

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Kevin Deaver, Police Chief

DATE: June 30, 2021

SUBJECT: **Public Hearing:** **Consideration of Lewisville Juvenile Curfew Ordinance.**

BACKGROUND

On September 12, 1994, the City of Lewisville adopted the Juvenile Curfew Ordinance to help combat juvenile crime.

Section 370.002 of the Local Government Code requires a review of the Juvenile Curfew Ordinance before the third anniversary of the date of adoption, and every third year thereafter. Council conducted the last review in June 2018.

Section 370.002 also requires that the City Council review the ordinance and its effects on the community. The Council is to address problems the ordinance was intended to remedy, to conduct public hearings on the need to continue the ordinance, and to abolish, continue or modify the ordinance. Should the Council fail to conduct the review, the ordinance will expire.

Curfew hours shall mean:

- a. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
- b. 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

The ordinance contains the following defense to prosecution section:

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 any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an 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 department about the minor's presence;
- g. Attending an official school, religious, 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 any detour or stop, an official school, religious, 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
- i. Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

ANALYSIS

With the help of Human Resources, Lewisville P.D. requested information from our survey cities regarding their use of juvenile curfew ordinances in their jurisdictions. We surveyed Allen, Arlington, Carrollton, Coppell, Dallas, Denton, Flower Mound, Fort Worth, Frisco, Garland, Grand Prairie, Grapevine, Irving, McKinney, Mesquite, Plano, and Richardson. Three of the survey cities did not respond. Of these 14 cities that did respond, 11 have juvenile curfew ordinances. Three of the 11 advised that they are not actively enforcing juvenile curfew but that it is available as a tool, as needed.

Lewisville Police Department officers continue to use the Juvenile Curfew Ordinance as a tool to combat juvenile crime. Police supervisors believe strongly that the ordinance is effective and positively affects the control of juvenile crime. Effective ordinances establish rules that help Lewisville neighborhoods continue to thrive. A spillover effect of a curfew ordinance is in providing parents with a tool to aid them in keeping their children off the street at night and under better supervision. The number of juveniles observed during curfew hours since the passage of this ordinance has reduced. Police enforcement activity of the curfew ordinances is as follows:

Year	Number of Curfew Warnings to Juveniles	Number of Actual Citations Issued for Violation of Curfew Ordinance	Total
1994	21	20	41
1995	119	20	139
1996	67	36	103
1997	85	25	110
1998	67	42	109
1999	61	85	146
2000	58	69	127
2001	85	55	140
2002	5	49	54
2003	0	69	69
2004	7	142	149
2005	12	67	79
2006	28	101	129
2007	15	109	124
2008	8	84	92
2009	11	20	31
2010	5	11	16
2011	3	15	18
2012	10	27	37
2013	6	15	21
2014	5	8	13
2015	4	17	21
2016	2	18	20
2017	0	19	19
2018	1	6	7
2019	0	41	41
2020	0	18	18

The City Attorney recommended holding two public hearings. The first public hearing was held on July 12, 2021. This will be the second and final hearing.

RECOMMENDATION

It is City staff's recommendation that the City Council conduct the public hearing and approve a resolution to continue the current City Juvenile Curfew Ordinance as set forth in the caption above.