

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE**Revised**

Senate Bill 552

(Senator Colburn)

Judicial Proceedings

Judiciary

Eastern Shore Code Home Rule Counties - Juvenile Curfew Ordinance

This bill authorizes any code county on the Eastern Shore to adopt a juvenile curfew ordinance. The county commissioners may only adopt a juvenile curfew ordinance after making independent factual findings demonstrating a local need for a juvenile curfew. The bill also authorizes a municipal corporation to adopt the juvenile curfew enacted in the county.

A law enforcement officer may issue a civil citation for a violation of the curfew ordinance to: (1) a juvenile; (2) a parent or guardian of a minor; or (3) an owner, operator, or employee of an establishment. Violators of a juvenile curfew ordinance are subject to a fine of not more than \$500 for a first offense and a fine of not more than \$1,000 for a second or subsequent offense.

Fiscal Summary

State Effect: General fund revenues could increase minimally as a result of the bill's penalty provision due to cases heard in the District Court for adults charged with violations of a juvenile curfew ordinance.

Local Effect: Local revenues could increase minimally as a result of the bill's penalty provision due to cases heard in circuit court for juveniles charged with violations of a juvenile curfew ordinance. Enforcement of the juvenile curfew ordinance could be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: Curfew hours would be in place from 12:00 a.m. until 5:00 a.m. During these hours, a minor would not be permitted to remain in a public place or in an establishment. A public place is defined in the bill as a place to which the general public has access for business, entertainment, or other lawful purposes. Public places include streets, sidewalks, and the common areas of buildings. An establishment is defined as a privately owned place or business operated for a profit to which the public is invited.

The bill designates ten separate circumstances under which a juvenile curfew ordinance adopted by a county would not apply to a minor.

If a law enforcement officer reasonably believes that a minor is violating the curfew ordinance, the officer shall: (1) notify the minor that the minor is in violation of the curfew ordinance; (2) require the minor to supply the minor's name, address, phone number, and contact information for a parent or guardian; (3) issue a written warning; (4) order the minor to go promptly home; and (5) send written notice of the violation to the minor's parent or guardian.

The officer may take the minor to the minor's home or into custody if the minor has received a previous written warning, if the minor has committed a delinquent act, or if taking the minor into custody is authorized under §3-814 of the Courts and Judicial Proceedings Article. Section 3-814 authorizes taking a child into custody: (1) pursuant to a court order; (2) pursuant to the law of arrest; (3) if the child is in immediate danger from his surroundings; or (4) if the child has run away from home.

The bill also provides that the District Court has exclusive original civil jurisdiction in a code county for which a civil citation has been issued for a violation of a juvenile curfew ordinance.

Current Law: There is no juvenile curfew in home rule counties on the Eastern Shore.

Municipalities have statutory authority to enact juvenile curfew ordinances that prohibit young people from being on the streets and in public places at unreasonable hours of the night.

Background: County governments in Maryland operate under three forms of government: commission, code home rule, and charter home rule. Four counties on the Eastern Shore (Caroline, Kent, Queen Anne's, and Worcester) operate under the code home rule form of government. Three counties (Cecil, Dorchester, and Somerset)

operate under the commission form of government and two counties (Talbot and Wicomico) operate under the charter home rule form of government.

The Caroline County Association of Municipalities voted in favor of pursuing legislation for the 2001 session that would allow enforcement of a curfew law within the county, including its ten municipalities.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, Caroline County, Kent County, Department of Legislative Services

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