken to determine an appropriate course of action.
(City Code, 1976/83, art. 19, §92) (Ord 75-1046; Ord 80-207, Ord 94-419, Ord 95-614; Ord 03-539, Ord 06-183)

§ 34-2. Legislative findings.

The Mayor and City Council find that:

- (1) An emergency has been created by a substantial increase in the number and in the seriousness of crimes committed by minors against persons and property within the City, and this has created a menace to the preservation of public peace, safety, health, morals, and welfare
- (2) The increase in juvenile delinquency has been caused in part by the large number of minors who are permitted to remain in public places and in certain establishments during night hours without adult supervision, and during daylight hours at times when, by law, they are required to attend school
- (3) Education is the foundation of success and a productive life. The City of Baltimore provides the educational system and its staff, but the cooperation of students and their parents determines the productivity of the educational system. Late evening activity by certain of our youth prevents them from concentrating in class or, even worse, causes their absence from class. This, together with truancy, has risen alarmingly in recent years and youth is thus deprived of a necessary basic education. The rate of absenteeism has risen alarmingly in recent years while the achievement rate has rapidly decreased. The end result is an increase in failures and dropouts, frustration, malcontent, antisocial conduct, and, for many, a future without promise.
- (4) The problem of juvenile delinquency can be reduced by regulating the hours during which minors may remain in public places and in certain establishments without adult supervision, and by imposing certain duties and responsibilities upon the parents or other adult persons who have care and custody of minors.
(City Code, 1976/83, art. 19, §91) (Ord 75-1046, Ord 77-316, Ord 80-207)

§ 34-3. Prohibited conduct of minors — nighttime curfew.**(a) Scope of section**

This section does not apply to a minor:

- (1) accompanied by the minor's parent;
- (2) on an errand at the direction of the minor's parent, without any detour or stop;
- (3) in a motor vehicle involved in interstate travel;
- (4) engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
- (5) involved in an emergency;
- (6) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;
- (7) attending or, without any detour or stop, going to or returning from an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Baltimore, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) who is or has been married.

(b) Prohibited conduct

No minor may remain in or about any public place or any establishment:

- (1) between the hours of 12:00:01 a.m. Saturday and 6 a.m. Saturday;
- (2) between the hours of 12:00:01 a.m. Sunday and 6 a.m. Sunday; or
- (3) between the hours of 11 p.m. and 6 a.m. of the following day, on any other day of the week.

(City Code, 1976/83, art 19, §93(a).) (Ord 75-1046, Ord 77-316, Ord 80-207, Ord 85-523, Ord 94-419, Ord 95-614, Ord 06-183)

§ 34-4. Prohibited conduct of minors — daytime curfew.**(a) In general.**

Except as otherwise provided in subsection (b) of this section, no minor under the age of 16 may remain in or about any public place or any establishment between the hours of 9 a.m. and 2:30 p.m. on any day during which the minor is required to be in school.

(b) Exceptions

Subsection (a) of this section does not apply if:

(1) the minor has written proof from school authorities excusing his or her attendance at that particular time; or

(2) the minor is accompanied by the minor's parent or by a person 21 years old or older.
(City Code, 1976/83, art. 19, §93(b).) (Ord. 75-1046, Ord. 77-316, Ord. 80-207, Ord. 85-523, Ord. 94-419, Ord. 95-614, Ord. 03-539, Ord. 06-183)

§ 34-5. Prohibited conduct of parents, guardians, etc.**(a) Nighttime curfew**

It is unlawful for the parent of any minor to knowingly permit or, by insufficient control, to allow that minor to be in or about any public place or any establishment:

(1) between the hours of 12:00:01 a.m. Saturday and 6 a.m. Saturday;

(2) between the hours of 12:00:01 a.m. Sunday and 6 a.m. Sunday; or

(3) between the hours of 11 p.m. and 6 a.m. of the following day, on any other day of the week.

(b) Daytime curfew

It is unlawful for the parent of any minor under the age 16 to knowingly permit or, by insufficient control, to allow that minor to be in or about any public place or any establishment between the hours of 9 a.m. and 2:30 p.m. on any day during which the minor is required to be in school.

(c) Construction

This section is to be read in conjunction with § 34-3 {"Prohibited conduct of minors — nighttime curfew"} and § 34-4 {"Prohibited conduct of minors — daytime curfew"} of this subtitle.

(City Code, 1976/83, art. 19, §94.) (Ord. 75-1046, Ord. 77-316, Ord. 80-207, Ord. 94-419, Ord. 95-614, Ord. 06-183)

§ 34-6. Prohibited conduct of establishments.**(a) Nighttime curfew.**

No operator of an establishment or his agents or employees may knowingly permit any minor to remain on the premises of that establishment:

- (1) between the hours of 12:00:01 a.m. Saturday and 6 a.m. Saturday;
- (2) between the hours of 12:00:01 a.m. Sunday and 6 a.m. Sunday; or
- (3) between the hours of 11 p.m. and 6 a.m. of the following day, on any other day of the week

(b) Daytime curfew

No operator of an establishment or his agents or employees may knowingly permit any minor under the age of 16 to remain on the premises of that establishment between the hours of 9 a.m. and 2:30 p.m. on any school day, unless:

- (1) the minor has written proof from school authorities excusing his or her attendance at that particular time; or
- (2) the minor is accompanied by the minor's parent or by a person 21 years old or older

(c) Construction

This section is to be read in conjunction with § 34-3 {"Prohibited conduct of minors -- nighttime curfew"} and § 34-4 {"Prohibited conduct of minors -- daytime curfew"} of this subtitle.

(City Code, 1976/83, art. 19, §95.) (Ord. 75-1046; Ord. 77-316, Ord. 80-207, Ord. 94-419, Ord. 95-614, Ord. 06-183.)

§ 34-7. Detention of minor not an arrest.

Detention of a minor under this subtitle is not considered an arrest and does not create a criminal record for the minor under State law.

(City Code, 1976/83, art. 19, §96(f)) (Ord. 95-614, Ord. 06-183)

§ 34-8. Enforcement generally.**(a) Identification**

If a police officer has reason to believe that a minor is in violation of § 34-3 {"Prohibited conduct of minors -- nighttime curfew"} or § 34-4 {"Prohibited conduct of minors -- daytime curfew"} of this subtitle, the police officer shall seek to obtain from the minor:

- (1) the minor's name, address, and age; and
- (2) the name of the minor's parent or parents

(b) *Daytime curfew*

- (1) For a minor believed to be in violation of § 34-4 {"Prohibited conduct of minors – daytime curfew"}, the minor shall be taken, as appropriate, to:
 - (i) the minor's school;
 - (ii) a truancy center; or
 - (iii) the minor's home.
- (2) If the minor is taken to school or to a truancy center, the school or center, as the case may be, shall:
 - (i) notify a parent about the violation of this subtitle; and
 - (ii) take appropriate measures to reduce the probability that the minor will commit a subsequent violation of this subtitle

(c) *Nighttime curfew*

- (1) For a minor believed to be in violation of § 34-3 {"Prohibited conduct of minors – nighttime curfew"}, the minor shall be taken, as appropriate, to:
 - (i) the minor's home; or
 - (ii) a juvenile holding facility
- (2) If the minor is taken to a juvenile holding facility, the facility shall:
 - (i) notify a parent or an adult brother, sister, aunt, uncle, or grandparent to come and take charge of the minor;
 - (ii) notify a parent about the violation of this subtitle; and
 - (iii) take appropriate measures to reduce the probability that the minor will commit a subsequent violation of this subtitle.
- (3) If the minor is taken to a juvenile holding facility and, by 6 a.m. of the following morning, no parent or adult brother, sister, aunt, uncle, or grandparent can be located or none come and take charge of the minor, the minor shall be, as appropriate:
 - (i) taken to the minor's home;
 - (ii) referred to or placed in the custody of the Baltimore City Department of Social Services; or
 - (iii) released from the juvenile holding facility

(d) *Maximum period of detention.*

In no event may a minor be detained for more than 24 hours if the minor is charged solely with a violation of this subtitle.

(e) *Notices*

Notice is presumed to be received by a parent if deposited in a depository for mailing United States Mail, properly addressed and with first-class postage paid. The mailing may be shown by the records of the sending agency made in the regular course of its business.
(City Code, 1976/83, art. 19, §96(a)(intro), (a)(1)(i), (a)(2), (b)) (Ord. 75-1046, Ord 77-316; Ord 80-207; Ord 94-418, Ord 94-419; Ord 95-614; Ord 03-539, Ord 06-183)

§ 34-8.1. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, § 34-5 {"Prohibited conduct of parents, guardians, etc."} of this subtitle and § 34-6 {"prohibited conduct of establishments"} of this subtitle may be enforced by issuance of a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a civil citation to enforce those sections does not preclude pursuing any other civil or criminal remedy authorized by law.
(Ord 06-183)

§ 34-9. Penalties.

(a) *Parents, guardians, etc*

(1) A parent who violates § 34-5 {"Prohibited conduct of parents, guardians, etc."} of this subtitle for the 1st time may be issued:

(i) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}; or

(ii) a warning that a subsequent violation of this subtitle could result in the imposition of both civil and criminal penalties

(2) A parent who violates § 34-5 {"Prohibited conduct of parents, guardians, etc."} of this subtitle after having received notice under § 34-8 {"Enforcement"} of a prior violation or after having been issued a civil citation or a warning under paragraph (1) of this subsection for a prior violation is guilty of a misdemeanor and, on conviction, is subject to 1 or more of the following, in the discretion of the court:

(i) a fine not to exceed \$300 and costs;

(ii) imprisonment for not more than 60 days; and

(iii) community service

(b) *Operator of establishment*

Any operator of an establishment and any agent or employee of any operator who violates any provision of § 34-6 {"Prohibited conduct of establishments"} of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each violation

(c) *Separate offenses*

Each violation of a provision of this subtitle constitutes a separate offense.
(City Code, 1976/83, art. 19, §96(a)(1)(ii), (c) - (e).) (Ord 75-1046, Ord 77-316, Ord 80-207, Ord 94-418, Ord 94-419, Ord 95-614, Ord 99-492; Ord 06-183)

§ 34-10. Continuing evaluation.

The Mayor and City Council shall continue evaluating and updating this subtitle through methods including but not limited to:

(1) Within 6 months after July 27, 1995, the Police Commissioner shall report to the Mayor and City Council:

(i) on the effect of this subtitle on crimes committed by and against minors;

(ii) of the number of warnings issued and arrests of minors, parents, and operators hereunder; and

(iii) such other information as the Mayor and City Council may request

(2) On a regular basis, the Mayor and City Council shall receive informal reports of all exceptional cases hereunder and advisory opinions for consideration in further updating and continuing evaluation of this subtitle

(City Code, 1976/83, art. 19, §96A.) (Ord 95-614)

