

**ORDINANCE NO.**

An ordinance amending Section 45.04 of the Los Angeles Municipal Code regarding daytime juvenile curfew.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS**

Section 1. Section 45.04 of the Los Angeles Municipal Code is amended to read:

**SEC. 45.04. DAYTIME CURFEW RESTRICTIONS FOR MINORS.**

(a) **Curfew.** It is unlawful for any minor under the age of 18, who is subject to compulsory education or to compulsory continuation education, alone or in concert with others, to be present in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, places or amusement and eating places, vacant lots or any place open to the public during the hours of the day when the school, which the minor would normally attend, is in session, on days when that school is in session. This section shall not apply to public sidewalks immediately adjacent to school grounds, the entrance areas to schools, or to school grounds.

(b) **Exceptions.** The provisions of this section shall not apply when:

(1) The minor is accompanied by his or her parent, guardian, or other adult person authorized by the parent or guardian having the care or custody of the minor; or

(2) The minor is on an emergency errand directed by his or her parent, guardian or other adult person having the care or custody of the minor; or

(3) The minor is attending or going directly to or returning directly from a public meeting or an official school-sponsored sporting event, dance, or activity which is under the direction, supervision, or control of an adult and which is organized, arranged, or sponsored by the City, a local educational authority, or religious or civil organization that is taking responsibility for the minor; or

(4) The minor is going directly to or coming directly from their place of gainful employment; or

(5) The minor is going directly to or coming directly from a medical appointment; or

(6) The minor is carrying in his or her possession a valid, school issued, off-campus permit or pass that authorizes the minor to leave the school campus; or

(7) The presence of the minor in one or more of the places identified in Subsection (a) is connected with or required with respect to a business, trade, profession or occupation in which the minor is lawfully engaged; or

(8) The minor is involved in an emergency such as a fire, natural disaster, automobile accident, a situation requiring immediate action to prevent serious bodily injury or loss of life, or any unforeseen combination of circumstances or the resulting state, which calls for immediate action; or

(9) The minor is in a motor vehicle involved in interstate travel; or

(10) The minor is authorized to be absent from his or her school pursuant to the provisions of California Education Code Section 48205, or any other applicable state or federal law; or

(11) The minor is traveling in the general direction of his or her school, regardless of whether school has already begun. If the minor is contacted by law enforcement within a 3 block radius of his or her school within the first 60 minutes after school has begun, it establishes a rebuttable presumption that the minor is traveling to his or her school.

(c) **Enforcement.** Before taking any action to enforce the provisions of this section, police officers shall ask the apparent offender's age and reason for being in the public place during curfew hours. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred, that the minor is required to be in school, and that based on any responses and other circumstances, no exceptions to this section apply. The officer shall identify the time when the officer first encountered the minor, provide the minor's stated age, and articulate the justification for the citation's issuance directly on the citation.

(d) **Penalties for Violation.** A violation of this section is an infraction. The first and second violations of this section shall only be punishable by either a requirement to provide an attendance plan to the court, developed with the minor and/or parent or appropriate guardian, or to participate in community service or other appropriate community or school-based program for mentoring, tutoring, credit recovery, or counseling. The minor shall not be required to perform community service or fulfill program attendance for a total time exceeding 20 hours in any 60-day period, and the hours for performance shall occur during times other than during the minor's hours of school attendance or employment.

Third and subsequent violations of this section shall be punishable by the sanctions for a first or second violation, or may be punishable by a fine not exceeding twenty dollars (\$20.00) for any individual minor. At any time, fines may be waived due to indigence.

(e) **Severability of Provisions.** If any severable provision of this ordinance or any application thereof is held invalid, that invalidity shall not affect other provisions or applications of the ordinance which can be given effect notwithstanding such invalidity.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

JUNE LAGMAY, City Clerk

By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  \_\_\_\_\_  
JULIE RAFFISH  
Deputy City Attorney

Date 2/21/2012

File No. 09-2255-S1