

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

Bill No. CB-029-2024

Chapter No. _____

Proposed and Presented by Council Member Burroughs

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Juvenile and Minor Curfew Zones

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

11 BY repealing and reenacting with the following amendments:

12 SUBTITLE 14. MORALS AND CONDUCT.

13 Sections 14-101, 14-102, 14-103, 14-104, 14-105,
14 14-106 and 14-106.01

15 The Prince George's County Code
16 (2023 Edition).

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19 Prince George's County Code be and the same are hereby repealed and reenacted with the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

21 **SUBTITLE 14. MORAL 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.

(2) [(1)] **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.

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

(4) [(3)] **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.

(5) [(4)] **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.

(6) [(5)] **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.

(8) [(6)] **Public place** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, common areas of schools, shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops, bowling alleys, taverns, cafes, arcades, and similar areas that are open to the use of the public. "Street" includes any public right-of-way, including, but not limited to, the cartway of traffic lanes; the curb; the

sidewalks, whether paved or unpaved; and any grass plots or other grounds found within the legal right-of-way of a street.

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

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

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

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

- (1) At 11:59 P.M. on Friday and Saturday nights; and
- (2) 10:00 P.M. on all other nights.

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

- (1) Specifications about the area to be covered by the restrictive curfew and ensure the proposed area follows reasonable geographical boundaries.
- (2) Approval of two-thirds of the number of non-exempt property owners that comprise the area covered by the proposed application boundaries. For areas including residential properties, this includes approval of the relevant homeowner’s association(s) and council of unit owner(s).
- (3) A declaration from the applicant attesting that the area covered by the application is primarily commercial in nature with a majority of the square footage being comprised of commercial use(s), and not residential use(s).
- (4) A written statement by the applicant identifying how the applicant will provide appropriate signage and a public relations plan alerting individuals to the existence of the more restrictive curfew.

- 1 (5) A proposal of the curfew hours for the curfew for the new curfew zone. The
 2 proposed curfew time periods cannot begin before 5:00 P.M. and cannot end later
 3 than 5:00 A.M.
- 4 (6) A letter of support for the creation of the voluntary curfew zone from at least one
 5 member of the County Council who represents the curfew area district covered by
 6 the proposed area.
- 7 (7) The Police Chief can approve an application with modifications made at the
 8 discretion of the Police Chief. If modifications are made, the Police Chief must
 9 first discuss the proposed modifications with the applicant.

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

- 11 (a) The curfew for juveniles and minors imposed in this Division shall be subject to the
 12 following exceptions:
- 13 (1) When a juvenile or minor is accompanied by the juvenile's or minor's parent.
- 14 (2) When a juvenile or minor is accompanied by an adult authorized by the juvenile's
 15 or minor's parent to take the parent's place in accompanying the juvenile or minor
 16 for a designated period of time and purpose within a specified area.
- 17 (3) When the juvenile or minor is on an errand as directed by his or her parent until the
 18 hour of 12:30 A.M.
- 19 (4) When a juvenile or minor is exercising First Amendment rights protected by the
 20 United States Constitution, such as the free exercise of religion, freedom of speech
 21 and the right of assembly, by first delivering to the person designated by the County
 22 [Chief of Police] Police Chief to receive such information a written communication,
 23 signed by the juvenile or minor and countersigned, if practicable, by a parent of the
 24 juvenile or minor. The communication shall include the parent's home address and
 25 telephone number and specify when, where, and in what manner the juvenile or
 26 minor will be in a public place during hours when this Division is otherwise
 27 applicable to juveniles or minors.
- 28 (5) In case of reasonable necessity for the juvenile or minor remaining in a public place,
 29 but only after the juvenile's or minor's parent has communicated to the person
 30 designated by the [Chief of Police] Police Chief to receive such notifications the
 31 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

1 knowledge that an operator should reasonably be expected to have concerning the patrons of the
2 place open to the public. The standard for "knowingly" shall be applied through an objective test:
3 whether a reasonable person in the operator's position should have known that the patron was a
4 juvenile or minor in violation of this Division.

5 **Sec. 14-106. Enforcement procedures.**

- 6 (a) If a police officer reasonably believes that a juvenile or minor is in a public place in
7 violation of this Division, the officer shall notify the juvenile or minor that he or she is
8 in violation of this Division and shall require the juvenile or minor to provide his or her
9 name, address and telephone number, and how to contact his or her parent.
- 10 (b) The police officer shall issue the juvenile or minor a written warning that the juvenile or
11 minor is in violation of this Division and order the juvenile or minor to go promptly
12 home. The Police Chief [of police] shall send the parent of the juvenile or minor written
13 notice of the violation pursuant to Section 14-104.
- 14 (c) Notwithstanding Subsection (b) of this Section, when a juvenile or minor has received
15 one (1) previous written warning for violation of this Division or a police officer has
16 reasonable grounds to believe that the juvenile or minor has engaged in delinquent
17 conduct, the police officer shall take the juvenile or minor into custody and transport the
18 juvenile or minor to the police district station. The parent shall immediately be notified
19 to come for the juvenile or minor. The police officer shall determine whether, under
20 constitutional safeguards, the juvenile or minor and/or the parent is in violation of this
21 Division.
- 22 (d) When a parent, immediately called, has come to take charge of the juvenile or minor,
23 and the appropriate information has been recorded, the juvenile or minor shall be
24 released to the custody of such parent. If the parent cannot be located or fails to take
25 charge of the juvenile or minor, then the juvenile or minor shall be released to the
26 Department of Social Services or, upon the recommendation of the Department of Social
27 Services, to another adult who will, on behalf of a parent, assume the responsibility of
28 caring for the or minor pending the availability or arrival of a parent.
- 29 (e) In the case of a first violation of this Division by a juvenile or minor, the Police Chief
30 [of Police] shall, by regular mail, send to a parent written notice of the violation with a
31 warning that any subsequent violation [will] may result in full enforcement of this

1 Division, including enforcement of parental responsibility and of applicable penalties.

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

7 **Sec. 14-106.01. Penalties.**

- 8 (a) If, after the warning notice pursuant to Section 14-106 of a first violation by a juvenile
 9 or minor, a parent violates Section 14-104 (in connection with a second violation by the
 10 juvenile or minor), this shall be treated as a first offense by the parent and shall be a civil
 11 violation pursuant to Subtitle 28, Division 3. For the first offense by a parent, the fine
 12 [shall] may be \$50.00, \$100.00 for the second offense, and \$250.00 for the third and any
 13 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
 16 or minor who has been detained as a curfew violator if the parent does not pick up the
 17 juvenile or minor within one hour after receiving notice from the County that the County
 18 is detaining the juvenile or minor for a curfew violation. The amount to be paid by the
 19 parent shall be based on the hourly wage of the County employee who is assigned to
 20 remain with the juvenile or minor plus the cost of benefits for that employee.
- 21 (c) If, after the warning notice pursuant to Section 14-106 of a violation of this Division, an
 22 operator of a place open to the public violates Section 14-105 a second time, this shall
 23 be treated as a first offense by the operator and shall be a civil violation pursuant to
 24 Subtitle 28, Division 3. For the first offense by an operator, the fine [shall] may be
 25 \$100.00, \$250.00 for the second offense, and \$500.00 for the third and any subsequent
 26 offense.

27 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 28 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 29 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 30 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words,
 31 phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since

1 the same would have been enacted without the incorporation in this Act of any such invalid or
2 unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

3 SECTION 3. BE IT FURTHER ENACTED that a previously existing obligation or contract
4 right may not be impaired by this Act.

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

7

Adopted this ____ day of _____, 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.

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