
HOUSE BILL 2159

State of Washington

54th Legislature

1996 Regular Session

By Representatives Benton, Koster, Goldsmith, McMahan, Pelesky,
Pennington, Mastin, Chandler, Campbell and Carlson

Read first time 01/08/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to establishing a state-wide curfew for juveniles;
2 adding a new chapter to Title 13 RCW; creating a new section;
3 prescribing penalties; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds: That the related
6 problems of juvenile runaways and juvenile crime have reached epidemic
7 levels in many communities throughout this state; that parents need
8 support in setting limits on the unsupervised late night activities of
9 their children; that a state-wide curfew would best address these areas
10 of concern; and that it is an appropriate and legitimate exercise of
11 police powers to temporarily restrict the hours during which minor
12 children may be in public places without adult supervision or
13 authorization.

14 NEW SECTION. **Sec. 2.** Unless the context clearly requires
15 otherwise, the definitions in this section apply throughout this
16 chapter.

1 (1) "Emergency" means, but is not limited to, fire, natural
2 disaster, an automobile accident, or obtaining immediate medical care
3 for a minor or a member of the minor's immediate family.

4 (2) "Legal guardian" means a person to whom legal custody of a
5 minor has been given by court order.

6 (3) "Minor" means a person under the age of eighteen years.

7 (4) "Operator" means, but is not limited to, an agent or employee
8 having control of the premises open for business.

9 (5) "Public place" means, but is not limited to, a sidewalk,
10 street, alley, highway, park, plaza, public building, place of
11 business, amusement, or entertainment facility, or other place or
12 premise used by or open to members of the public, and includes a
13 vehicle that is in a public place.

14 NEW SECTION. **Sec. 3.** (1) A minor may not be in or on, or remain in
15 or on, a public place between the hours of twelve midnight and 5:00
16 a.m. unless:

17 (a) The minor is accompanied by a parent, legal guardian, or a
18 person twenty-one years or older who is authorized by the minor's
19 parent or legal guardian to accompany the minor;

20 (b) The minor is traveling by direct route to or from a religious
21 activity, political activity, event sponsored by a school, or the
22 minor's place of lawful employment;

23 (c) The minor is in a motor vehicle and engaged in interstate
24 travel with consent of the parent or legal guardian through the state;

25 (d) The minor is on the sidewalk of the minor's legal residence; or

26 (e) The minor is involved in an emergency concerning his or her
27 safety or welfare or that of the minor's family.

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

30 NEW SECTION. **Sec. 4.** (1) To determine if a minor is in violation
31 of section 3 of this act, a law enforcement officer may stop and detain
32 a person the officer reasonably believes to be a minor to obtain the
33 person's name and age and the address of the person's parent or legal
34 guardian.

35 (2) The law enforcement officer may take a minor in violation of
36 section 3 of this act into protective custody and either deliver or
37 arrange to deliver the minor to the residence of the minor's parent or

1 legal guardian, or the officer may place the minor in an overnight
2 youth shelter facility approved by the department of social and health
3 services.

4 (3) A minor who is placed in an overnight shelter may be released
5 to the minor's parent or legal guardian at any time, or must be
6 released at 8:00 a.m., unless the staff of the shelter determines that
7 the minor meets the conditions in RCW 13.32A.050 or 13.32A.060(1)(b),
8 in which case the minor must be transported to a designated crisis
9 residential center as provided for in chapter 13.32A RCW.

10 A minor who has had a prior placement in an overnight youth shelter
11 during the previous twelve months may not be released at 8:00 a.m., but
12 may only be released directly to the minor's parent or legal guardian.

13 NEW SECTION. **Sec. 5.** An owner or operator of a premises open for
14 business may not permit a minor on the premises in violation of section
15 3 of this act.

16 A violation of this section is a misdemeanor.

17 NEW SECTION. **Sec. 6.** (1) A county, city, or town may adopt a
18 curfew ordinance that differs from this chapter if the ordinance
19 adopted is not more restrictive than this chapter.

20 (2) A county, city, or town may adopt a resolution that opts the
21 county, city, or town out of this chapter.

22 (3) Before adopting the ordinance or resolution, the governing
23 authority of the jurisdiction shall have public hearings on the matter
24 and shall establish the following findings:

25 (a) The incidence of runaway juveniles within the area in question;

26 (b) The incidence of criminal activity by or against minors within
27 the area in question; and

28 (c) That the ordinance or resolution is a necessary element of an
29 effective plan to reduce the incidence of juvenile runaways and
30 criminal activity by or against minors within the area in question.

31 (4) A local curfew ordinance in effect on the effective date of
32 this act is presumed to be in conformity with this chapter.

33 NEW SECTION. **Sec. 7.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the
35 remainder of the act or the application of the provision to other
36 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect immediately.

5 NEW SECTION. **Sec. 9.** Sections 2 through 8 of this act shall
6 constitute a new chapter in Title 13 RCW.

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