

ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 8-13

"Temporary Curfew Temporary Act of 1989".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-238 on first and second readings, April 4, 1989, and April 18, 1989, respectively. Following the signature of the Mayor on April 27, 1989, this legislation was assigned Act No. 8-29, published in the May 12, 1989, edition of the D.C. Register, (Vol. 36 page 3373) and transmitted to Congress on May 2, 1989 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-13, effective June 16, 1989.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

May 2,3,4,5,8,9,10,11,12,15,16,17,18,19,22,23,24,25,31

June 1,2,5,6,7,8,9,12,13,14,15

JUN 16 1989

Codification,
District of Columbia Code
(1989 Supp.)

AN ACT

D.C. ACT 8 - 29

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APR 27 1989

To impose, on a temporary basis, a curfew on minors in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Temporary Curfew Temporary Act of 1989".

Sec. 2. Definitions.

(a) "Parent" means a natural or adoptive parent or any person who has legal custody by court order or by marriage.

(b) "Minor" means any person under the age of 18 years, but does not include a judicially emancipated minor.

(c) "Narcotic trafficking" means the act of engaging in any prohibited activity related to narcotic drugs or controlled substances as defined in the District of Columbia Uniformed Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code, sec. 33-501 et seq.).

Note,
Section
1-229

Sec. 3. Purpose.

(a) The purpose of this act is to protect the welfare of minors by:

(1) Reducing the likelihood that minors will be the victims of criminal acts during the curfew hours;

(2) Reducing the likelihood that minors will become involved in criminal acts or exposed to drug trafficking during the curfew hours; and

(3) Aiding parents in carrying out their responsibility to exercise reasonable supervision of the minors entrusted to their care.

Sec. 4. Curfew; authority and enforcement.

(a) The Council of the District of Columbia ("Council") imposes a curfew on minors in the District of Columbia ("District") between the hours of 11:00 p.m. and 6:00 a.m. each day, except that on Friday and Saturday

evenings the curfew shall commence at 11:59 p.m. ("curfew hours").

(b) It shall be unlawful for a parent knowingly to permit or, by negligent failure to exercise reasonable control, allow his or her minor child to remain on any street, sidewalk, park, or other outdoor public place within the District during the curfew hours.

(c) It shall be unlawful for any minor to remain in or upon any street, sidewalk, park, or other outdoor public place in the District during the curfew hours.

(d) This section shall not apply:

(1) When a minor is accompanied by a parent;

(2) When a minor is returning home by way of a direct route from an activity that is sponsored by an educational, religious, or non-profit organization within 60 minutes of the termination of the activity, if the activity has been registered with the Mayor in advance;

(3) When a minor is traveling in a motor vehicle;

(4) When a minor is acting within the scope of legitimate employment pursuant to An Act To regulate the employment of minors within the District of Columbia, approved May 29, 1928 (45 Stat. 998; D.C. Code, sec. 36-501 et seq.), and the minor has in his or her possession a copy of a valid work or theatrical permit or an affidavit from the employer; or

(5) When, due to reasonable necessity:

(A) A minor who is a custodial parent is engaged in an emergency errand that is directly related to the health or safety of his or her child and the minor describes the nature of the health or safety emergency; or

(B) A minor is engaged in an emergency errand and the minor has in his or her possession, if practicable, a written statement signed by the parent stating that the errand is directly related to the health or safety of the parent or family member and that describes the nature of the errand and the health or safety emergency.

(e) If a police officer determines, based on all the information reasonably available, including any information offered by the person, that the person is under the age of 18 years, remains in or upon a street, park, or other outdoor public place in the District during the curfew hours, and none of the exceptions set forth in section 4 applies, the police officer shall take the person to the nearest available Police District headquarters. The police officer shall not handcuff the person when taking him or her to the nearest Police District headquarters as a result of a violation of this act.

(f) A minor who violates this act shall be detained by the Metropolitan Police force at the nearest available Police District headquarters and released into the custody

of the minor's parent or a person acting in loco parentis with respect to the minor. The minor's parent or an adult person acting in loco parentis with respect to the minor shall be called to the Police District headquarters to take custody of the minor. A minor who is released to a person acting in loco parentis with respect to the minor shall not be taken into custody for violation of this act while returning home with the person acting in loco parentis. If no one claims responsibility for the minor, the minor shall be detained at the nearest available police district headquarters in a room that is not a cell or placed in the custody of the appropriate official of the Family Services Administration of the Department of Human Services and released at 6:00 a.m. that morning.

(g) A parent who violates this act shall be subject to a fine of not more than \$100 for the second offense or \$300 for any subsequent offense. No person shall be fined for the first violation of this act.

Sec. 5. Review Process.

(a) Five days, excluding Saturdays, Sundays, holidays and days of Council recess, prior to the expiration of this act, the Mayor shall report to the Council on the curfew's effectiveness and shall recommend that the curfew for minors either be continued or discontinued.

(b) Criteria by which effectiveness shall be measured include, monthly statistics, by ward and police precinct, on:

- (1) The number of minors detained and the number of persons fined as a result of a violation of this act;
- (2) The number of criminal homicides and other narcotic trafficking related crimes of violence committed during the time that this act is in effect, by age and time of day; and
- (3) The number of minors injured during the curfew hours as a result of crime and the cause of each injury.

Sec. 6. Records sealed.

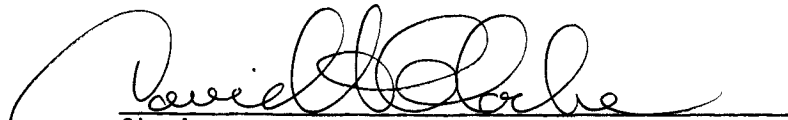
Any law enforcement records or files of a minor attendant to a violation of this act shall be sealed by the Metropolitan Police force when the minor reaches the age of majority.

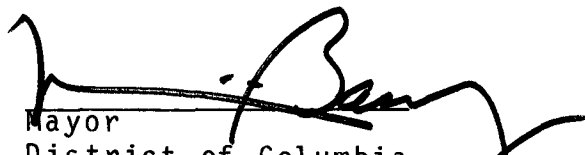
Sec. 7. The Short Term Curfew Emergency Act of 1989, effective March 15, 1989 (D.C. Act 8-5; to be codified at D.C. Code, sec. 6-1509 et seq.), is repealed.

Sec. 8. (a) This act shall take effect after a 30-day period of Congressional review following approval by the

Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) This act shall expire on the 225th day of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED: April 27, 1989



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-238

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 4-4-89

VOICE VOTE: Approved

Recorded vote on request

Absent: Jarvis

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Stewart
 Secretary to the Council

4-21-89
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 4-18-89

VOICE VOTE: Approved

Recorded vote on request

Absent: Ray and Wilson

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Stewart
 Secretary to the Council

4-21-89
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

 Secretary to the Council

 Date