
HOUSE BILL 2219

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Conway, Padden, Appelwick, B. Thomas, Carlson, Long, Campbell, Van Luven, Backlund, Brough, Edmondson, Cooke, J. Kohl, King, Chandler, Lisk and Mastin

Read first time 01/11/94. Referred to Committee on Judiciary.

1 AN ACT Relating to curfews; amending RCW 13.32A.050; creating new
2 sections; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature recognizes the growing
5 concern in some communities over the nighttime incidence of violence
6 and other criminal activity committed in public places by and against
7 youth. The legislature finds that where a community is experiencing
8 such criminal activity, it may be an appropriate exercise of the
9 community's police powers to restrict temporarily the hours during
10 which youth may be in public places without adult supervision or
11 authorization. It is the intent of the legislature to provide local
12 communities with a model curfew ordinance.

13 (2) Any county, city, or town may adopt the model curfew ordinance
14 created by section 2 of this act. Before adopting the ordinance, the
15 governing authority of the jurisdiction may establish the need for the
16 ordinance in all or part of the geographic area of the jurisdiction by
17 making the following findings:

18 (a) The incidence of criminal activity by or against minors has
19 increased within the area in question;

1 (b) The level of criminal activity represents a substantial threat
2 to the safety of minors in particular or the public in general within
3 the area in question; and

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

7 (3) A governing authority that adopts a model curfew ordinance
8 pursuant to this section may make the ordinance effective for a period
9 up to one hundred eighty days. Upon expiration of the initial period,
10 the governing authority may extend the curfew for additional periods up
11 to one hundred eighty days if, not more than thirty days before the
12 expiration of the initial period, the governing authority finds that:

13 (a) The imposition of the curfew has reduced the incidence of
14 criminal activity committed by or against minors; and

15 (b) Extension of the curfew is a necessary element in an effective
16 plan to reduce further the incidence of such criminal activity or to
17 prevent the incidence of such criminal activity from returning to
18 previous levels.

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

21 NEW SECTION. **Sec. 2.** With respect to a geographic area identified
22 pursuant to section 1 of this act, a local governing authority may
23 adopt an ordinance to read as follows:

24 (1) For purposes of this section:

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

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

29 (c) "Public place" means any sidewalk, street, alley, highway,
30 park, or other public place and includes, but is not limited to, a
31 vehicle that is in a public place.

32 (2) It is unlawful for a minor to be in a public place between the
33 hours of twelve midnight and five a.m. unless.

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

37 (b) The minor is traveling by direct route to or from a religious
38 activity, political activity, or an event sponsored by a school;

1 (c) The minor is traveling by direct route to or from his or her
2 place of lawful employment; or

3 (d) The minor is involved in an emergency situation.

4 (3) A law enforcement officer may stop and detain a person that the
5 officer reasonably believes is a minor in violation of section 2 of
6 this act in order to obtain the person's name and age and the address
7 of the person's parent or legal guardian.

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

10 **Sec. 3.** RCW 13.32A.050 and 1990 c 276 s 5 are each amended to read
11 as follows:

12 A law enforcement officer shall take a child into custody:

13 (1) If a law enforcement agency has been contacted by the parent of
14 the child that the child is absent from parental custody without
15 consent; or

16 (2) If a law enforcement officer reasonably believes, considering
17 the child's age, the location, and the time of day, that a child is in
18 circumstances which constitute a danger to the child's safety or that
19 a child is violating a local curfew ordinance; or

20 (3) If an agency legally charged with the supervision of a child
21 has notified a law enforcement agency that the child has run away from
22 placement; or

23 (4) If a law enforcement agency has been notified by the juvenile
24 court that the court finds probable cause exists to believe that the
25 child has violated a court placement order issued pursuant to chapter
26 13.32A RCW or that the court has issued an order for law enforcement
27 pick-up of the child under this chapter.

28 Law enforcement custody shall not extend beyond the amount of time
29 reasonably necessary to transport the child to a destination authorized
30 by law and to place the child at that destination.

31 An officer who takes a child into custody under this section and
32 places the child in a designated crisis residential center shall inform
33 the department of such placement within twenty-four hours.

34 (5) Nothing in this section affects the authority of any political
35 subdivision to make regulations concerning the conduct of minors in
36 public places by ordinance or other local law.

1 NEW SECTION. **Sec. 4.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

--- END ---