

INTRODUCTION

Curfew laws seek to provide general protection to and from youth by restricting the times that children of certain ages are allowed to occupy public places or streets. These laws often contain exemptions such as for youths accompanied by an adult, responding to an emergency, or traveling to or from school, work, or a religious service. However, the actual language used and exemptions included vary by locality. As a result, the courts have reached different results with several courts upholding curfew laws as constitutional while others overturned these laws.

A LEGAL ANALYSIS TO GUIDE THE DRAFTING OF JUVENILE CURFEW LAWS

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HISTORY OF CURFEW LAWS

1884:

President Harrison endorsed curfews, saying that they are "the most important municipal regulation for the protection of children of American homes, from the vices of the Street."

1880:

First curfew law enacted in Omaha, NE.

1900:

Over 3,000 US jurisdictions had enacted youth curfews.

1930s/40s:

During WWII, juvenile delinquency became a national concern. Curfew enforcement increased.

1957:

Over half of the 109 cities with populations over 100,000 had juvenile curfews in place.

1970s/1980s:

Organizations such as ACLU challenged curfew laws. Many cities allowed enforcement of laws to lapse or repealed existing ordinances.

1991:

Dallas, TX crafted a new curfew ordinance that became a model for many American cities. Other cities also started crafting their curfew ordinances in ways that withstood legal challenges.

1996:

President Clinton endorsed curfews.

2009:

84% of cities with populations over 180,000 had enacted youth curfews.

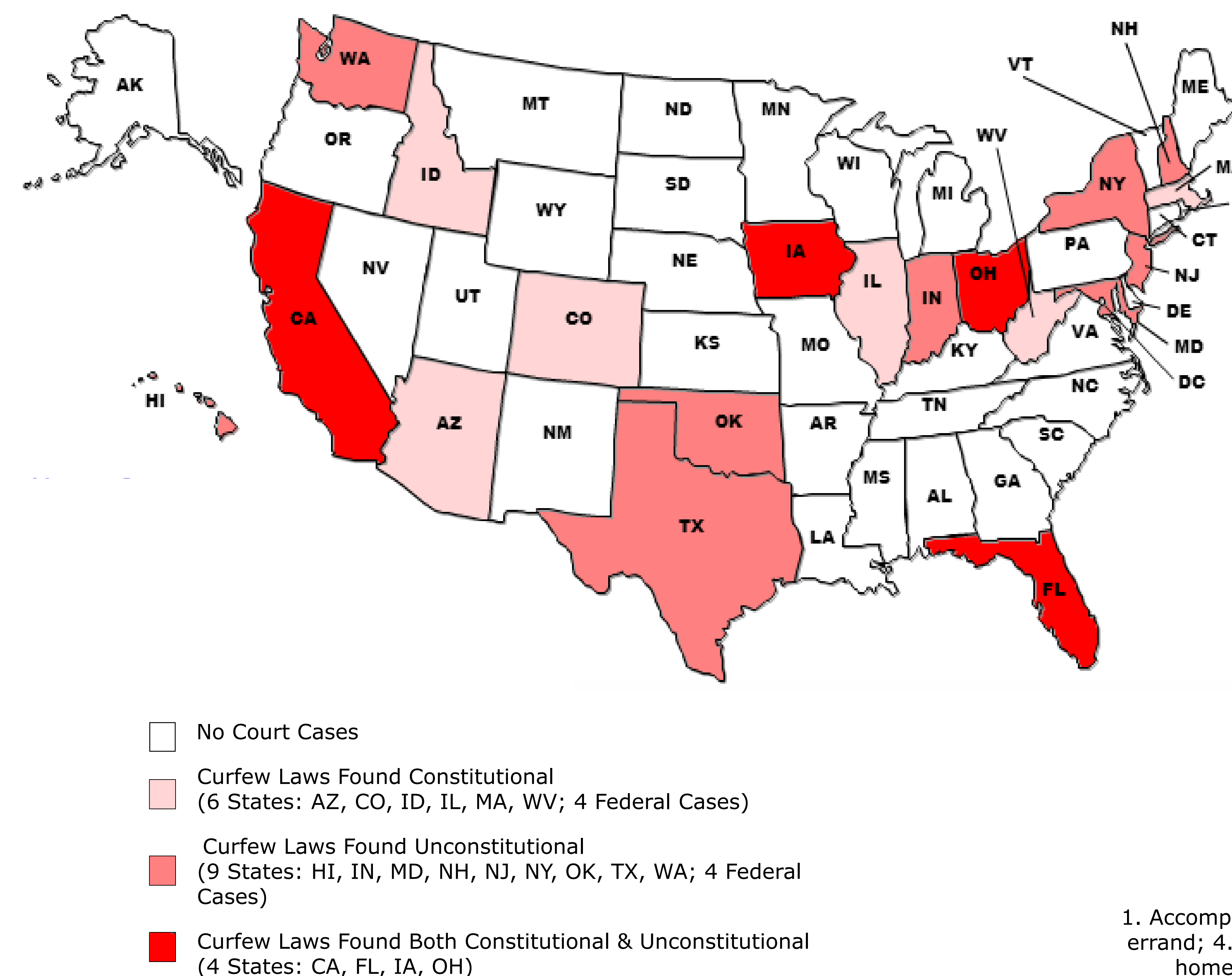
➤ *In general, the premise behind curfew laws is that by "controlling the hours when young people may be in public [we] will limit their opportunities to commit offenses or suffer victimization" (McDowall, Loftin & Wiersema, 2000, p.77).*

QUESTIONS ADDRESSED BY THE COURTS

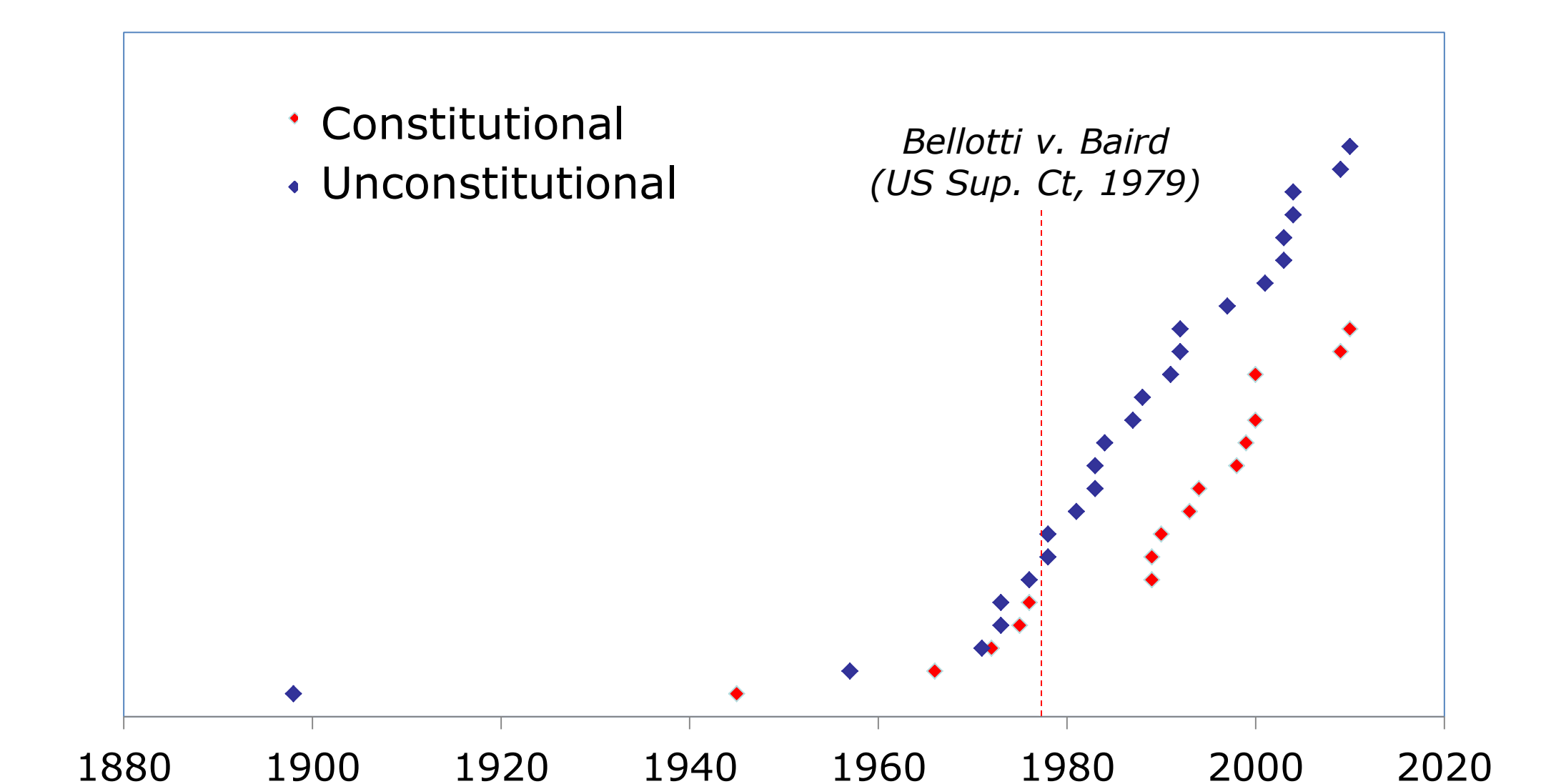
- Was the ordinance in the case:
- 1) Unconstitutionally vague, and/or
 - 2) Unconstitutionally broad, and/or
 - 3) Infringing upon minors' and/or parents' constitutional rights under the 1st or 14th amendments & what is the proper level of scrutiny?

ANALYSIS OF CASE LAW ON JUVENILE CURFEW LAWS

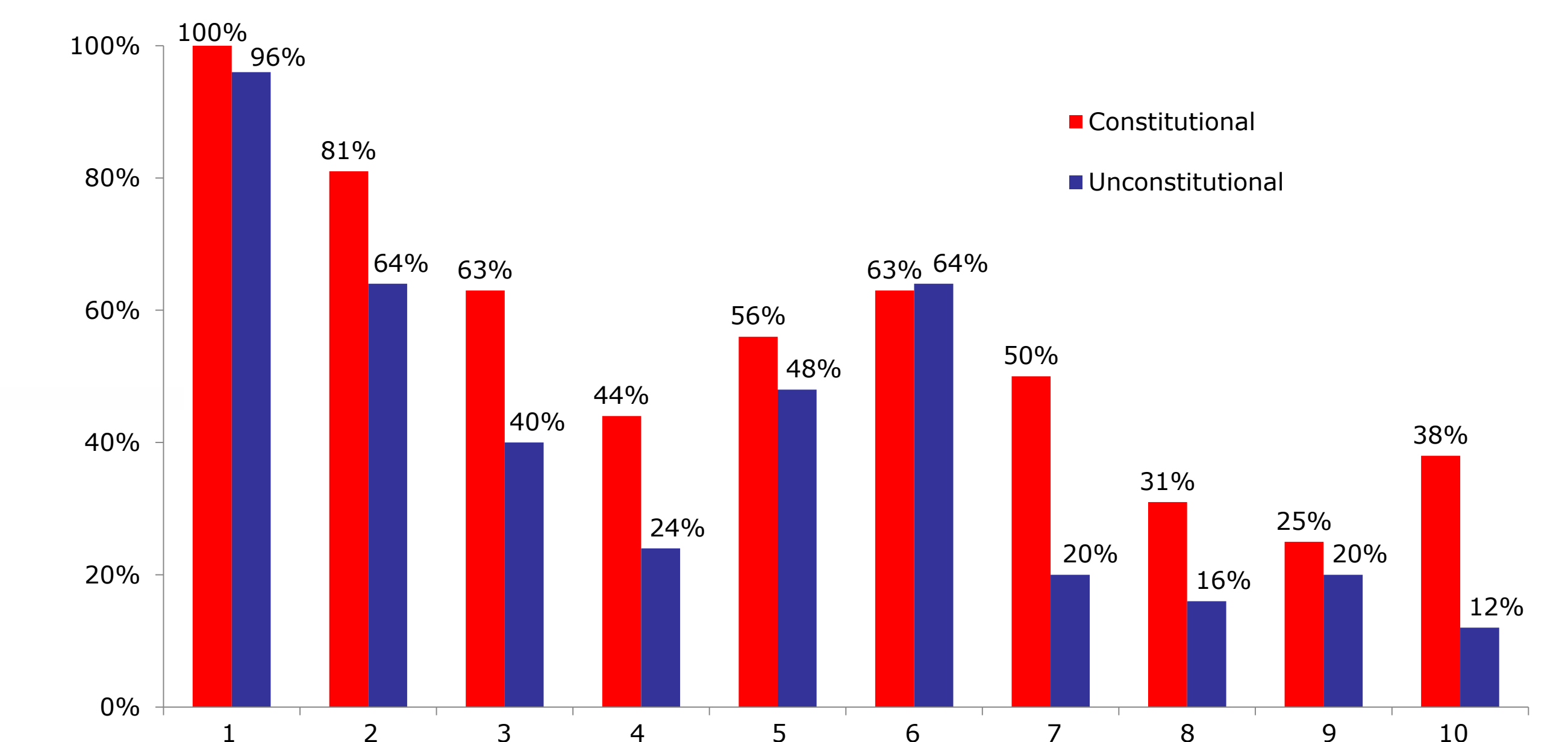
STATES WITH JUVENILE COURT CASES



JUVENILE COURT CASES ACROSS THE YEARS



CURFEW ORDINANCE EXEMPTIONS



1. Accompanied by parents/guardians; 2. Accompanied by other adult persons; 3. Upon emergency errand; 4. Upon errand directed by parent/guardian/other adult; 5. Minor is attending or returning home from a meeting, entertainment, recreational activity or dance; 6. Engaged in lawful employment activities or returning home from his or her place of employment; 7. Was in public place for specific purpose of exercising fundamental rights such as freedom of speech, religion, or right of assembly; 8. Minor is emancipated and/or married; 9. Interstate or intrastate travel; 10. Minor is on the sidewalk in front of his house or next-door neighbor's house

GUIDANCE FOR POLICY-MAKERS

- **Conduct a study of juvenile crime rates and victimization prior to enacting the curfew law.**
- **Include a detailed purpose section with statistics about crime rates in the city.** Consider alternative purposes besides crime / victimization. (For example, curfew laws reduce other health consequences such as juvenile traffic injuries, fatalities and pediatric transports.) (Levy; Preusser, Zador & Williams; etc).
- **Include a definitional section.** Define words such as "remain," "stay," "emergency," "parent," among others.
- **Include numerous exemptions to the ordinance,** particularly one that specifically exempts youth who are in public places for the purpose of exercising fundamental rights such as freedom of speech, religion, or right of assembly.
- **Carefully consider the proper punishment for violating the ordinance.** Courts have been more likely to strike down criminal penalties while upholding civil penalties.
- **Include a severability clause.** This allows the court to strike a word or section as overbroad or vague while still finding the ordinance constitutional.
- **Include a section ensuring that the law is evaluated regularly and updated accordingly.**