

**CITY OF BALTIMORE  
COUNCIL BILL 13-0261  
(First Reader)**

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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

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Social Services, State's  
Attorney's Office, Police Department, Youth Commission

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Minors - Curfew Reform**

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

9 BY repealing and reordaining, with amendments

10 Article 19 - Police Ordinances  
11 Section(s) 34-3 to 34-6, 34-8(a), 34-9, and 34-10  
12 Baltimore City Code  
13 (Edition 2000)

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

16 **Baltimore City Code**

17 **Article 19. Police Ordinances**

18 **Subtitle 34. Minors - Daytime and Nighttime Curfews**

19 **§ 34-3. Prohibited conduct of minors — nighttime curfew.**

20 (a) *Scope of section.*

21 This section does not apply to a minor:

22 (1) accompanied by the minor's parent;

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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

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

21 NO MINOR LESS THAN 14 YEARS OF AGE MAY REMAIN IN OR ABOUT ANY PUBLIC PLACE OR  
22 ANY ESTABLISHMENT BETWEEN THE HOURS OF 9 P.M. ON ANY DAY AND 6 A.M. OF THE  
23 FOLLOWING DAY.

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

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

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

30 (1) FROM AND INCLUDING 12:01 A.M. ON THE FRIDAY PRECEDING MEMORIAL DAY EACH  
31 YEAR THROUGH 12 MIDNIGHT OF THE LAST SUNDAY OF AUGUST EACH YEAR, NO  
32 MINOR AT LEAST 14, BUT LESS THAN 17, YEARS OF AGE MAY REMAIN IN OR ABOUT ANY  
33 PUBLIC PLACE OR ANY ESTABLISHMENT BETWEEN THE HOURS OF 11 P.M. ON ANY DAY  
34 AND 6 A.M. OF THE FOLLOWING DAY.  
35

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

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

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

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

10 **§ 34-4. Prohibited conduct of minors — daytime curfew.**

11 (a) *In general.*

12 Except as otherwise provided in subsection (b) of this section, no minor under the age of  
13 16 may remain in or about any public place or any establishment between the hours of [9  
14 a.m. and 2:30 p.m.] 8 A.M TO 3 P.M. on any day during which the minor is required to be  
15 in school.

16 (b) *Exceptions.*

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

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

20 (2) the minor is accompanied by the minor's parent or by a person 21 years old or  
21 older.

22 **§ 34-5. Prohibited conduct of parents, guardians, etc.**

23 [(a) *Nighttime curfew.*

24 It is unlawful for the parent of any minor to knowingly permit or, by insufficient control,  
25 to allow that minor to be 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.

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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.

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1 (c) *Construction.*

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

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

10 **§ 34-8. Enforcement generally.**

11 (a) *Identification.*

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

15 (1) the minor’s name, address, SCHOOL OR OTHER VALID IDENTIFICATION, and age;  
16 and

17 (1) the name of the minor’s parent or parents.

18 **§ 34-9. Penalties.**

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

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

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

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

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

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- 1 (i) a fine not to exceed [~~\$300~~] \$500 and costs;
- 2 (ii) imprisonment for not more than 60 days; and
- 3 (iii) community service.

4 (b) *Operator of establishment.*

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

9 (c) *Separate offenses.*

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

11 **§ 34-10. Continuing evaluation.**

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

14 (1) [Within 6 months after July 27, 1995,] ANNUALLY, ON OR BEFORE FEBRUARY 1<sup>ST</sup> OF  
15 EACH YEAR, the Police Commissioner [shall] MUST report to the Mayor and City  
16 Council:

- 17 (i) on the effect of this subtitle on crimes committed by and against minors;
- 18 (ii) [of ]the number of warnings issued and arrests of minors, parents, and  
19 operators hereunder; and
- 20 (iii) such other information as the Mayor and City Council may request.

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

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

27 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
28 after the date it is enacted.