

## AGENDA



Wednesday, June 18, 2008

**Public Hearings and Possible Actions  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 90**

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**Subject:** Conduct a public hearing and consider an ordinance that amends and continues City Code Chapter 9-3, relating to juvenile day and night time curfews.

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**For More Information:** David Carter, APD Chief of Staff/974-5030

**Prior Council Action:** Council action to set public hearing: June 5, 2008

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This action authorizes conducting a public hearing and approval of amendments to and continuation of Chapter 9-3 of the City Code relating to juvenile day and night time curfews. The juvenile curfew ordinance was passed in May 1990 and has been reviewed every three years. State law requires a curfew ordinance to be continued or modified every three years, or the ordinance will automatically expire.

The curfew ordinance applies to minors under 17 years of age. The city-wide curfew hours are 11:30 p.m. to 6:00 a.m. on weeknights, and midnight to 6:00 a.m. on weekends. On weekdays when school is in session, the city-wide curfew also applies from 9:00 a.m. to 2:30 p.m.. Additionally, there are three specific curfew areas within the city, two located downtown and one on the southeast side with different curfew hours. Areas 1 and 2, which are downtown, have hours from 10:00 p.m. to 6:00 a.m.; Area 3, which is east of I-35 and south of Ben White Boulevard has hours from 11:00 p.m. to 6:00 a.m. on weeknights, and from midnight to 6:00 a.m. on weekends. Violations by minors, parents, guardians, and business operators are Class C misdemeanors. The ordinance contains exceptions for specified youth activities and situations. A report on the effectiveness of the ordinance is included as back-up.

The Austin Police Department (APD) supports the continuation of the juvenile curfew ordinance as a deterrent to juvenile crime. The curfew ordinance serves as a tool for law enforcement to address crime and truancy issues, as well as ensure youth do not frequent areas at night where a heightened likelihood of criminal involvement or victimization exists.

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In addition to recommending continuation of Chapter 9-3, APD also recommends several changes to enhance its effectiveness and improve enforcement. The amendments would:

1. Combine Curfew Area No. 1 and No. 2, and change the name of that area to the "Downtown Entertainment District Curfew Area", and set the curfew time for that area to apply between 11:00 p.m. and 6:00 a.m. on any day.
2. Set the curfew time for the remainder of the city to apply between 11:00 p.m. and 6:00 a.m. on Sunday through Thursday, and between midnight and 6:00 a.m. on Saturday and Sunday. The amendment would also eliminate Curfew Area No. 3, in southeast Austin. That area would be covered by the general city-wide curfew provisions.
3. Substitute the term "juvenile" for "minor" in Chapter 9-3, as it refers to persons under 17 years of age. The change is to make the City Code provisions consistent with terminology in state law that authorizes a juvenile curfew.
4. Make technical changes to accomplish the above amendments.