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HOUSE BILL 2521

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Benson, Sheahan, O'Brien, Quall, Cairnes, Mielke, Lambert, Hickel, Zellinsky, Delvin, Sterk, Robertson and D. Sommers

Read first time . Referred to Committee on .

1 AN ACT Relating to curfews; creating new sections; and prescribing  
2 penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature recognizes the concern  
5 in some communities over the incidence of criminal activity in public  
6 places by and against minors during nighttime hours. The legislature  
7 finds that in communities suffering such criminal activity, it may be  
8 an appropriate exercise of community police power to restrict the hours  
9 during which minors may be in public places without adult supervision  
10 or authorization. The legislature intends to provide communities with  
11 a model curfew ordinance designed to reduce criminal activity by and  
12 against minors. The legislature also intends to provide communities  
13 adopting that ordinance with legal assistance in defending the  
14 ordinance against constitutional challenges.

15 (2) The governing authority of a county, city, or town may adopt an  
16 ordinance substantially the same as the model curfew ordinance provided  
17 for in section 2 of this act, applicable to all or part of the  
18 geographic area of the jurisdiction. Before adopting the ordinance,

1 the governing authority must establish the need for the ordinance in  
2 the area to be affected by making the following findings:

3 (a) The incidence of nighttime criminal activity by or against  
4 minors is disproportionately high within the area in question:

5 (i) Compared to the rest of the jurisdiction in cases involving  
6 less than all of the jurisdiction; and

7 (ii) Compared to the incidence of criminal activity by or against  
8 minors during nonnighttime hours;

9 (b) The incidence of nighttime criminal activity by or against  
10 minors represents a substantial threat to the safety of minors in  
11 particular or to the safety of the public in general within the area in  
12 question; and

13 (c) A curfew is a necessary element of an effective plan to reduce  
14 the incidence of criminal activity by or against minors within the area  
15 in question.

16 (3) A governing authority that adopts a curfew ordinance under this  
17 section shall review the ordinance not more than one hundred eighty  
18 days following its effective date, and periodically thereafter. The  
19 governing authority shall use each review to decide whether the curfew  
20 should be continued, modified, or terminated. During each review, that  
21 governing authority shall determine whether:

22 (a) Imposition of the curfew has reduced the incidence of criminal  
23 activity committed by or against minors; and

24 (b) Continuation of the curfew is a necessary element in an  
25 effective plan to reduce the incidence of such criminal activity  
26 further or to prevent it from returning to previous levels.

27 (4) Nothing in this act limits or alters the existing authority of  
28 counties, cities, or towns to enact curfew ordinances.

29 NEW SECTION. **Sec. 2.** With respect to a geographic area identified  
30 pursuant to section 1 of this act, a local governing authority that  
31 wishes to be eligible for possible assistance under section 3 of this  
32 act may adopt an ordinance to read substantially as follows:

33 (1) For purposes of this section:

34 (a) "Emergency situation" means, but is not limited to, a fire,  
35 natural disaster, automobile crash or accident, or the need to obtain  
36 immediate medical care for a minor or a member of a minor's immediate  
37 family.

38 (b) "Minor" means a person under the age of eighteen.

1 (c) "Public place" means any sidewalk, street, parking lot, alley,  
2 highway, park, or other public place, or a vehicle that is in a public  
3 place.

4 (2) No minor may be in a public place during nighttime curfew hours  
5 of . . . to . . ., on [all or prescribed nights of the week], unless:

6 (a) The minor is accompanied by a parent, a legal guardian, or a  
7 person twenty-one years of age or older who is authorized by the  
8 minor's parent or legal guardian to accompany the minor;

9 (b) The minor possesses and presents a written permission slip  
10 signed by the parent or guardian authorizing the minor to be in the  
11 public place during the hours of curfew and specifying the date, time,  
12 and location for which authorization is given;

13 (c) The minor is at or traveling by direct route to or from a  
14 religious activity, a political activity, or an event sponsored by a  
15 school;

16 (d) The minor is engaged in a constitutionally protected expressive  
17 activity, including but not limited to study groups, vigils, and  
18 protests;

19 (e) The minor is at or is traveling by direct route to or from his  
20 or her place of lawful employment; or

21 (f) The minor is involved in an emergency situation.

22 (3) A law enforcement officer may stop and detain a person the  
23 officer reasonably believes is a minor violating this section in order  
24 to obtain that person's name and age and the address of that person's  
25 parent or legal guardian.

26 (4) This curfew applies to any public place in [all or specified  
27 parts of the jurisdiction].

28 (5) A violation of subsection (2) of this section is a class 4  
29 civil infraction under chapter 7.80 RCW.

30 NEW SECTION. **Sec. 3.** In the course of responding to a legal  
31 challenge to a curfew ordinance adopted by a local jurisdiction under  
32 sections 1 and 2 of this act, the legislative authority of the  
33 jurisdiction may request that the state assume some or all of the  
34 obligation to defend the constitutionality of the ordinance. The  
35 attorney general shall grant the request if the attorney general finds  
36 that the ordinance was adopted in compliance with the provisions of  
37 section 1 of this act and in substantially the form provided in section

1 2 of this act. Nothing in this act creates state liability for actions  
2 of a local jurisdiction in adopting or enforcing an ordinance.

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