



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 9/17/2019

Item Creation Date:

HPD-Juvenile Curfew Ordinance (Sec. 28-171 - 28-175)

Agenda Item#: 14.

Summary:

ORDINANCE amending and continuing the City's Juvenile Curfew Ordinance; containing a repealer; containing findings and other provisions relating to the foregoing subject; providing for severability; and declaring an emergency

Background:

State law requires cities that have adopted a juvenile curfew ordinance to conduct hearings every three years to determine whether to abolish, continue, or modify the curfew restrictions. City Council last acted to continue the current City of Houston Juvenile Curfew Ordinance (Sections 28-171 – 28-175, City Code of Ordinances) in 2016.

Two public hearings were held before City Council on June 26, 2019 and July 10, 2019. The Chief of Police for the Houston Police Department requests City Council to approve an ordinance to continue the Juvenile Curfew Ordinance, with the following proposed amendments prepared by the City Legal Department to address concerns raised at the public hearings:

Amend Section 28-171. Definitions.

Curfew hours means the period between the hours of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 6:00 a.m. of the following day; or between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on any Saturday or Sunday; or between the hours of 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday, and, if recommended by the chief of police and ordered by the mayor, from time to time shall include the hours between 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday for such time as may be determined by the mayor, not to exceed 180 consecutive days.

Delete Section 28-172(c). Offenses.

Delete section Section 28-172(c) - Violations of this section shall be punishable as provided in section 1-6 of this Code.

Amend Section 28-175. Enforcement in its entirety to read:

(a) A police officer may issue a citation for a violation of this article if prior to issuing the citation:

(1) The officer has attempted to ascertain whether the minor is homeless, and, the officer has concluded the minor is not homeless; and

(2) The officer has attempted to contact the minor's parent or guardian and has been unsuccessful.

(b) If the officer is able to contact the minor's parent or guardian, the officer shall transport the minor home to his parent or guardian without issuing a citation.

(c) If a police officer determines that a minor is homeless, the officer may not issue a citation and shall instead take the minor to a shelter or other safe harbor.

(d) In all instances, the officer may transport the minor home without issuing a citation.

(e) The Houston Police Department will provide enforcement procedures and data that relates to the enforcement of this article upon request in writing.

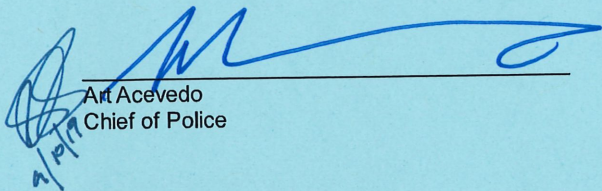
(f) At any time that daytime curfew hours are to be enforced, the city shall notify the public by posting curfew hours on the city's webpages for the municipal courts department, the police department, and the department of neighborhoods, and at such other locations as may be determined by the mayor, at least seven days before the daytime curfew becomes effective.

Add Sec. 28-176. Penalties.

(a) Violations of this article shall be punishable by a fine not to exceed \$50.

(b) Any minor charged with a violation of this article will be referred to the Municipal Courts Department Teen Court program by order of the presiding judge.

(c) Upon making a court appearance, any minor charged with a violation of this article shall receive information from the office of the chief clerk of the municipal courts outlining the process for expunction of the violation.


Art Acevedo
Chief of Police

Prior Council Action:

(O) 2007-536

Amount of Funding:

N/A

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