

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2024 Legislative Session

Resolution No. CR-039-2024

Proposed by Council Members Ivey, Harrison, Hawkins, Franklin, Fisher, and Watson

Introduced by Council Members Ivey, Harrison, Hawkins, Franklin, Fisher, and Watson

Co-Sponsors _____

Date of Introduction April 30, 2024

RESOLUTION

1 A RESOLUTION concerning

2 Juvenile and Minor Curfew Zones

3 For the purpose of authorizing the Police Chief to create and enforce zones within the
4 County with a more restrictive juvenile or minor curfew at the request of commercial property
5 owners, subject to certain conditions.

6 WHEREAS, the Prince George's County Police Department provides law
7 enforcement services across Prince George's County. It is the responsibility of the Police
8 Department to preserve the peace and to protect life and property; and

9 WHEREAS, the Prince George's County Police Department's duties include traffic
10 control, high-visibility foot and vehicular patrol, crowd control, and medical emergency
11 assistance as necessary; and

12 WHEREAS, recently a major commercial district in the County experienced an
13 increase in criminal activity related to the gathering of large disorderly juvenile crowds, resulting
14 in commercial theft, disorderly conduct, nuisances to residents and visitors, and early store
15 closures; and

16 WHEREAS, County residents and visitors to the County should be able to peacefully
17 and safely reside, conduct businesses, and visit any area within the County; and

18 WHEREAS, the County has an obligation to provide for the protection of minors
19 from each other and from other persons, for the enforcement of parental control over, and
20 responsibility for, minors, for the protection of the general public, and for the reduction of the
21 incidence of juvenile criminal activities; and

22 WHEREAS, the County Council is determined to ensure the general public safety and

1 welfare of the residents of Prince George’s County; and

2 WHEREAS, Council Bill 29 2024, which codifies the provisions of this resolution,
3 has been presented before the County Council and favorably reported out of Committee of the
4 Whole; and

5 WHEREAS, pursuant to Section 1017 of the Charter, a resolution has the force and
6 effect of law, but of a temporary or administrative character.

7 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George’s
8 County, Maryland, that the Police Chief is authorized to accept and approve applications to
9 create zones in the County that have more restrictive juvenile curfew times than those mandated
10 by Section 14-102(a) of the County Code in which it shall be unlawful for any person under the
11 age of seventeen (17) to be or remain in or upon a public place within the County. An application
12 for this more restrictive curfew zone shall contain the following:

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

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

19 (3) A declaration from the applicant attesting that the area covered by the
20 application is primarily commercial in nature with a majority of the square footage being
21 comprised of commercial use(s), and not residential use(s).

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

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

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

31 (7) The Police Chief can approve an application with modifications made at the

1 discretion of the Police Chief. If modifications are made, the Police Chief must first discuss the
2 proposed modifications with the applicant.

3 BE IT FURTHER RESOLVED that in this Resolution, the following words and
4 phrases shall have the following meanings:

5 “**Commercial**” means uses that are commercial in nature and include retail sales,
6 services, trade, office, hotel, lodging, meeting space, recreation, entertainment, eating/drinking
7 establishments, education and health related uses.

8 “**Emergency**” means an unforeseen combination of circumstances or the
9 resulting state that calls for immediate action. The term includes, but is not limited to, a fire,
10 natural disaster, or automobile accident, or any situation requiring immediate action to prevent
11 serious bodily injury or loss of life.

12 “**Juvenile**” or “**Minor**” means any unemancipated person under the age of
13 seventeen (17) years.

14 “**Operator**” means any individual, firm, association, partnership, or corporation
15 operating, managing, or conducting any place open to the public. The term includes the members
16 or partners of an association or partnership and the officers of a corporation.

17 “**Parent**” means any person having temporary or permanent care or custody of a
18 juvenile as a natural or adoptive parent, as a legal guardian, as a person stands in loco parentis, or
19 as a person to whom legal custody has been given by court order.

20 “**Place open to the public**” means any privately-owned place of business
21 operated for a profit to which the public is invited, including, but not limited to, any place of
22 amusement or entertainment, regardless of whether a charge for admission or entry is made.

23 Police Chief means the Prince George’s County Police Department Chief of Police.

24 “**Public place**” means any place to which the public or a substantial group of the
25 public has access and includes, but is not limited to, streets, common areas of schools, shopping
26 centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops,
27 bowling alleys, taverns, cafes, arcades, and similar areas that are open to the use of the public.

28 “**Remain**” means to stay behind, to tarry and to stay unnecessarily in a public
29 place, including the congregating of groups (or of interacting minors) totaling three or more
30 persons in which any juvenile involved would not be using the streets for ordinary or serious
31 purposes, such as mere passage or going home, or to fail to leave the premises of a place open to

1 the public when requested to do so by a police officer or the operator of a place open to the
2 public.

3 **"Street"** includes any public right-of-way, including, but not limited to, the
4 cartway of traffic lanes; the curb; the sidewalks, whether paved or unpaved; and any grass plots
5 or other grounds found within the legal right-of-way of a street.

6 **"Time of night"** referred to herein is based upon the local prevailing standard of
7 time.

8 BE IT FURTHER RESOLVED that the curfew for juveniles and minors authorized
9 by this Resolution shall be subject to the following exceptions:

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

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

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

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

24 (5) In case of reasonable necessity for the juvenile or minor remaining in a public
25 place, but only after the juvenile's or minor's parent has communicated to the person designated
26 by the Police Chief to receive such notifications the facts establishing the reasonable necessity
27 relating to a specified public place at a designated time for a designated purpose including points
28 of origin and destination.

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

31 (7) When a juvenile or minor is returning home by a direct route (without any

1 unnecessary detour or stop) from and within one (1) hour of the termination of a school activity
2 or an activity of a religious or other voluntary association, or a place of public entertainment,
3 such as a movie, play, or sporting event.

4 (8) When the juvenile or minor is legally employed and carries proof of
5 employment.

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

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

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

13 BE IT FURTHER RESOLVED that it shall be unlawful for a parent having legal
14 custody of a juvenile or minor knowingly to permit, or by inefficient control to allow, the
15 juvenile or minor to remain in any County public place contrary to the requirements of a curfew
16 authorized by this Resolution under circumstances not constituting an exception to, or otherwise
17 beyond the scope of, such curfew. The term "knowingly" includes knowledge that a parent
18 should reasonably be expected to have concerning the whereabouts of a juvenile or minor in that
19 parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a
20 reasonable community standard of parental responsibility through an objective test. It shall,
21 therefore, be no defense that a parent was without knowledge of the activities or conduct or
22 whereabouts of such juvenile or minor.

23 BE IT FURTHER RESOLVED that it shall be unlawful for any operator of a place
24 open to the public to knowingly permit a juvenile or minor to remain at the place open to the
25 public contrary to the requirements of a curfew authorized by this Resolution under
26 circumstances not constituting an exception to, or otherwise beyond the scope of, such curfew.
27 The term "knowingly" includes knowledge that an operator should reasonably be expected to
28 have concerning the patrons of the place open to the public. The standard for "knowingly" shall
29 be applied through an objective test: whether a reasonable person in the operator's position
30 should have known that the patron was a juvenile or minor in violation of a curfew authorized by
31 this Resolution.

1 BE IT FURTHER RESOLVED that

2 (a) If a police officer reasonably believes that a juvenile or minor is in a public
3 place in violation of a curfew authorized by this Resolution, the officer shall notify the juvenile
4 or minor that he or she is in violation of such curfew and shall require the juvenile or minor to
5 provide his or her name, address and telephone number, and how to contact his or her parent.

6 (b) The police officer shall issue the juvenile or minor a written warning that the
7 juvenile or minor is in violation of a curfew authorized by this Resolution and order the juvenile
8 or minor to go promptly home. The Police Chief shall send the parent of the juvenile or minor
9 written notice of the violation pursuant to this Resolution.

10 (c) Notwithstanding Paragraph (b), above, when a juvenile or minor has received
11 one (1) previous written warning for violation of a curfew authorized by this Resolution or a
12 police officer has reasonable grounds to believe that the juvenile or minor has engaged in
13 delinquent conduct, the police officer shall take the juvenile or minor into custody and transport
14 the juvenile or minor to the police district station. The parent shall immediately be notified to
15 come for the juvenile or minor. The police officer shall determine whether, under constitutional
16 safeguards, the juvenile or minor and/or the parent is in violation of a curfew authorized by this
17 Resolution.

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

25 (e) In the case of a first violation of a curfew authorized by this Resolution by a
26 juvenile or minor, the Police Chief shall, by regular mail, send to a parent written notice of the
27 violation with a warning that any subsequent violation may result in full enforcement of a curfew
28 authorized by this Resolution, including enforcement of parental responsibility and of applicable
29 penalties.

30 (f) For the first violation of a curfew authorized by this Resolution by an operator
31 of a place open to the public who permits a juvenile or minor to remain on the premises, a police

1 officer shall issue a written notice of the violation with a warning that any subsequent violation
2 may result in full enforcement of this Resolution, including enforcement of operator
3 responsibility and of applicable penalties.

4 BE IT FURTHER RESOLVED that

5 (a) If, after the warning notice of a first violation a curfew authorized by this
6 Resolution by a juvenile or minor, a parent violates a curfew authorized by this Resolution (in
7 connection with a second violation by the juvenile or minor), this shall be treated as a first
8 offense by the parent and shall be a civil violation pursuant to Subtitle 28, Division 3. For the
9 first offense by a parent, the fine may be \$50.00, \$100.00 for the second offense, and \$250.00 for
10 the third and any subsequent offense.

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

18 (c) If, after the warning notice for violating a curfew authorized by this
19 Resolution, an operator of a place open to the public that violates a curfew authorized by this
20 Resolution a second time, this shall be treated as a first offense by the operator and a civil
21 violation pursuant to Subtitle 28, Division 3. For the first offense by an operator, the fine may be
22 \$100.00, \$250.00 for the second offense, and \$500.00 for the third and any subsequent offense.

23 BE IT FURTHER RESOLVED that this Resolution shall not be construed to impair
24 any lawful contract or obligation in existence prior to its adoption.

25 BE IT FURTHER RESOLVED that this Resolution shall be abrogated and of no
26 further force and effect, without further action of the Council, after the earlier of (i) November 1,
27 2024 or (ii) the effective date of Council Bill 29 2024 (CB-29-2024).

28 BE IT FURTHER RESOLVED that this Resolution shall take effect on the date of its
29 adoption.

Adopted this 30th day of April, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: Jolene Ivey
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Donna Brown
Clerk of the Council