JK
4/30/15
Item No. 4

AN ORDINANCE 2015-04-30-0331

READOPTING AND CONTINUING IN EFFECT THE CITY'S YOUTH CURFEW ORDINANCE.

* * * * * * * * * * *

WHEREAS, the City of San Antonio on June 4, 2009 enacted a Youth Curfew Ordinance restricting unsupervised minors between 10 and 16 years of age from public places during certain hours; and

WHEREAS, on May 17, 2012, the City Council reviewed and amended the Youth Curfew Ordinance, Ordinance No. 2012-05-17-0357; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that before every third anniversary of the adoption of a juvenile curfew ordinance, and every third year thereafter, the governing body of a home rule municipality must review the ordinance's effect on the community and on problems the ordinance was intended to remedy, conduct public hearings on the need to continue the ordinance, and abolish, continue or modify the ordinance, or else the ordinance will automatically expire; and

WHEREAS, the San Antonio Police Department has reviewed the effects of the Youth Curfew on the community and on the problems it was intended to remedy and presented that review to the Public Safety Committee on March 4, 2015, and at public hearings before the City Council on April 8, 2015 and today, April 30, 2015; and

WHEREAS, after careful consideration, the City Council has determined that it is in the best interest of the citizens of the City of San Antonio to readopt and continue the Youth Curfew Ordinance in effect, Chapter 21, Article V. of the City Code of San Antonio, Texas; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Youth Curfew Ordinance No. 2012-05-17-0357, enacted on May 17, 2012, is hereby readopted and continued.

SECTION 2. Chapter 21, Article V. of the City Code of San Antonio, Texas will remain in full force and effect.

SECTION 3. Should any portion of this ordinance for any reason be held illegal, inoperative, invalid, unconstitutional or ineffective, the remainder shall, nevertheless, stand effective and

valid as if it had been enacted or ordained without the portion held to be illegal, inoperative, invalid, unconstitutional or ineffective.

SECTION 4. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

SECTION 5. The City Clerk of the City of San Antonio is hereby directed to publish notice of this Ordinance as required by Section 17 of the Charter of the City of San Antonio and the laws of the State of Texas.

SECTION 6. This ordinance shall take effect on June 4, 2015.

PASSED AND APPROVED this 30th day of April, 2015.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Martha G. Sepeda, Acting City Attorney

Agenda Item:	**4**
Date:	04/30/2015
Time:	09:41:24 AM
Vote Type:	Motion to Approve
Description:	A Public Hearing and consideration of an Ordinance readopting and continuing in effect the City's youth curfew ordinance, Chapter 21, Article V of City Code of San Antonio, Texas. [Erik Walsh, Deputy City Manager; Anthony Trevino, Interim Police Chief]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		x				x
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3	x					
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8	x					
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

San Antonio Police Department

Youth Curfew Ordinance

Anthony L. Treviño, Jr.
Interim Chief of Police
City Council – April 30, 2015

BACKGROUND

Chapter 21, Article V

- Originally adopted on July 25, 1991
- Must be renewed every three years
  - per Texas Local Government Code
- Last renewal was May 17, 2012

SAPD Review:

- SAPD met with stakeholders, including Municipal Court, Park Police, Juvenile Processing, various School District Police Departments, and others.
- All agreed it was the curfew ordinance was an important tool.

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OBJECTIVES

- Reduce juvenile victimization
- Reduce juvenile crimes
- Encourage school attendance by ensuring school children are at home early on school nights
- Assist parents with the supervision of their children
- Provide a tool to law enforcement

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OVERVIEW

- "...unlawful for a child [<17] to purposefully remain, walk, run, stand, drive or ride about in any public place in the City of San Antonio between":
  - 9:00 a.m. and 2:30 p.m. Monday through Friday
    - school days only
  - 11:00 p.m. and 6:00 a.m. any day of the week or weekend
- "...unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed..."

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EXCEPTIONS

- Minor was attending, going to or coming from a school, government sponsored, or religious activity without detour or stop
- The minor was engaged in or going to or coming from lawful employment or volunteer work in a recognized charity institution
- During scheduled vacation or a holiday observed by the school in which the minor is enrolled; or that the minor has permission to be absent from school

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ENFORCEMENT

When an officer sees a possible violation:

- Verifies age;
- May issue a warning or citation; and/or
- May write a police report as circumstances merit

Disposition of the Child:

- Officer may contact parent or guardian for pick up; or
- Bring the child to the San Antonio Police Juvenile Processing Office which would secure the child until a guardian could be located

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STATISTICS

- Over the last three years:
  - Average of 125 violations issued
  - Average of 252 warnings issued
  - Split evenly between evening and school-hour time periods

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RECOMMENDATIONS

Refer ordinance to full Council for two hearings before May 17, 2015

- B Session – Citizens to be Heard (April 8)
- A Session – Briefing (today)

No recommended changes to the ordinance

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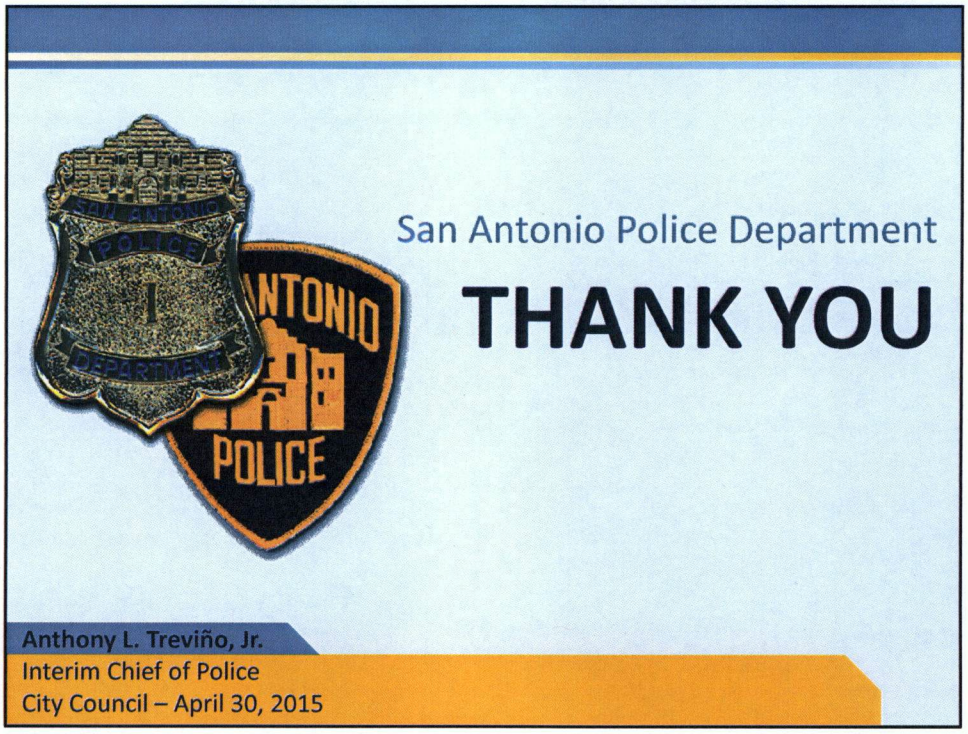
San Antonio Police Department
THANK YOU
Anthony L. Treviño, Jr.
Interim Chief of Police
City Council – April 30, 2015