

**ORDINANCE NUMBER SIXTEEN
JUVENILE CURFEW
FOR HENNEPIN COUNTY
AN ORDINANCE SETTING A COUNTY-WIDE, NIGHTTIME CURFEW
FOR JUVENILES. THIS ORDINANCE IS ADOPTED PURSUANT TO
MINNESOTA STATUTES, CHAPTER 145A.05, SUBD. 7A (1994).
ADOPTED BY THE
HENNEPIN COUNTY BOARD OF COMMISSIONERS
OF HENNEPIN COUNTY, MINNESOTA
ON DECEMBER 20, 1994
AMENDED ON JUNE 27, 1995
AMENDED ON OCTOBER 15, 2002
AMENDED ON MAY 16, 2006**

ORDINANCE NO. 16

JUVENILE CURFEW

An ordinance setting a county-wide, nighttime curfew for juveniles. This ordinance is adopted pursuant to Minn. Stat. §145A.05, subd. 7a (1994).

SECTION 1: FINDINGS AND PURPOSE

(A) In recent years, there has been a significant increase in juvenile victimization and crime. At the same time, the crimes committed by and against juveniles have become more violent. A significant percentage of juvenile crime occurs during curfew hours.

(B) Because of their lack of maturity and experience, juveniles are particularly susceptible to becoming victims of older perpetrators. The younger a person is, the more likely he or she is to be a victim of crime.

(C) While parents have the primary responsibility to provide for the safety and welfare of juveniles, Hennepin County also has a substantial interest in the safety and welfare of juveniles. Moreover, Hennepin County has an interest in preventing juvenile crime, promoting parental supervision, and providing for the well being of the general public.

(D) A county-wide curfew will reduce juvenile victimization and crime and will advance public safety, health, and general welfare.

SECTION 2: DEFINITIONS

(A) "Juvenile" means a person under the age of eighteen (18). The term does not include persons under 18 who are married or have been legally emancipated.

(B) "Parent" means birth parents, adoptive parents, and step-parents.

(C) "Guardian" means an adult appointed pursuant to Minn. Stat. §525.6155 or §525.6165 who has the powers and responsibilities of a parent as defined by Minn. Stat. §525.619.

(D) "Responsible adult" means a person eighteen (18) years or older specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.

(E) "Public Place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(F) "Emergency" means a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.

(G) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any body part or organ.

(H) "Establishment" means any privately-owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment, or refreshment.

(I) "Proprietor" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

SECTION 3: PROHIBITED ACTS

(A) (1) It is unlawful for a juvenile under the age of 12 to be present in any public place or establishment within Hennepin County:

(a) any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day.

(b) any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

(2) A law enforcement officer may not issue a citation, detain a child or take a child into custody based on a violation of Section 3(A)(1) unless the law enforcement officer, after speaking with the child and considering the facts and surrounding circumstances:

(a) reasonably believes that the child has violated Section 3(A)(1); and

(b) reasonably believes that none of the exceptions in Section 4(A) apply.

(B) (1) It is unlawful for a juvenile, age 12 to 14, to be present in any public place or establishment within Hennepin County:

(a) any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day.

(b) any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

(2) A law enforcement officer may not issue a citation, detain a child or take a child into custody based on a violation of Section 3(B)(1) unless the law enforcement officer, after speaking with the child and considering the facts and surrounding circumstances:

(a) reasonably believes that the child has violated Section 3(B)(1); and

(b) reasonably believes that none of the exceptions in Section 4(A) apply.

(C) (1) It is unlawful for a juvenile, age 15 to 17, to be present in any public place or establishment within Hennepin County:

(a) any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day.

(b) any time between 12:01 a.m. and 5:00 a.m. on any Saturday or Sunday.

(2) A law enforcement officer may not issue a citation, detain a child or take a child into custody based on a violation of Section 3(C)(1) unless the law enforcement officer, after speaking with the child and considering the facts and surrounding circumstances:

(a) reasonably believes that the child has violated Section 3(C)(1); and

(b) reasonably believes that none of the exceptions in Section 4(A) apply.

(D) It is unlawful for a parent or guardian of a juvenile knowingly, or through negligent supervision, to permit the juvenile to be in any public place or establishment within Hennepin County during the hours prohibited in paragraphs (A), (B) and (C) of this section.

(E) It is unlawful for a proprietor of an establishment within Hennepin County to knowingly permit a juvenile to remain in the establishment or on the establishment's property during the hours prohibited in paragraphs (A), (B) and (C) of this section.

If the proprietor is not present at the time of the curfew violation, the responding officer shall leave written notice of the violation with an employee of the establishment. A copy of the written notice shall be served upon the establishment's proprietor personally or by certified mail.

SECTION 4: EXCEPTIONS

(A) It is an affirmative defense for a juvenile to prove that:

(1) the juvenile was accompanied by his or her parent, guardian, or other responsible adult.

(2) the juvenile was engaged in a lawful employment activity or was going to or returning home from his or her place of employment.

(3) the juvenile was involved in an emergency situation.

(4) the juvenile was going to, attending, or returning home from an official school, religious, or other recreational activity sponsored and/or supervised by a public entity or a civic organization.

(5) the juvenile was on an errand at the direction of a parent or guardian.

(6) the juvenile was exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota.

(7) the juvenile was engaged in interstate travel.

(8) the juvenile was on the public right-of-way boulevard or sidewalk abutting the property containing the juvenile's residence or abutting the neighboring property, structure, or residence.

(B) It is an affirmative defense for a proprietor of an establishment to prove that:

(1) the proprietor or employee reasonably and in good faith relied upon a juvenile's representations of proof of age. Proof of age may be established pursuant to Minn. Stat. §340A.503, subd. 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates.

(2) the proprietor or employee promptly notified the responsible police agency that a juvenile was present on the premises of the establishment during curfew hours.

SECTION 5: PENALTY

(A) Violation of Section 3(A), (B) or (C) will be prosecuted pursuant to Minn. Stat. §260B.235 and will be subject to the penalties therein.

(B) Violation of Section 3(D) or (E) is a misdemeanor and will be subject to the penalty set forth in Minn. Stat. §609.03.

SECTION 6: REVIEW

The County Board shall conduct yearly reviews of this ordinance to assess the effectiveness of and continuing need for a juvenile curfew. Prior to the annual review, the County Attorney shall prepare and submit a report to the County Board evaluating violations of this ordinance and juvenile crime and victimization during the preceding year.

SECTION 7: EFFECTIVE DATE