



Garland Police News Release

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Garland Police Step Up “Curfew” Enforcement

With school starting again, the Garland Police Department will be giving extra attention to enforcing the city's “curfew” ordinance. The curfew is designed to protect juveniles or “minors” who may become victims of crime as well as reducing the amount of crime caused by juveniles during the late night hours. Each year, a significant number of minors either become victims of crime or participate in a number of criminal acts.

Under **City Ordinance 26.10**, the Garland “curfew” for minors (defined as any person under 17 years of age) is:

- 11 p.m. to 6 a.m. Sunday through Thursday.
- 12:01a.m to 6 a.m. on Saturdays and Sundays.

Starting this weekend, this effort by the Police Department will target offenders roaming the streets in violation of the curfew ordinance as well as locations where minors may congregate after hours in violation of the ordinance. Minors violating the curfew hours may be detained, issued a warning, issued a citation, or in some cases may be taken into custody. In addition, the owner, operator, or any employee of an establishment may be cited if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours. All violations under this ordinance may result in a fine of up to \$500.00.

There are certain defenses to prosecution under the ordinance. Parents, minors, business owners, and others are encouraged to re-familiarize themselves with the ordinance that has been in existence in Garland since 1994.

(B) Offenses.

- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the City during curfew hours.
- (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
- (3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

The Garland Police Department seeks the assistance of the entire community in making our community a safer place.

(See attached ordinance below)

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Garland City Ordinance 26.10: Curfew Hours For Minors

(A) Definitions. In this section:

(1) Curfew hours means:

(a) 11:00 p.m. until 6:00 a.m. of the following day, on any Sunday, Monday, Tuesday, Wednesday, or Thursday; and

(b) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

(2) Emergency means, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury, loss of life, or damage to property.

(3) Establishment means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to any place of amusement or entertainment.

(4) Guardian means:

(a) A person who, under court order, is the guardian of the person of a minor; or

(b) A public or private agency with whom a minor has been placed by a court.

(5) Minor means any person under 17 years of age.

(6) Operator 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.

(7) Parent means a person who is:

(a) A natural or adoptive parent or another person;

(b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(8) 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.

(9) Remain means to:

(a) Linger or stay unnecessarily; or

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(b) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

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

(B) Offenses.

(1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the City during curfew hours.

(2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(C) Defenses.

(1) It is a defense to prosecution under subsection (B) that the minor was:

(a) Accompanied by the minor's parent or guardian;

(b) On an errand at the direction of the minor's parent or guardian without detour or stop;

(c) In a motor vehicle involved in interstate travel;

(d) Engaged in lawful employment activity, or going to or returning home from an employment activity, without any detour or stop;

(e) Involved in an emergency;

(f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police officer about the minor's presence;

(g) Attending an official school or religious activity or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without detour or stop, an official school or religious activity or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor;

(h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

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(i) Married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code.

(2) It is a defense to prosecution under subsection (B)(3) that the owner, operator, or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D) Enforcement. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section until the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense under subsection (C) is present.

(E) Penalties.

(1) A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by fine not to exceed \$500.00.

(2) When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates subsection (B)(1) of this section and shall refer the minor to juvenile court.

(Ordinance 4789, sec. 1, adopted 7/19/94; Ordinance 5735, sec. 1, adopted 6/3/03; Ordinance 6116, sec. 1, adopted 4/3/07; Ordinance 6380, sec. 1, adopted 2/16/10)

State law references—Review of juvenile curfew order or ordinance, V.T.C.A., Local Government Code, sec. 370.002; children taken into custody for violation of juvenile curfew or order, Tex. Code Crim. Proc., art. 45.059.