

STATE OF TEXAS
COUNTY OF FORT BEND

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**ORDER CREATING CURFEW FOR MINORS IN THE UNINCORPORATED
AREA OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23**

WHEREAS, the authority to promulgate and enforce this order is granted to the Fort Bend County Commissioners Court by § 351.903 of the Texas Local Government Code; and

WHEREAS, Fort Bend County recognizes a risk to the public welfare, juvenile violence, juvenile gang activity and crime by persons under the age of seventeen in Fort Bend County; and

WHEREAS, the Commissioners Court wishes to impress upon parents and guardians the serious nature of their legal duties to their minor children and to the community; and

WHEREAS, Fort Bend County would like in its efforts to provide for the public safety to (1) deter criminal conduct involving minors; (2) reduce the number of crime victims of minors; (3) reduce the number of accidents involving minors; (4) reduce the additional time peace officers are required to be in the field due to crimes involving minors; (5) provide additional and more effective means and options for dealing with gang-related violence and crime; (6) reduce peer pressure on minors to stay out late; (7) reduce peer pressure on minors to participate in violent or criminal activities; and (8) assist parents in the control of their children;

NOW, THEREFORE BE IT RESOLVED that the Fort Bend County Commissioners Court does hereby adopt this Order Creating Curfew for Minors in the Unincorporated Area of Fort Bend County Municipal Utility District No. 23 as set forth below:

SECTION I.
Definitions

- A. The term "curfew hours" shall mean the hours (1) from 10:00 p.m. until 6:00 a.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday; and (2) from 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday; and (3) from 9:00 am until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday with the exception of any weekday on which classes were cancelled or scheduled vacations or holidays were observed by the school in which the minor is enrolled.
- B. The term "emergency" shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. This term shall include, but is not limited to a fire, natural disaster, automobile accident, or a serious medical

condition or a sudden onset.

- C. The term "establishment" shall mean any privately owned place of business to which the public is invited, including, but not limited to, any place of amusement or entertainment in the unincorporated area of Fort Bend County Municipal Utility District No. 23.
- D. The term "guardian" shall mean any person to whom custody of a minor has been given by a court order; including a public or private agency with whom a court has placed a minor.
- E. The term "minor" shall mean any person less than seventeen (17) years of age.
- F. The term "operator" shall mean any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment in the unincorporated area of Fort Bend County Municipal Utility District No. 23. This term shall include the members or partners of an association or partnership and the officers of a corporation.
- G. The term "parent" shall mean a person who is the natural parent, adoptive parent, or stepparent of a minor. As used herein, "parent" shall also include a court appointed guardian or other person eighteen (18) years of age or older, authorized by the parent, by a court order, or by the court appointed guardian to have the care and custody of a person.
- H. The term "public place" shall mean any place to which the public or a substantial group of the public has access in the unincorporated area of Fort Bend County Municipal Utility District No. 23, and shall include, but not be limited to, streets, highways, and the common areas of schools hospitals , apartment houses, office buildings, transport facilities, and shops.
- I. The term "remain" shall mean to (1) linger, stay or loiter; or (2) fail to leave premises when requested to do so by a peace officer or the owner, operator, or other person in control of the premises.

SECTION II.

Violations-Offenses

- A. A minor commits an offense if he or she remains in any public place or on the premises of any establishment within the unincorporated area of Fort Bend County Municipal Utility District No. 23 during curfew hours. A culpable mental state is not required for the commission of an offense under this order.
- B. A parent or guardian of a minor commits an offense if he or she knowingly permits, or by insufficient control allows, a minor to remain in any public place or on the premises of any establishment within the unincorporated area of Fort Bend County

Municipal Utility District No. 23 during the curfew hours.

- C. The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

SECTION III.

Exemptions and Defenses

- A. It shall be a defense to and exemption from prosecution for a violation of this Order that the minor was:
- (1) accompanied by the minor's parent or guardian;
 - (2) on an errand at the direction of the minor's parent or guardian and was using a direct route without any detour or stop;
 - (3) in a motor vehicle engaged in interstate travel;
 - (4) engaged in a legal employment activity, or was returning home from a legal employment activity without any detour or stop;
 - (5) involved in an emergency;
 - (6) on the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to a peace officer about the minor's presence;
 - (7) attending an official government, school, religious or recreational activity supervised by adults and sponsored by a governmental, educational or religious institution; civic organization, or other similar entity that takes responsibility for the minor; or going to or returning from, without any stop or detour, any such official government, school, religious, or recreational activity supervised by adults and sponsored by a governmental, educational, or religious institution, civic organization, or other similar entity that takes responsibility for the minor;
 - (8) given permission from an authorized school official to be absent from school or to be in a public place for the time permitted by said official. In the case of a child being educated in a home school said child's parent or legal guardian shall be deemed an authorize school official.
 - (9) attending or travelling directly from an activity involving the exercise of First Amendment rights protected by the United States Constitution, including the right to free exercise of religion, the right to freedom of speech, and the right of

assembly;

(10) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code; or

(11) a graduate from high school or had received a high school equivalency certificate.

- B. It is a defense to prosecution under this order for the owner, operator, or employee of an establishment that the owner, operator, or employee of an establishment promptly notified a peace officer that a minor was present on the premises of the establishment during curfew hours and refused to leave.

SECTION IV.

Curfew –Enforcement

- A. A law enforcement officer, upon suspecting a minor to be in violation of this Order, shall take necessary steps to determine whether the minor is remaining in a public place within the unincorporated area of Fort Bend County in violation of this Order and whether any exemptions or defenses under Section III apply to the actions or activities of the minor. If the officer has probable cause to believe that the minor is in violation of this Order, the officer shall take appropriate enforcement action against the minor in accordance with Article 45.059 of the Texas Code of Criminal Procedure.

SECTION V.

Penalty

- A. Any minor who violates this Order shall be guilty of a class C misdemeanor and shall be punished for the first offense by a fine not to exceed \$50.00 and thereafter on any subsequent offense punished by a fine not to exceed \$200.00 and may be subject to appropriate action by a juvenile court in accordance with Sections 51.03 and 51.08 of the Texas Family Code and Section 8.07 of the Texas Penal Code.
- B. A parent of a minor who violates any provision of this Order shall be guilty of a Class C misdemeanor and shall be punished by a fine for the first offense not to exceed \$50.00 and thereafter on any subsequent offense not to exceed \$200.00.

SECTION VI.

Review- Public Hearing

- A. In accordance with Texas Local Government Code §370.002, before the third anniversary of the date of the adoption of this Order, and every third year thereafter, the Fort Bend County Commissioners Court shall: (1) review the Order's effects on the community and on problems the Order was intended to remedy; (2)

conduct public hearings on the need to continue this Order; and (3) abolish, continue, or modify this Order.

- B. Failure of the Fort Bend County Commissioners Court to act in accordance with paragraph A of this Section shall cause the Order to expire.

PASSED AND APPROVED this the _____ day of October 2018.

FORT BEND COUNTY, TEXAS

BY: _____
Robert E. Hebert, County Judge

ATTEST:

Laura Richard, County Clerk