



LEGISLATIVE OVERSIGHT

Committee: Public Safety and Government Operations

LO23-0037

Legislative Oversight – Youth Curfew

Purpose:

For the purpose of the committee holding a hearing to discuss Baltimore City's youth curfew.

REPORTING AGENCIES

Mayor's Office of Neighborhood Safety and Engagement
Baltimore City Police Department
Baltimore City State's Attorney's Office

BACKGROUND

Current City Code

Baltimore City Code Article 19 (Police Ordinances) Subtitle 34 (Minors – Daytime and Nighttime Curfews) provides for a curfew for minors in Baltimore City where they are not permitted to remain in public spaces¹ or establishments². It creates categories of minors based on age and details when they are prohibited from being in public spaces and establishments.

Nighttime curfew

- Minors under 14 are prohibited from public spaces and establishments from 9 PM – 6 AM the following day year-round.
- From the Friday preceding Memorial Day to the last Sunday in August, minors aged 14-17 are prohibited from public spaces and establishments from 11 PM to 6 AM the following day.

¹ "Public place" means any public street, highway, road, alley, park, playground, wharf, dock, public building, or vacant lot.

² "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.



- During the rest of the calendar years minors aged 14-17 may not be in public spaces or establishments from:
 - 11 PM on a Friday to 6 AM the following Saturday.
 - 11 PM on a Saturday to 6 AM the following Sunday.
 - 10 PM to 6 AM the following day on any other day of the week.
- Exceptions are made when the minor is:
 - Accompanied by the minor's parent.
 - Exercising first amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, or the right of assembly.
 - 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 or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence.
 - 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.

Daytime curfew

- No minor under the age of 16 may remain in or about any public place or any establishment between the hours of 7:30 a.m. and 3 p.m. on any day during which the minor is required to be in school.
- Exceptions are provided if:
 - The minor has written proof from school authorities excusing his or her attendance at that particular time.
 - The minor is accompanied by the minor's parent or by a person 21 years old or older.
 - The minor is traveling to or from school.

The article requires parents and guardians to enforce the nighttime and daytime curfews, making it unlawful for parents or guardians to allow their children to break curfew either knowingly or by lack of sufficient control.

Operators of establishments as well as their agents and employees are prohibited from knowingly allowing minors to remain on the premises if their presence would break either the daytime or nighttime curfew.

Enforcement

Enforcement is carried out in a number of ways:

- Civil citation.
- Family counseling sessions.
- Community Service (for parents and guardians)
- Fines in the amount of \$500 (for both establishments and parents and guardians)
- Minors found to be violating curfew may be detained.
 - Detention is not the same as arrest and does not create a criminal record.
- Minors may be taken to either:
 - Their home.
 - Their school (during daytime curfew only).
 - A Youth Connection Center.³

Pending Legislation

Bill 23-329 - Minor Curfew - Conduct of Establishments is a proposed ordinance currently in committee which would increase the penalty on the operator of an establishment who knowingly permits minors to remain on the premises during curfew. The bill is sponsored by councilpersons Burnett, Bullock, & Ramos.

Police Commissioner Harrison's memo on the youth curfew has noted that except in instances where a crime is being committed, BPD will not handle the majority of interactions with minors who are breaking curfew. This will include not providing transport to Youth Connection Centers, transportation to Youth Connection Centers will be handled by the Center's staff.

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³ "Youth Connection Center" means a place, as established or designated by the City, to which minors believed to be in violation of curfew (daytime or nighttime) can be taken to determine an appropriate course of action.