

TELEMASP BULLETIN

TEXAS LAW ENFORCEMENT MANAGEMENT AND ADMINISTRATIVE STATISTICS PROGRAM

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Juvenile Curfews

For the past several months, juvenile curfews have been in the news almost daily. Governor Richards has called for consideration of a statewide juvenile curfew law. At least four Texas cities have adopted curfews during 1994. All the Texas cities with curfews, save one, have enacted or revised their ordinances since 1991. According to the *Houston Post*, even many small towns in the state are enacting curfew ordinances. Impassioned editorials are written extolling the benefits of curfew ordinances.

"You're going to have to have a curfew. You're going to have to have a specific time when you're going to have to be home." *Gov. Ann Richards' first TV campaign commercial*

Prior Research: The Detroit Evaluation

It has been claimed that curfews curb juvenile crime. The Dallas curfew, according to newspaper reports, is aimed at fighting gang warfare and teenage crime. In Houston, it has been suggested that the curfew helps overnight restaurants control their clientele, and more generally, that it helps rein in "rowdies."

In 1977, writing in the research journal, *Adolescence*, Alan Plotkin and Geri Elias summarized the arguments in favor of and against curfew. They noted that police and parents tend

to favor curfews. Curfews give police the authority to approach and confront youth. Parents with little authority over their children may feel their authority reinforced by this type of ordinance. Forcing youth to stay home may place them in a better environment than the streets and enhance the family unit. Curfew ordinances with parental penalties may force some parents to live up to their role as guardians. Ordinances are a tool to break up assemblies of youth meeting at night who are causing problems.

On the other hand, curfews infringe on personal liberty by their very nature, "punishing" both the innocent and guilty. They may discriminate against minority groups because of greater police presence in minority neighborhoods. There can be considerable hostility among innocent youth who are questioned. It is noted that curfews may force children out of public places but do not place them at home. Most crimes committed by juveniles are committed before typical curfew hours. Most 17-year-olds are not covered under curfew ordinances, limiting the law's effectiveness. A frequent complaint is that curfews are difficult to administer and enforce. Police cannot be sure of a child's age by sight or tell if a child is lying. Police are unlikely to be aware of all the various community activities which are exempt from curfew. A legitimate concern is the time commitment by law enforcement. If patrol officers find themselves baby-sitting, their time is clearly not being effectively used. Finally, a major argument is that true criminal youth will be unaffected by such a trivial law, since they are not law-abiding in the first place.

Little actual research exists regarding the effectiveness of curfews. Only one journal article with a statistical analysis of curfew effects has been written in the last twenty years. In

1977, the impact the Detroit curfew had on the pattern of criminal activity by juvenile offenders was analyzed. In 1976, Detroit experienced a high level of criminal activity by juveniles, especially those in youth gangs. In response, the city implemented a 10:00 p.m. curfew, widely publicized it, then strictly enforced it.

During the hours of curfew, there was a 3 to 6 percent drop in Part I offenses committed in comparison with earlier years. However there was a displacement phenomenon clearly evident in which the proportion of each day's offenses committed from 2:00 p.m. to 4:00 p.m. increased from 13 percent to 22 percent. This displacement was evident with burglary and robbery as well as the aggregated Part I offenses.

The City of San Antonio Youth Initiatives Report

The city of San Antonio has a proactive youth program. The city has implemented some fifty different youth-oriented programs involving several city departments. The curfew ordinance is considered a part of a larger effort to curb juvenile crime. In August 1993 the city manager's office prepared a report on two years of curfew enforcement results. The report indicated that during the second year of enforcement, juvenile victimization compared to the year before the curfew had fallen by an impressive 52 percent. Although juvenile victimization in terms of only Part I offenses fell less than 19 percent, the drop is still dramatic.

However, the total of Part I offenses committed by juveniles, as well as total offenses committed by juveniles, increased

during both years of curfew enforcement. There was a drop in juvenile crime violations during the hours of curfew, but since total numbers are up there must be some displacement effect. This displacement effect is probably similar to that found in the Detroit study.

The city issued 2,087 citations for curfew violations during the first year of enforcement; during the second year, 1,555. Most citations were issued on Saturday and Sunday, and most were issued in the two hours after midnight. Since citations by race were proportional to the city's population composition, it appears that enforcement was not directed toward any particular ethnic group.

The report noted that families headed by a single parent accounted for more than half of all curfew citations issued. Among those cited the first year, more than 30 percent did not attend school regularly. During the second year, more than 60 percent cited did not attend school regularly or at all.

The San Antonio experience indicates that curfews may be effective in reducing juvenile victimization, even if the number of offenses committed by juveniles is not reduced. The data in neither the Detroit nor the San Antonio study demonstrated a reduction in the identified juvenile crime rate. It could be argued that the crime rate would have gone up even more in both cities without the curfew. Further, it should be noted that the overall crime rate went down in San Antonio during the two year curfew period. Since we don't know who commits 80 percent of criminal offenses, it is possible that while the number of offenses *known* to be committed by juveniles has increased, the actual total number decreased.

DATA FROM THE SAN ANTONIO YOUTH INITIATIVES REPORT

JUVENILE CRIME VICTIMIZATION: AGES 10-16

All crimes, all hours

	Year Total
Year Prior to Curfew	10,608
First Year of Curfew	8,886
Second Year of Curfew	4,991
Difference Year Prior to Curfew versus 1st Year of Curfew	-1,722
Difference Year Prior to Curfew versus 2nd Year of Curfew	-5,617
Difference 1st Year of Curfew versus 2nd Year of Curfew	-3,895
Change Year Prior to Curfew versus 1st Year of Curfew	-16.23%
Change Year Prior to Curfew versus 2nd Year of Curfew	-52.95%
Change 1st Year of Curfew versus 2nd Year of Curfew	-42.83%

JUVENILE CRIME VICTIMIZATION: AGES 10-16**All crimes, midnight to 6:00 a.m.**

	Year Total
Year Prior to Curfew	3,590
First Year of Curfew	1,432
Second Year of Curfew	826
Difference Year Prior to Curfew versus 1st Year of Curfew	-2,158
Difference Year Prior to Curfew versus 2nd Year of Curfew	-2,764
Difference 1st Year of Curfew versus 2nd Year of Curfew	606
Change Year Prior to Curfew versus 1st Year of Curfew	-60.11%
Change Year Prior to Curfew versus 2nd Year of Curfew	-76.99%
Change 1st Year of Curfew versus 2nd Year of Curfew	-42.32%

JUVENILE CRIME VICTIMIZATION: AGES 0-16**Part I offenses****12:00 midnight - 6:00 a.m.**

	Year Total
Year Prior to Curfew	594
First Year of Curfew	543
Second Year of Curfew	476
Difference Year Prior to Curfew versus 1st Year of Curfew	-51
Difference Year Prior to Curfew versus 2nd Year of Curfew	-118
Difference 1st Year of Curfew versus 2nd Year of Curfew	-67
Change Year Prior to Curfew versus 1st Year of Curfew	-8.59%
Change Year Prior to Curfew versus 2nd Year of Curfew	-19.87%
Change 1st Year of Curfew versus 2nd Year of Curfew	-12.34%

JUVENILE ARRESTS: AGES 0-16**Part I offenses, all hours**

	Year Total
Year Prior to Curfew	6,247
First Year of Curfew	6,416
Second Year of Curfew	6,548
Difference Year Prior to Curfew versus 1st Year of Curfew	169
Difference Year Prior to Curfew versus 2nd Year of Curfew	301
Difference 1st Year of Curfew versus 2nd Year of Curfew	132
Change Year Prior to Curfew versus 1st Year of Curfew	2.71%
Change Year Prior to Curfew versus 2nd Year of Curfew	4.82%
Change 1st Year of Curfew versus 2nd Year of Curfew	2.06%

JUVENILE ARRESTS: AGES 0-16**Part I offenses****12:00 midnight - 6:00 a.m.**

	Year Total
Year Prior to Curfew	843
First Year of Curfew	876
Second Year of Curfew	812
Difference Year Prior to Curfew versus 1st Year of Curfew	33
Difference Year Prior to Curfew versus 2nd Year of Curfew	31
Difference 1st Year of Curfew versus 2nd Year of Curfew	64
Change Year Prior to Curfew versus 1st Year of Curfew	3.91%
Change Year Prior to Curfew versus 2nd Year of Curfew	3.68%
Change 1st Year of Curfew versus 2nd Year of Curfew	-7.31%

The Odessa Police Department Juvenile Curfew Study

In June of this year the Odessa Police Department Crime Analysis Unit with the assistance of the University of Texas of the Permian Basin completed a study to help determine if there was a need for a juvenile curfew in the city. From a random sample it was determined that only 2 percent of juvenile arrests occurred during the hours of 11:00 p.m. to 6:00 a.m., the time of the proposed curfew ordinance.

PERCENTAGES OF JUVENILE CASES AS A PERCENTAGE OF TOTAL CASES IN ODESSA

JUVENILE INVOLVED CASES	16%
JUVENILE CASES DURING CURFEW HOURS	2%
JUVENILE VICTIMS	5%
JUVENILE PERPETRATORS	12%

TIME OF OCCURRENCE FOR JUVENILE INVOLVED CASES IN ODESSA

TIME FRAME	PERCENT
12:00 p.m. - 4:00 a.m.	7%
4:00 a.m. - 8:00 a.m.	0%
8:00 a.m. - 12:00 a.m.	8%
12:00 a.m. - 4:00 p.m.	10%
4:00 p.m. - 8:00 p.m.	30%
8:00 p.m. - 12:00 p.m.	23%
UNKNOWN HOURS	22%

The majority of juvenile-involved cases occurred between 4:00 p.m. and midnight. The Odessa study is interesting in that it focused on the proportion of crime the proposed ordinance would affect. Odessa rejected a curfew ordinance based at least partly on the conclusions of the report.

Juvenile Curfews: Provisions

As of August 1st, 1994, juvenile curfews are in effect in eleven of the twenty-five most populous cities in Texas, seven of the top ten. Of cities without curfews, El Paso, McAllen, Beaumont, and Plano have recently discussed adding one.

Curfew ordinances in Texas fall into three groups: area, nocturnal, and schooltime. A number of cities use combina-

tions of the types although none of the cities use all three. An area curfew applies only to parts of a city designated by street and block. It allows a city council to choose particular trouble spots for a more focused approach. Austin has such an ordinance.

Nocturnal curfews usually are from 11:00 p.m. to 6:00 a.m. with later hours usually allowed on weekends. All the current nocturnal curfew laws specify a number of circumstances which are treated exceptionally. The Wichita Falls ordinance is typical (refer to the inset on pages 8-9).

Schooltime curfews are designed to keep juveniles off the streets during school hours, usually 9:00 a.m. to 2:30 p.m. All Texas cities with a daytime curfew use it in combination with one of the other types. Laredo uses 8:00 a.m. to 4:00 p.m.

Naturally, some variation exists among ordinances. Houston, Laredo, and Pasadena enforce the curfew against those under 18. The other cities enforce it against those under 17. Pasadena has two different curfew times: one for those under 18 and one for those under 13. All the cities that provided curfew ordinances have parental penalties included. Most also specify penalties for establishments which allow juveniles on the premises during the hours of curfew. Some penalize the owner while others penalize owners and employees alike.

"There's nothing for them to do (referring to teenagers in the town of Dimmit). The only thing they can do is hang out. And when you've got two or three hanging out that brews nothing but trouble." *Dimmit Police Chief Dewayne Haney*

Legal Issues

Before the Dallas curfew case, *Qutb v. Strauss*, the only curfew ordinance to survive a constitutional challenge of overbreadth in the federal courts, was that of Middleton, Pennsylvania. The ordinance was found constitutional because of the number and type of exceptions provided under the ordinance. There were twelve exceptions. They were: (1) when accompanied by a parent, (2) accompanied by a legal guardian, (3) accompanied by adult authorized by parent, (4) exercising First Amendment rights, (5) emergency, (6) in front of their home, (7) returning home by direct route, (8) special permit, (9) employment, (10) attending a meeting of an exempt group, (11) interstate travel, and (12) 17 years old and above exempt. Most of the exception sections of the curfew ordinances are modeled on the excep-

tions from this case. The fact that the Dallas exceptions were very close in form to these was a chief reason the ordinance was found constitutional.

Recently in the *Criminal Law Update* (published by the Attorney General of Texas) the legality of curfews under Texas and federal law was discussed. Juvenile curfews have a long legal history in Texas. In 1898, the Texas Court of Criminal Appeals struck down a blanket curfew for persons less than 21 years of age. A Texas Attorney General Opinion in 1982 suggested that a particular curfew ordinance would be unconstitutional because it failed to distinguish between legal and illegal activities.

"Before the curfew, young people were supposed to be seen but not heard. Now they're not even supposed to be seen. What kind of message does this send?"
Regional Director of the ACLU Joe Cook

Curfews are regularly attacked in the courts on constitutional grounds, often successfully. Constitutional challenges usually involve overbreadth, vagueness, and violations of the First, Fourth, Fifth, Ninth, and Fourteenth Amendments. Asserted under constitutional protection are a parent's right to raise children, the right to family autonomy, freedom of movement, and freedom to travel.

Overbreadth as a legal doctrine requires that a statute be invalidated if it punishes people for constitutionally protected speech or conduct. There are two conditions necessary for overbreadth—that the protected activity is a significant part of the law's target, and that there exists no satisfactory way of severing the law's constitutional from its unconstitutional applications so as to clearly excise the latter in a single step from the law's reach.

Vagueness as a legal doctrine applies to fairly informing a person of what is prohibited or commanded. A city is under the burden of seeing that its ordinance is clear in intent and application. A citizen should not be compelled to wonder what is prohibited and what is not.

First Amendment violations include those which limit free speech, religion, and, particular to curfew ordinances, the right of assembly and freedom of association. Fourth Amendment violations are those associated with unreasonable search and seizure. Under the law, police have no general right to stop people. However, they may approach persons to ask questions. When police restrain movement by applied

physical force or a show of force, Fourth Amendment concerns come into play.

Fifth Amendment violations are those involving the right to due process and to avoid self-incrimination. The due process clause is legally impossible to define with an exact, final, and complete explanation. Due process refers generically to what is meant by fair and just.

Ninth Amendment violations are those involving rights not specifically enumerated in the Constitution. The dominant political thought of the 18th century was that there were natural laws under which people had certain natural rights. The founders wished to make it clear that the listing in the Bill of Rights was not all inclusive. Among the rights that have been asserted under the Ninth Amendment, the right to travel among the states is most applicable to curfew challenges. It should be noted that it has also been asserted as the right to travel freely.

The Fourteenth Amendment provides equal protection under the law. This has been fertile ground for curfew law challenges. It is usually asserted in a curfew challenge that the law strikes unequally at those under a certain age. For such an unequal distinction to be allowed under the law, there must be a justification for the unequal treatment, known as a compelling state interest. Of all the challenges mentioned, overbreadth has been the most effective in curfew challenges.

"If cities want to cut juvenile crime, they should use a mix of recreational sports, job training and mentors for troubled teens without fathers, to keep them from falling into trouble in the first place. Those proposals may not be politically correct, but at least they don't make it a crime to be young." *USA Today editorial (March 22, 1994)*

Previously, the Fifth Circuit Court of Appeals had found that a juvenile curfew ordinance infringed on a minor's fundamental right to association. For a curfew to be justified in the Fifth Circuit, a Texas city must demonstrate a significant state interest. The most commonly cited state interests previously used in justifying juvenile curfew ordinances were (1) helping parents control their children, (2) protecting juveniles from criminal activity, (3) protecting juveniles from improper influences that may prevail during the curfew hours, and (4) protecting the public from the criminal acts of juveniles.

"We see it as an effective tool in addressing things like gang warfare. Our goal is not to have mass arrests, but voluntary compliance." *Dallas City Attorney Sam Lindsay*

Current law is defined by a recent Fifth Circuit ruling involving the Dallas curfew. A particularly gruesome incident gave the city the impetus to develop the curfew law. In 1991, a number of youths followed a woman home, broke into her residence, raped her in front of her children, and then shot her, crippling her. Only one of the juveniles was over 17. A community group petitioned the city council for action. The city enacted a curfew on June 12th, 1991. Elizabeth Qutb and three other parents filed suit on July 3rd, 1991 challenging the constitutionality of the ordinance. In addition they sought a temporary restraining order and a permanent injunction. The district court heard the case in mid-July and denied the temporary injunction while it considered the case. However, the city voluntarily delayed enforcement of the curfew until the district court issued its decision.

On June 12th, 1992, the city voluntarily amended the curfew ordinance. This was before the district court issued its final order on the merits of the case. The sections struck from the ordinance provided that when a police officer encountered a juvenile in violation of the curfew ordinance, the officer was to ascertain the name and address of the minor, issue a written warning, and order the minor to go promptly home by a direct route. The police officer could choose to take the minor into custody and deliver him/her to a holding area if the minor had received two previous written warnings for curfew violations, or reasonable grounds existed to believe the minor had engaged in delinquent conduct or conduct indicating a need for supervision in accordance with Sections 51.03 and 52.01 of the Texas Family Code. Should a minor be taken into custody, the police department was to immediately notify a parent to pick up the minor at a holding location. If the parent could not be located or failed to take charge of the child, the minor was to be released to juvenile authorities. A minor who committed three violations of the ordinance was to be tried by a juvenile court in accordance with the Texas Family Code.

After the modifications, the parents challenging the ordinance amended their complaint. The district court then held a second evidentiary hearing. On August 10th, 1992, the district court found against the city of Dallas. It held "that the curfew impermissibly restricted minors' First Amendment right to associate, and that it created classifications that could not withstand constitutional scrutiny." The district court enjoined the city from enforcing the curfew. The city appealed to the Fifth Circuit Court of Appeals.

The parents argued to the Fifth Circuit that the curfew ordinance violated the Equal Protection Clause of the Fourteenth Amendment. This clause provides that generally all people similarly situated should be treated alike. An equal protection analysis is necessary only if the government is distinguishing between two or more groups. Such a distinguishing clearly takes place with a curfew with its distinctions based on age. To justify such divergent treatment, the city had to prove a compelling interest.

The city offered as proof of the need for a curfew the following statistical information: (1) juvenile crime increases proportionally between 10 years old and 16 years old, (2) in 1989, there were 5,160 juvenile arrests increasing to 5,425 in 1990, (3) in all of 1990, there were 40 murders, 91 sex offenses, 233 robberies, and 230 aggravated assaults committed by juveniles, compared to an increasing rate from January 1991 to April 1991 during which there were 21 murders, 30 sex offenses, 128 robberies, 107 aggravated assaults, and 1,042 crimes against property, (4) murders are most likely to occur between 10:00 p.m. and 1:00 a.m., (5) murders are most likely to occur in apartments and apartment parking lots and streets and highways, (6) aggravated assaults are most likely to occur between 11:00 p.m. and 1:00 a.m., (7) rapes are most likely to occur between 1:00 a.m. and 3:00 a.m. and 16 percent of rapes occur on public streets and highways, and (8) 31 percent of robberies occur on streets and highways. The city indicated to the appeals court that it was unable to provide precise data concerning the number of juveniles who commit crimes during the curfew hours or the number of juvenile victims of crimes committed during the curfew hours.

The court found this sufficient to substantiate a compelling interest for the curfew ordinance. The next question in the analysis was whether the remedy was narrowly tailored to accomplish its goal in the least restrictive manner. The court found that the number and type of exceptions demonstrated just such an approach. The Court of Appeals reversed the district court and allowed the curfew to go into effect. Dallas began active enforcement of the ordinance on May 1st, 1994. At the end of May, the United States Supreme Court, without comment, let stand the ruling of the Fifth Circuit Court of Appeals.

"The strongest support for the curfew seems to be the popular belief that passing a law, and placing this problem in the lap of law enforcement bodies, offers the best way of dealing with problem youth." *Frank Manella from the journal article "Curfew Laws"*

CURFEW ORDINANCES IN THE TWENTY-FIVE LARGEST CITIES IN TEXAS

(In order of population)

1.	Houston	Curfew	Pop.	1,630,553
2.	Dallas	Curfew	Pop.	1,006,877
3.	San Antonio	Curfew	Pop.	935,933
4.	El Paso	No Curfew	Pop.	515,342
5.	Austin	Curfew	Pop.	465,622
6.	Fort Worth	Curfew	Pop.	447,619
7.	Arlington	No Curfew	Pop.	261,721
8.	Corpus Christi	Curfew	Pop.	257,453
9.	Lubbock	Curfew	Pop.	187,206
10.	Garland	No Curfew	Pop.	180,650
11.	Amarillo	No Curfew	Pop.	157,615
12.	Irving	No Curfew	Pop.	155,037
13.	Plano	No Curfew	Pop.	128,713
14.	Laredo	Curfew	Pop.	122,899
15.	Pasadena	Curfew	Pop.	119,363
16.	Beaumont	No Curfew	Pop.	114,323
17.	Abilene	No Curfew	Pop.	106,654
18.	Waco	No Curfew	Pop.	103,590
19.	Mesquite	No Curfew	Pop.	101,484
20.	Grand Prairie	Curfew	Pop.	99,616
21.	Brownsville	No Curfew	Pop.	98,962
22.	Wichita Falls	Curfew	Pop.	96,259
23.	Odessa	No Curfew	Pop.	89,699
24.	Midland	No Curfew	Pop.	89,443
25.	San Angelo	No Curfew	Pop.	84,474

WICHITA FALLS CURFEW ORDINANCE

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS:

SECTION 1. That Section 20-11 of Chapter 20 of the Code of Ordinances of the City of Wichita Falls is hereby repealed, and a new Section 20-11 to be entitled "Curfew Hours for Minors" is hereby adopted, the same to read as follows:

"Sec. 20-11. 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 seventeen (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 eighteen (18) years of age and authorized by a parent or guardian in writing 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 Wichita Falls, 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 Wichita Falls, 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 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 (\$500.00) Dollars.
- (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."

SUMMARY OF CURFEW ORDINANCES

Austin "Area" and "School Age Daytime" Curfew

Who is affected: Any person under the age of 17

Hours: 11:00 p.m. to 6:00 a.m. Sunday to Thursday and 12:00 a.m. to 6:00 a.m. Friday and Saturday (varies with curfew area). 9:00 a.m. to 2:30 p.m. on school days. Principal exceptions: (1) accompanied by a parent, (2) errand authorized by parent or emergency, (3) the minor is moving by a direct route toward home through curfew area, (4) minor is in a vehicle involved in intrastate or interstate transportation, (5) religious activity or occupation, (6) exercising First Amendment rights. Parental penalties are included. Establishment penalties are included.

Corpus Christi "Nocturnal" Curfew

Who is affected: Any person under the age of 17

Hours: 11:00 p.m. to 6:00 a.m. Principal exceptions: (1) an emergency, (2) at the direction of a peace officer, (3) accompanied by parent, (4) school, church, or civic organization event, (5) lawful employment, (6) interstate travel, (7) emancipation. Parental penalties are included. Establishment penalties are included.

Dallas "Nocturnal" Curfew

Who is affected: Any person under the age of 17

Hours: 11:00 p.m. to 6:00 a.m., Sunday through Thursday, and 12:01 a.m. to 6:00 a.m., Saturday or Sunday. Principal exceptions: (1) accompanied by parent, (2) on an errand directed by parent, (3) interstate travel, (4) employment, (5) an emergency, (6) school, religious or other recreational activity, (7) exercising First Amendment Rights, (8) emancipation. Parental penalties are included. Establishment penalties are included.

Grand Prairie "Nocturnal" Curfew

Who is affected: Any person under the age of 17

Hours: 11:00 p.m. to 6:00 a.m., Sunday through Thursday, and 12:01 a.m. to 6:00 a.m., Saturday or Sunday. Principal exceptions: (1) accompanied by parent, (2) interstate travel, (3) employment, (4) emergency, (5) attending a school, religious or other recreational activity, (6) exercising First Amendment Rights, (7) emancipation. Parental penalties are included. Establishment penalties are included.

Houston "Nocturnal" and "Daytime Schooltime" Curfews

Who is affected: Any person under the age of 18

Hours: 12:00 midnight to 6:00 a.m. and 9:00 a.m. to 2:30 p.m., Monday through Friday.

Principal exceptions: (1) accompanied by parent, (2) emergency, (3) accompanied by adult designated by parent, (4) school, religious or government sponsored activity, (5) employment activity, (6) interstate transportation, (7) participation in an event or activity protected by the Texas or United States Constitution. Parental penalties are included. Establishment penalties are not included.

Laredo "Nocturnal" and Daytime Schooltime" Curfews

Who is affected: Any person 17 years of age or younger

Hours: 11:00 p.m. to 6:00 a.m., Sunday through Thursday, and 12:01 a.m. to 6:00 a.m., Saturday and Sunday. 8:00 a.m. to 4:00 p.m., Monday through Friday: while school is in session. Principal exceptions: (1) accompanied by parent, (2) on an errand authorized by parent, (3) interstate transportation, (4) occupation, (5) exercising First Amendment Rights, (6) emancipation, (7) official school, religious or other recreational activity, (8) [daytime curfew] expulsion from school. Parental penalties are included. Establishment penalties are included.

Lubbock "Nocturnal" Curfew

Who is affected: Any person under the age of 17

Hours: 11:00 p.m. to 6:00 a.m., Sunday to Thursday, and 12:00 a.m. to 6:00 a.m. Friday, Saturday and nights preceding a school holiday. Principal exceptions: (1) when accompanied by a parent, (2) when exercising First Amendment rights, (3) participating in bona-fide religious, social or school activities involving the right to assemble, (4) when performing an errand at the direction of a parent, (5) When engaged in employment activities. Parental penalties are included. Establishment owner penalties are included.

Pasadena "Nocturnal" and "Daytime Schooltime" Curfews

Who is affected: Any person under 18 years of age

Hours: 9:00 p.m. to 6:00 a.m. daily for all under 13. 10:00 p.m. to 6:00 a.m., Sunday through Friday, and 12:00 midnight to 6:00 a.m., Saturday and Sunday, for all 13 years of age and older and under the age of 18. 9:00 a.m. to 2:30 p.m., Monday through Friday, for all 13 to 16 years of age. Principal exceptions: (1) accompanied by a parent, (2) accompanied by adult selected by the parent, (3) emergency, (4) school, religious or government sponsored activity, (5) employment, (6) exercising rights protected by the Texas or United States Constitution at an event or function, (7) emancipation. Parental penalties are included. No penalties for establishment owners and employees are included.

San Antonio "Nocturnal" and "School Age Daytime" Curfews

Who is affected: Those under 17 and over 9

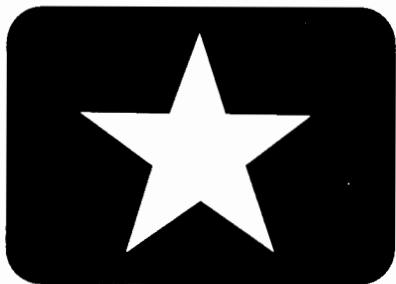
Hours: 12:00 a.m. to 6:00 a.m., Sunday through Saturday, and 9:00 a.m. to 2:30 p.m. Monday through Friday. Principal exceptions: (1) when accompanied by a parent, (2) when attending a school or religious activity or going to or coming from one, (3) when engaged in a lawful employment activity, (4) when on an errand directed by a parent, (5) When exercising First Amendment rights, (6) when minor is engaged in volunteer work for a recognized charity institution, (7) when the minor is married or emancipated. Parental penalties are included. No penalties for establishment owners or employees.

Wichita Falls "Nocturnal" Curfew

Who is affected: Those under 17 years of age

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

Principal exceptions: (1) accompanied by parent, (2) when exercising First Amendment Rights, (3) performing errand on instructions of parent, (4) employment, (5) interstate travel. Parental penalties are included. Establishment owner penalties are included.



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