

ENROLLED

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 13-0261**

Introduced by: Councilmembers Scott, Kraft, Henry, Branch, Cole, Reisinger, Holton,
President Young, Councilmembers Middleton, Holton, Welch, Mosby
Introduced and read first time: September 9, 2013
Assigned to: Public Safety Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: May 12, 2014

AN ORDINANCE CONCERNING

Minors - Curfew Reform

FOR the purpose of changing the hours that minors of various ages are subject to a curfew;
deleting exemptions from the curfew for married minors and minors on an errand for a
parent; allowing for the stay of certain citations if counseling sessions are attended; requiring
regularized annual reporting from the Police Commissioner on the effects of the curfew for
minors; clarifying and conforming related provisions; correcting a certain reference;
providing for a special effective date; and generally relating to a curfew for minors.

BY repealing and reordaining, with amendments
Article 19 - Police Ordinances
Section(s) 34-3 to 34-6, 34-8(a), (b), and (c), 34-9, and 34-10
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the
Laws of Baltimore City read as follows:

Baltimore City Code

Article 19. Police Ordinances

Subtitle 34. Minors - Daytime and Nighttime Curfews

§ 34-3. Prohibited conduct of minors — nighttime curfew.

(a) *Scope of section.*

This section does not apply to a minor:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.
Underlined italics indicate matter added to the bill
by amendment after printing for third reading.

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- 1 (1) accompanied by the minor’s parent;
- 2 (2) [on an errand at the direction of the minor’s parent, without any detour or stop]
- 3 EXERCISING FIRST AMENDMENT RIGHTS PROTECTED BY THE UNITED STATES
- 4 CONSTITUTION, SUCH AS THE FREE EXERCISE OF RELIGION, FREEDOM OF SPEECH,
- 5 OR THE RIGHT OF ASSEMBLY;
- 6 (3) in a motor vehicle involved in interstate travel;
- 7 (4) engaged in an employment activity or going to or returning home from an
- 8 employment activity, without any detour or stop;
- 9 (5) involved in an emergency;
- 10 (6) on the sidewalk abutting the minor’s residence or abutting the residence of a
- 11 next-door neighbor if the neighbor did not complain to the Police Department
- 12 about the minor’s presence; OR
- 13 (7) attending or, without any detour or stop, going to or returning from an official
- 14 school, religious, or other recreational activity supervised by adults and sponsored
- 15 by the City of Baltimore, a civic organization, or another similar entity that takes
- 16 responsibility for the minor[;
- 17 (8) exercising First Amendment rights protected by the United States Constitution,
- 18 such as the free exercise of religion, freedom of speech, and the right of assembly;
- 19 or
- 20 (9) who is or has been married].

21 (b) *Prohibited conduct – MINORS AGED LESS THAN 14 YEARS OLD.*

22 NO MINOR LESS THAN 14 YEARS OF AGE MAY REMAIN IN OR ABOUT ANY PUBLIC PLACE OR

23 ANY ESTABLISHMENT BETWEEN THE HOURS OF 9 P.M. ON ANY DAY AND 6 A.M. OF THE

24 FOLLOWING DAY.

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

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

30 (c) *PROHIBITED CONDUCT – MINORS AGED AT LEAST 14 BUT LESS THAN 17 YEARS OLD.*

- 31 (1) FROM AND INCLUDING 12:01 A.M. ON THE FRIDAY PRECEDING MEMORIAL DAY EACH
- 32 YEAR THROUGH 12 MIDNIGHT OF THE LAST SUNDAY OF AUGUST EACH YEAR, NO
- 33 MINOR AT LEAST 14, BUT LESS THAN 17, YEARS OF AGE MAY REMAIN IN OR ABOUT ANY

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1 PUBLIC PLACE OR ANY ESTABLISHMENT BETWEEN THE HOURS OF 11 P.M. ON ANY DAY
2 AND 6 A.M. OF THE FOLLOWING DAY.

3 (2) FOR THE REMAINDER OF THE CALENDAR YEAR, NO MINOR AT LEAST 14, BUT LESS THAN
4 17, YEARS OF AGE MAY REMAIN IN OR ABOUT ANY PUBLIC PLACE OR ANY
5 ESTABLISHMENT:

6 (I) BETWEEN THE HOURS OF 11 P.M. ON A FRIDAY AND 6:00 A.M. OF THE
7 FOLLOWING SATURDAY;

8 (II) BETWEEN THE HOURS OF 11 P.M. ON A SATURDAY AND 6:00 A.M. OF THE
9 FOLLOWING SUNDAY; OR

10 (III) BETWEEN THE HOURS OF 10 P.M. AND 6 A.M. OF THE FOLLOWING DAY, ON ANY
11 OTHER DAY OF THE WEEK

12 **§ 34-4. Prohibited conduct of minors — daytime curfew.**

13 (a) *In general.*

14 Except as otherwise provided in subsection (b) of this section, no minor under the age of
15 16 may remain in or about any public place or any establishment between the hours of [9
16 a.m. and 2:30 p.m.] ~~8 A.M TO 3 P.M.~~ 7:30 A.M. AND 3 P.M. on any day during which the
17 minor is required to be in school.

18 (b) *Exceptions.*

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

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

22 (2) the minor is accompanied by the minor's parent or by a person 21 years old or
23 older; OR

24 (3) THE MINOR IS TRAVELING TO OR FROM SCHOOL.

25 **§ 34-5. Prohibited conduct of parents, guardians, etc.**

26 [(a) *Nighttime curfew.*

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

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

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

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

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1 (b) *Daytime curfew.*

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

6 (c) *Construction.*

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

10 IT IS UNLAWFUL FOR THE PARENT OF ANY MINOR TO KNOWINGLY PERMIT OR, BY INSUFFICIENT
11 CONTROL, TO ALLOW THAT MINOR TO BE IN OR ABOUT ANY PUBLIC PLACE OR ANY
12 ESTABLISHMENT IF THAT MINOR’S PRESENCE WOULD VIOLATE § 34-3 {"PROHIBITED
13 CONDUCT OF MINORS – NIGHTTIME CURFEW"} OR § 34-4 {"PROHIBITED CONDUCT OF MINORS
14 – DAYTIME CURFEW"} OF THIS SUBTITLE.

15 **§ 34-6. Prohibited conduct of establishments.**

16 [(a) *Nighttime curfew.*

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

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

23 (b) *Daytime curfew.*

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

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

31 (c) *Construction.*

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

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1 NO OPERATOR OF AN ESTABLISHMENT OR HIS AGENTS OR EMPLOYEES MAY KNOWINGLY
2 PERMIT ANY MINOR TO REMAIN ON THE PREMISES OF THAT ESTABLISHMENT IF THAT MINOR'S
3 PRESENCE WOULD VIOLATE § 34-3 {"PROHIBITED CONDUCT OF MINORS –
4 NIGHTTIME CURFEW"} OR § 34-4 {"PROHIBITED CONDUCT OF MINORS – DAYTIME CURFEW"}
5 OF THIS SUBTITLE.

6 **§ 34-8. Enforcement generally.**

7 (a) *Identification.*

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

11 (1) the minor's name, address, SCHOOL OR OTHER VALID IDENTIFICATION, and age;
12 and

13 (1) the name of the minor's parent or parents.

14 (b) *Daytime curfew.*

15 (1) For a minor believed to be in violation of § 34-4 {"Prohibited conduct of minors –
16 daytime curfew"}, the minor shall be taken, as appropriate, to:

17 (i) the minor's school;

18 (ii) a truancy center YOUTH CONNECTION CENTER; or

19 (iii) the minor's home.

20 (2) If the minor is taken to school or to a truancy center YOUTH CONNECTION CENTER, the
21 school or center, as the case may be, shall:

22 (i) notify a parent about the violation of this subtitle; and

23 (ii) take appropriate measures to reduce the probability that the minor will
24 commit a subsequent violation of this subtitle.

25 (c) *Nighttime curfew.*

26 (1) For a minor believed to be in violation of § 34-3 {"Prohibited conduct of minors –
27 nighttime curfew"}, the minor shall be taken, as appropriate, to:

28 (i) the minor's home; or

29 (ii) a juvenile holding facility YOUTH CONNECTION CENTER.

30 (2) If the minor is taken to a juvenile holding facility YOUTH CONNECTION CENTER, the
31 facility shall:

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1 (i) notify a parent or an adult brother, sister, aunt, uncle, or grandparent to come
2 and take charge of the minor;

3 (ii) notify a parent about the violation of this subtitle; and

4 (iii) take appropriate measures to reduce the probability that the minor will
5 commit a subsequent violation of this subtitle.

6 (3) If the minor is taken to a ~~juvenile holding facility~~ YOUTH CONNECTION CENTER and, by
7 6 a.m. of the following morning, no parent or adult brother, sister, aunt, uncle, or
8 grandparent can be located or none come and take charge of the minor, the minor
9 shall be, as appropriate:

10 (i) taken to the minor's home;

11 (ii) referred to or placed in the custody of the Baltimore City Department of
12 Social Services; or

13 (iii) released from the ~~juvenile holding facility~~ YOUTH CONNECTION CENTER.

14 **§ 34-9. Penalties.**

15 (a) *Parents, guardians, etc.*

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

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

19 (ii) [a warning, that a subsequent violation of this subtitle could result in the
20 imposition of both civil and criminal penalties] IF THE PARENT AGREES TO
21 ATTEND FAMILY COUNSELING SESSIONS WITH THE MINOR AT AN AGENCY
22 APPROVED BY THE CITY OF BALTIMORE, A NOTICE THAT A CIVIL CITATION
23 WILL BE ISSUED IF THE COUNSELING SESSIONS ARE NOT COMPLETED.

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

29 (i) a fine not to exceed [\$300] \$500 and costs; AND

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

31 ~~(ii) (iii) community service.~~

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1 (b) *Operator of establishment.*

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

6 (c) *Separate offenses.*

7 Each violation of a provision of this subtitle constitutes a separate offense.

8 **§ 34-10. Continuing evaluation.**

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

11 (1) [Within 6 months after July 27, 1995,] ANNUALLY, ON OR BEFORE FEBRUARY 1ST OF
12 EACH YEAR, the Police Commissioner [shall] MUST report to the Mayor and City
13 Council:

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

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

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

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

21 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
22 are not law and may not be considered to have been enacted as a part of this or any prior
23 Ordinance.

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th 60th
25 day after the date it is enacted.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City