
By: **Senator Colburn**
Introduced and read first time: February 2, 2001
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted with floor amendments
Read second time: March 13, 2001

CHAPTER _____

1 AN ACT concerning

2 **Eastern Shore Code Home Rule Counties - Juvenile Curfew Ordinance**

3 FOR the purpose of authorizing a code county in the Eastern Shore class to adopt a
4 model juvenile curfew ordinance; ~~providing for the juvenile curfew ordinance to~~
5 ~~apply in a municipal corporation located in a county adopting the ordinance~~
6 authorizing a municipal corporation to adopt the juvenile curfew ordinance;
7 providing for the scope of the ordinance; requiring a juvenile curfew ordinance to
8 prohibit certain practices by certain persons; providing exceptions to the
9 ordinance; authorizing local law enforcement officers to take custody of a minor
10 violating the ordinance under certain circumstances; providing certain notice
11 provisions; providing for the release of a minor taken into custody for violating
12 the ordinance under certain circumstances; providing certain fines; defining a
13 certain term; and generally relating to authorizing a code county in the Eastern
14 Shore class to adopt a juvenile curfew ordinance.

15 BY adding to
16 Article 25B - Home Rule for Code Counties
17 Section 13C-1
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2000 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

1 (B) THE PROVISIONS OF THIS SECTION APPLY TO CODE COUNTIES IN THE
2 EASTERN SHORE CLASS AS ESTABLISHED BY ARTICLE 25B, § 2.

3 (C) (1) AFTER MAKING INDEPENDENT FACTUAL FINDINGS
4 DEMONSTRATING A LOCAL NEED FOR A JUVENILE CURFEW, THE COUNTY
5 COMMISSIONERS IN THEIR RESPECTIVE JURISDICTIONS MAY ADOPT A JUVENILE
6 CURFEW ORDINANCE WHICH ~~SHALL APPLY THROUGHOUT THE COUNTY, INCLUDING~~
7 ~~IN~~ MAY BE ADOPTED BY A MUNICIPAL CORPORATION IN THE COUNTY.

8 (D) A JUVENILE CURFEW ORDINANCE SHALL STATE THAT:

9 (1) A MINOR MAY NOT REMAIN IN A PUBLIC PLACE OR ON THE PREMISES
10 OF AN ESTABLISHMENT WITHIN THE LOCAL JURISDICTION DURING CURFEW HOURS;

11 (2) A PARENT OR GUARDIAN OF A MINOR MAY NOT KNOWINGLY ALLOW
12 THE MINOR TO REMAIN IN A PUBLIC PLACE OR ON THE PREMISES OF AN
13 ESTABLISHMENT WITHIN THE LOCAL JURISDICTION DURING CURFEW HOURS; AND

14 (3) THE OWNER, OPERATOR, OR EMPLOYEE OF AN ESTABLISHMENT MAY
15 NOT KNOWINGLY ALLOW A MINOR TO REMAIN ON THE PREMISES OF THE
16 ESTABLISHMENT WITHIN THE LOCAL JURISDICTION DURING CURFEW HOURS.

17 (E) A JUVENILE CURFEW ORDINANCE ADOPTED UNDER THIS SECTION DOES
18 NOT APPLY TO A MINOR WHO IS:

19 (1) ACCOMPANIED BY THE MINOR'S PARENT OR GUARDIAN;

20 (2) PERFORMING AN ERRAND AT THE DIRECTION OF THE MINOR'S
21 PARENT OR GUARDIAN, WITHOUT A DETOUR OR STOP, UNTIL 12:30 A.M.;

22 (3) ACCOMPANIED BY A PERSON AT LEAST 18 YEARS OF AGE AND
23 AUTHORIZED BY THE MINOR'S PARENT OR GUARDIAN TO HAVE TEMPORARY CARE OR
24 CUSTODY OF THE MINOR FOR A DESIGNATED PERIOD OF TIME WITHIN A SPECIFIED
25 AREA;

26 (4) WITH CONSENT OF THE MINOR'S PARENT OR GUARDIAN, INVOLVED
27 IN INTERSTATE TRAVEL THROUGH THE LOCAL JURISDICTION OR BEGINNING OR
28 ENDING IN THE LOCAL JURISDICTION;

29 (5) ENGAGED IN LEGAL EMPLOYMENT ACTIVITY OR IS GOING TO OR
30 RETURNING HOME FROM A LEGAL EMPLOYMENT ACTIVITY, WITHOUT A DETOUR OR
31 STOP;

32 (6) INVOLVED IN AN EMERGENCY;

33 (7) ON THE PROPERTY WHERE THE MINOR RESIDES OR ON THE
34 SIDEWALK ABUTTING THE MINOR'S RESIDENCE OR ABUTTING THE RESIDENCE OF A
35 NEXT-DOOR NEIGHBOR, IF THE ADULT RESIDENT OF THAT PROPERTY HAS GIVEN
36 PERMISSION FOR THE MINOR'S PRESENCE;

1 (8) ATTENDING OR RETURNING DIRECTLY HOME FROM, WITHOUT A
2 DETOUR OR STOP AND WITHIN 1 HOUR BEFORE OR AFTER THE END OF:

3 (I) A SCHOOL, RELIGIOUS, OR RECREATIONAL ACTIVITY
4 SUPERVISED BY ADULTS AND SPONSORED BY THE LOCAL JURISDICTION, A CIVIC
5 ORGANIZATION, OR A VOLUNTARY ASSOCIATION THAT TAKES RESPONSIBILITY FOR
6 THE MINOR; OR

7 (II) A PLACE OF PUBLIC ENTERTAINMENT, INCLUDING A MOVIE,
8 PLAY, OR SPORTING EVENT;

9 (9) EXERCISING FIRST AMENDMENT RIGHTS UNDER THE UNITED
10 STATES CONSTITUTION, IF THE MINOR HAS FIRST SUBMITTED TO THE CHIEF OF THE
11 LOCAL LAW ENFORCEMENT AGENCY A WRITTEN COMMUNICATION THAT:

12 (I) IS SIGNED BY THE MINOR AND COUNTERSIGNED, IF
13 PRACTICABLE, BY THE PARENT OR GUARDIAN OF THE MINOR;

14 (II) INCLUDES THE PARENT'S OR GUARDIAN'S HOME ADDRESS AND
15 TELEPHONE NUMBER; AND

16 (III) SPECIFIES WHEN, WHERE, AND IN WHAT MANNER THE MINOR
17 WILL BE IN A PUBLIC PLACE DURING CURFEW HOURS; OR

18 (10) REMAINING IN A PUBLIC PLACE IN A CASE OF REASONABLE
19 NECESSITY IF THE MINOR'S PARENT OR GUARDIAN HAS COMMUNICATED TO THE
20 CHIEF OF THE LOCAL LAW ENFORCEMENT AGENCY FACTS:

21 (I) ESTABLISHING THE REASONABLE NECESSITY; AND

22 (II) DESIGNATING:

23 1. THE SPECIFIC PUBLIC PLACE AND THE POINTS OF ORIGIN
24 AND DESTINATION FOR THE MINOR'S TRAVEL; AND

25 2. THE TIMES THE MINOR WILL BE IN THE PUBLIC PLACE OR
26 TRAVELING TO OR FROM THE PUBLIC PLACE.

27 (F) (1) IF A LAW ENFORCEMENT OFFICER REASONABLY BELIEVES THAT A
28 MINOR IS IN A PUBLIC PLACE IN VIOLATION OF THE JUVENILE CURFEW ORDINANCE,
29 THE OFFICER SHALL:

30 (I) NOTIFY THE MINOR THAT THE MINOR IS IN VIOLATION OF THE
31 JUVENILE CURFEW ORDINANCE;

32 (II) REQUIRE THE MINOR TO TELL THE OFFICER THE MINOR'S
33 NAME, ADDRESS, TELEPHONE NUMBER, AND WHERE TO CONTACT THE MINOR'S
34 PARENT OR GUARDIAN;

35 (III) ISSUE THE MINOR A WRITTEN WARNING THAT THE MINOR IS IN
36 VIOLATION OF THE JUVENILE CURFEW ORDINANCE; AND

1 (IV) ORDER THE MINOR TO PROMPTLY GO HOME.

2 (2) THE CHIEF OF THE LOCAL LAW ENFORCEMENT AGENCY SHALL
3 SEND WRITTEN NOTICE OF THE VIOLATION OF THE JUVENILE CURFEW ORDINANCE
4 TO THE MINOR'S PARENT OR GUARDIAN.

5 (G) THE LOCAL LAW ENFORCEMENT AGENCY MAY TAKE THE MINOR:

6 (1) TO THE MINOR'S HOME, IF APPROPRIATE; OR

7 (2) INTO CUSTODY AND TRANSPORT THE MINOR TO A LOCAL LAW
8 ENFORCEMENT STATION OR DESIGNATED CURFEW CENTER WHEN:

9 (I) THE MINOR HAS RECEIVED ONE PREVIOUS WRITTEN WARNING
10 FOR A VIOLATION OF THE JUVENILE CURFEW ORDINANCE;

11 (II) THE LOCAL LAW ENFORCEMENT OFFICER HAS REASONABLE
12 GROUNDS TO BELIEVE THAT THE MINOR HAS COMMITTED A DELINQUENT ACT; OR

13 (III) TAKING THE MINOR INTO CUSTODY IS AUTHORIZED UNDER §
14 3-814 OF THE COURTS ARTICLE.

15 (H) WHEN A MINOR IS TAKEN INTO CUSTODY FOR A VIOLATION OF THE
16 JUVENILE CURFEW ORDINANCE, THE LOCAL LAW ENFORCEMENT OFFICER SHALL:

17 (1) IMMEDIATELY NOTIFY THE PARENT OR GUARDIAN OF THE MINOR TO
18 COME TO THE LOCAL LAW ENFORCEMENT STATION TO TAKE CUSTODY OF THE
19 MINOR; AND

20 (2) DETERMINE WHETHER, CONSISTENT WITH CONSTITUTIONAL
21 SAFEGUARDS, THE MINOR OR THE PARENT OR GUARDIAN, OR BOTH, ARE IN
22 VIOLATION OF THE JUVENILE CURFEW ORDINANCE.

23 (I) (1) WHEN A PARENT OR GUARDIAN ARRIVES AT THE LOCAL LAW
24 ENFORCEMENT STATION AS A RESULT OF SUBSECTION (H) OF THIS SECTION, AND
25 THE APPROPRIATE INFORMATION IS RECORDED, THE MINOR SHALL BE RELEASED TO
26 THE CUSTODY OF THE PARENT OR GUARDIAN.

27 (2) IF THE PARENT OR GUARDIAN CANNOT BE LOCATED OR FAILS TO
28 TAKE CHARGE OF THE MINOR, THEN THE MINOR SHALL BE RELEASED TO THE LOCAL
29 DEPARTMENT OF SOCIAL SERVICES, THE DEPARTMENT OF JUVENILE JUSTICE, OR TO
30 ANOTHER ADULT WHO WILL, ON BEHALF OF THE PARENT OR GUARDIAN, ASSUME
31 THE RESPONSIBILITY OF CARING FOR THE MINOR PENDING THE AVAILABILITY OR
32 ARRIVAL OF THE PARENT OR GUARDIAN.

33 (J) (1) A PERSON WHO VIOLATES A JUVENILE CURFEW ORDINANCE IS
34 SUBJECT TO A FINE OF NOT MORE THAN \$500 FOR EACH VIOLATION.

1 (2) A PERSON WHO VIOLATES A JUVENILE CURFEW ORDINANCE A
2 SECOND OR SUBSEQUENT TIME IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000
3 FOR EACH VIOLATION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2001.