

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**2024 Legislative Session**Bill No. CB-029-2024 (DR-3)

Chapter No. _____

Proposed and Presented by Council Member BurroughsIntroduced by Council Member Burroughs

Co-Sponsors _____

Date of Introduction April 30, 2024**BILL**

AN ACT concerning

Juvenile and Minor Curfew Zones

For the purpose of allowing commercial property owners the ability to request the Police Chief to create zones within the County with a more restrictive juvenile or minor curfew; providing for the application for a more restrictive juvenile or minor curfew zone including the specification of the area covered following reasonable geographical boundaries; providing that the proposed area is primarily commercial; providing that the applicant demonstrates the ability to provide notice to the public of the more restrictive juvenile or minor curfew zone; and providing the applicant includes a letter of support from at least one County Council member that represents the district containing the more restrictive juvenile or minor curfew zone.

BY repealing and reenacting with the following amendments:

SUBTITLE 14. MORALS AND CONDUCT.

Sections 14-101, 14-102, 14-103, 14-104, 14-105,
14-106, and 14-106.01,The Prince George's County Code
(2023 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 14-101, 14-102, 14-103, 14-104, 14-105, 14-106, and 14-106.01 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 14. MORALS AND CONDUCT.

DIVISION 1. JUVENILE CURFEW.

Sec. 14-101. Definitions.

(a) For purposes of this Division, the following words and phrases shall have the following meanings:

(1) **Commercial** means uses that are commercial in nature and include retail sales, services, trade, office, hotel, lodging, meeting space, recreation, entertainment, eating/drinking establishments, education and health related uses.

[(1)] (2) **Emergency** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

[(2)] (3) **Juvenile** or [m] **Minor** means any unemancipated person under the age of seventeen (17) years.

[(3)] (4) **Operator** means any individual, firm, association, partnership, or corporation operating, managing, or conducting any place open to the public. The term includes the members or partners of an association or partnership and the officers of a corporation.

[(4)] (5) **Parent** means any person having temporary or permanent care or custody of a juvenile as a natural or adoptive parent, as a legal guardian, as a person stands in loco parentis, or as a person to whom legal custody has been given by court order.

[(5)] (6) **Place open to the public** [shall] means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment, regardless of whether a charge for admission or entry is made.

(7) **Police Chief** means the Prince George's County Police Department Chief of Police.

1 [[6)] (8) **Public place** means any place to which the public or a substantial group
 2 of the public has access and includes, but is not limited to, streets, common areas of schools,
 3 shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants,
 4 shops, bowling alleys, taverns, cafes, arcades, and similar areas that are open to the use of the
 5 public. "Street" includes any public right-of-way, including, but not limited to, the cartway of
 6 traffic lanes; the curb; the sidewalks, whether paved or unpaved; and any grass plots or other
 7 grounds found within the legal right-of-way of a street.

8 [[7)] (9) **Remain** means to stay behind, to tarry and to stay unnecessarily in a
 9 public place, including the congregating of groups (or of interacting minors) totaling three or
 10 more persons in which any juvenile involved would not be using the streets for ordinary or
 11 serious purposes, such as mere passage or going home, or to fail to leave the premises of a place
 12 open to the public when requested to do so by a police officer or the operator of a place open to
 13 the public.

14 [[8)] (10) **Time of night** referred to herein is based upon the local prevailing
 15 standard of time.

16 **Sec. 14-102. Curfew for [j]Juveniles and Minors.**

17 (a) It shall be unlawful for any person under the age of seventeen (17) to be or remain in
 18 or upon a public place within the County during the period ending at 5:00 A.M. and beginning:

19 (1) At 11:59 P.M. on Friday and Saturday nights; and

20 (2) 10:00 P.M. on all other nights.

21 (b) The Police Chief is authorized to accept and approve applications to create zones in
 22 the County that have more restrictive curfew times than mandated herein this Division. An
 23 application for a more restrictive curfew zone shall contain the following:

24 (1) Specifications about the area to be covered by the restrictive curfew and ensure
 25 the proposed area follows reasonable geographical boundaries.

26 (2) Approval of two-thirds of the number of non-exempt property owners that
 27 comprise the area covered by the proposed application boundaries. For areas including
 28 residential properties, this includes approval of the relevant homeowner's association(s) and
 29 council of unit owner(s).

30 (3) A declaration from the applicant attesting that the area covered by the
 31 application is primarily commercial in nature with a majority of the square footage being

1 comprised of commercial use(s), and not residential use(s).

2 (4) A written statement by the applicant identifying how the applicant will provide
 3 appropriate signage and a public relations plan alerting individuals to the existence of the more
 4 restrictive curfew.

5 (5) A proposal of the curfew hours for the curfew for the new curfew zone. The
 6 proposed curfew time periods cannot begin before 5:00 P.M. and cannot end later than 5:00
 7 A.M.

8 (6) A letter of support for the creation of the voluntary curfew zone from at least
 9 one member of the County Council who represents the curfew area district covered by the
 10 proposed area.

11 (7) The Police Chief can approve an application with modifications made at the
 12 discretion of the Police Chief. If modifications are made, the Police Chief must first discuss the
 13 proposed modifications with the applicant.

14 **Sec. 14-103. Exceptions.**

15 (a) The curfew for juveniles and minors imposed in this Division shall be subject to the
 16 following exceptions:

17 (1) When a juvenile or minor is accompanied by the juvenile's or minor's parent.

18 (2) When a juvenile or minor is accompanied by an adult authorized by the
 19 juvenile's or minor's parent to take the parent's place in accompanying the juvenile or minor for
 20 a designated period of time and purpose within a specified area.

21 (3) When the juvenile or minor is on an errand as directed by his or her parent until
 22 the hour of 12:30 A.M.

23 (4) When a juvenile or minor is exercising First Amendment rights protected by the
 24 United States Constitution, such as the free exercise of religion, freedom of speech and the right
 25 of assembly, by first delivering to the person designated by the County [Chief of Police] Police
 26 Chief to receive such information a written communication, signed by the juvenile or minor and
 27 countersigned, if practicable, by a parent of the juvenile or minor. The communication shall
 28 include the parent's home address and telephone number and specify when, where, and in what
 29 manner the juvenile or minor will be in a public place during hours when this Division is
 30 otherwise applicable to juveniles or minors.

31 (5) In case of reasonable necessity for the juvenile or minor remaining in a public

place, but only after the juvenile's or minor's parent has communicated to the person designated by the [Chief of Police] Police Chief to receive such notifications the facts establishing the reasonable necessity relating to a specified public place at a designated time for a designated purpose including points of origin and destination.

(6) When a juvenile or minor is on the property where the juvenile or minor resides.

(7) When a juvenile or minor is returning home by a direct route (without any unnecessary detour or stop) from and within one (1) hour of the termination of a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play, or sporting event.

(8) When the juvenile or minor is legally employed and carries proof of employment. [a certified card of employment, renewable every six months, dated or reissued by the Chief of police, the card of employment shall identify the juvenile, the addresses of the juvenile's home and of the juvenile's place of employment, and the juvenile's hours of employment.]

(9) When the juvenile or minor is, with parental consent, engaged in normal [interstate] intrastate travel through the County or originating or terminating in the County.

(10) When the juvenile or minor is married or has been married pursuant to State law.

(11) In the case of an operator of a place open to the public, when the operator has notified the police that a juvenile or minor was present on the premises of the place open to the public during curfew hours and refused to leave.

Sec. 14-104. Parental responsibility.

It shall be unlawful for a parent having legal custody of a juvenile or minor knowingly to permit, or by inefficient control to allow, the juvenile or minor to remain in any County public place under circumstances not constituting an exception to, or otherwise beyond the scope of, this Division. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile or minor in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was without knowledge of the activities or conduct or whereabouts of such juvenile or minor.

Sec. 14-105. Operator responsibility.

It shall be unlawful for any operator of a place open to the public to knowingly permit a

juvenile or minor to remain at the place open to the public under circumstances not constituting an exception to, or otherwise beyond the scope of, this Division. The term "knowingly" includes knowledge that an operator should reasonably be expected to have concerning the patrons of the place open to the public. The standard for "knowingly" shall be applied through an objective test: whether a reasonable person in the operator's position should have known that the patron was a juvenile or minor in violation of this Division.

Sec. 14-106. Enforcement procedures.

(a) If a police officer reasonably believes that a juvenile or minor is in a public place in violation of this Division, the officer shall notify the juvenile or minor that he or she is in violation of this Division and shall require the juvenile or minor to provide his or her name, address and telephone number, and how to contact his or her parent.

(b) The police officer shall issue the juvenile or minor a written warning that the juvenile or minor is in violation of this Division and order the juvenile or minor to go promptly home. The Police Chief [of police] shall send the parent of the juvenile or minor written notice of the violation pursuant to Section 14-104.

(c) Notwithstanding Subsection (b) of this Section, when a juvenile or minor has received one (1) previous written warning for violation of this Division or a police officer has reasonable grounds to believe that the juvenile or minor has engaged in delinquent conduct, the police officer shall take the juvenile or minor into custody and transport the juvenile or minor to the police district station. The parent shall immediately be notified to come for the juvenile or minor. The police officer shall determine whether, under constitutional safeguards, the juvenile or minor and/or the parent is in violation of this Division.

(d) When a parent, immediately called, has come to take charge of the juvenile or minor, and the appropriate information has been recorded, the juvenile or minor shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the juvenile or minor, then the juvenile or minor shall be released to the Department of Social Services or, upon the recommendation of the Department of Social Services, to another adult who will, on behalf of a parent, assume the responsibility of caring for the or minor pending the availability or arrival of a parent.

(e) In the case of a first violation of this Division by a juvenile or minor, the Police Chief [of Police] shall, by regular mail, send to a parent written notice of the violation with a warning

1 that any subsequent violation [will] may result in full enforcement of this Division, including
2 enforcement of parental responsibility and of applicable penalties.

3 (f) For the first violation of this Division by an operator of a place open to the public
4 who permits a juvenile or minor to remain on the premises, a police officer shall issue a written
5 notice of the violation with a warning that any subsequent violation [will] may result in full
6 enforcement of this Division, including enforcement of operator responsibility and of applicable
7 penalties.

8 **Sec. 14-106.01. Penalties.**

9 (a) If, after the warning notice pursuant to Section 14-106 of a first violation by a juvenile
10 or minor, a parent violates Section 14-104 (in connection with a second violation by the juvenile
11 or minor), this shall be treated as a first offense by the parent and shall be a civil violation
12 pursuant to Subtitle 28, Division 3. For the first offense by a parent, the fine [shall] may be
13 \$50.00, \$100.00 for the second offense, and \$250.00 for the third and any subsequent offense.

14 (b) The parent of a juvenile or minor subject to this Section shall be liable for all costs
15 incurred by the County for providing personnel to remain in the company of a juvenile or minor
16 who has been detained as a curfew violator if the parent does not pick up the juvenile or minor
17 within one hour after receiving notice from the County that the County is detaining the juvenile
18 or minor for a curfew violation. The amount to be paid by the parent shall be based on the hourly
19 wage of the County employee who is assigned to remain with the juvenile or minor plus the cost
20 of benefits for that employee.

21 (c) If, after the warning notice pursuant to Section 14-106 of a violation of this Division,
22 an operator of a place open to the public violates Section 14-105 a second time, this shall be
23 treated as a first offense by the operator and shall be a civil violation pursuant to Subtitle 28,
24 Division 3. For the first offense by an operator, the fine [shall] may be \$100.00, \$250.00 for the
25 second offense, and \$500.00 for the third and any subsequent offense.

1
2 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
3 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
4 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
5 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
6 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
7 Act, since the same would have been enacted without the incorporation in this Act of any such
8 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
9 or section.

10 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act shall not be
11 construed to impair any lawful contract or obligation in existence prior to its effective date.

12 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
13 calendar days after it becomes law.
14

Adopted this 4th day of June, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.