

City of Mesquite, Texas

Legislation Details (With Text)

File #:	18-3602	Version:	1	Name:	PH/Resolution - Juvenile Curfew
Type:	Agenda Item	Status:	Passed		
File created:	8/2/2018	In control:	City Council		
On agenda:	8/20/2018	Final action:	8/20/2018		
Title:	<p>A. Conduct a public hearing to receive citizen input regarding the juvenile curfew ordinance.</p> <p>B. Consider an ordinance finding that the juvenile curfew Ordinance No. 2996 has had a positive effect on the community and on the problems the ordinance was intended to remedy and the Council has found there is a need to continue and readopt the ordinance as authorized by law.</p>				

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance - Curfew

Date	Ver.	Action By	Action	Result
8/20/2018	1	City Council	Approved	Pass

A. Conduct a public hearing to receive citizen input regarding the juvenile curfew ordinance.

B. Consider an ordinance finding that the juvenile curfew Ordinance No. 2996 has had a positive effect on the community and on the problems the ordinance was intended to remedy and the Council has found there is a need to continue and readopt the ordinance as authorized by law.

On October 3, 1994, the City Council approved Ordinance No. 2996 establishing a nighttime curfew applicable to persons under 17 years of age. The curfew ordinance established an offense if a minor remains in a public place or at an establishment between the hours of 11 p.m. and 6 a.m. on weeknights or between midnight and 6 a.m. on Friday and Saturday nights. The ordinance provides nine exceptions or defenses, including:

1. Minors accompanied by a parent or guardian;
2. Minors on an errand as directed by a parent or guardian;
3. Minors involved in interstate travel;
4. Minors engaged in employment activity or going to or from work;
5. Minors involved in an emergency;
6. Minors on their own property or on adjacent property, absent a complaint from the neighboring property owner;
7. Minors attending official school, religious or other supervised recreational activity;
8. Minors exercising First Amendment rights; or
9. Minors who are married or who have had minority status removed in accordance with the law.

The provisions of the ordinance are identical to those of a City of Dallas ordinance, which passed judicial review. A number of suburban cities adopted identical ordinances tending to displace juvenile activities to those cities without curfews.

A state law passed in 1995, codified as Chapter 370.002, Texas Local Government Code, mandates a governing

body review of juvenile curfew ordinances every three years. The law requires the governing body to:

1. Review the ordinance or order's effects on the community and on problems the ordinance was intended to remedy;
2. Conduct public hearings on the need to continue the ordinance or order; and
3. Abolish, continue, or modify the ordinance or order.

The Council last reviewed the ordinance on August 17, 2015, and approved the continuation of the juvenile curfew ordinance.

The ordinance has been judged successful by the Mesquite Police Department (MPD). A recent statistical analysis indicated that a total of 5,027 curfew violations have resulted in arrests or citations since implementation in 1994. The MPD currently averages approximately one curfew violation arrest or citation per week. A concern remains regarding the safety and well-being of juveniles who might be out late at night in the absence of a curfew ordinance.

Recommended/Desired Action

Following a public hearing on the issue, staff recommends approval of the ordinance.

Attachment(s)

Ordinance

Drafter

David Faaborg

Head of Department

Charles Cato