

## **Lone Jack, Missouri Curfew**

### **Section 2.79.1—CURFEW**

A. *Definitions.* As used in this Section, the following words and terms shall have the meanings respectively ascribed:

1. *DAYTIME CURFEW HOURS:* Between the hours of 9:00 A.M. and 2:30 P.M. on Monday, Tuesday, Wednesday, Thursday or Friday when schools are in session.
2. *EMERGENCY:* Shall include, but not be limited to, fire, natural disaster, an automobile accident or obtaining immediate medical care for any person.
3. *GUARDIAN:* Any person to whom custody of a minor has been given by a court order.
4. *MINOR:* Any person under seventeen (17) years of age and over six (6) years of age.
5. *PARENT:* A person who is the natural or adoptive parent of a person. 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.
6. *PUBLIC PLACE:* Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office building, transport facilities and shops.
7. *SCHOOL OFFICIAL:* An administrator in the school in which the minor is enrolled or a supervisor of that administrator. In the case of a minor being educated in a home school, a parent or guardian of the minor shall be deemed a school official.

B. *Nighttime Curfew.* It shall be unlawful for any person sixteen (16) years of age or younger to be in or upon any public place or way within the City of Lone Jack between the hours of 1:01 a.m. and 5:00 a.m. The provisions of this Subsection shall not apply to any such persons accompanied by a parent or guardian, to any such

person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity.

C. *Daytime Curfew.*

1. No minor who is subject to compulsory education under the law of the State of Missouri shall remain in, on or upon any establishment premises, public place or street during daytime curfew hours. This Section shall also apply to a minor whose enrollment status is under suspension or expulsion.
2. No parent or guardian shall knowingly permit, or by insufficient control, allow a minor to remain in, on or upon any establishment's premises, public place or street during daytime curfew hours. No parent or guardian shall refuse to take custody of the minor.
3. In addition to other relevant evidence, such parent or guardian shall be deemed to have knowledge of a minor's continued violation of daytime curfew hours as a result of having received initial notification of same from a Law Enforcement Officer or notification of unexcused, unexempted absences from a school official or a representative of a school official.
4. No operator of an establishment shall knowingly allow a minor to remain in, on or upon the establishment's premises during daytime curfew hours.

D. *Daytime Curfew—Exceptions.* Subsection (C) shall not apply to the minor, parent, guardian or operator of an establishment when the minor is:

1. Exempt or excluded from compulsory education, as provided by the laws of the State of Missouri, or is authorized to be absent from his or her school pursuant to provisions of the laws of the State of Missouri;
2. Attending his or her school;
3. Accompanied by his or her parent or guardian, or other adult person having the care or custody of the minor;
4. On an errand as directed by his or her parent or guardian, or other adult person having the care or custody of a minor, without any detour or stop;

5. Lawfully engaged in a business, trade, profession, occupation or employment-related activity at the time, or going to or coming from a place of employment or the location of the employment-related activity which is connected with or required with respect to the business, trade, profession or occupation in which the minor is lawfully engaged, without any detour or stop;
6. Attending a public meeting or school, religious, recreational or civic organization activity, event or function which is under the direction, supervision or control of an adult and which is organized, arranged or sponsored by the City, a local educational authority, a religious or civic organization or another similar entity that is taking responsibility for the minor; or going to or coming from that activity, event or function, without any detour or stop;
7. Carrying in his or her possession a valid, school-issued, off-campus permit or pass that authorizes the minor to leave his or her school campus for lunch, a school related activity or some other event approved by his or her school official;
8. Receiving medical or mental treatment or care; or is going to or coming from a medical or mental appointment, without any detour or stop;
9. Attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion;
10. Involved in an emergency such as a fire, natural disaster, automobile accident, a situation requiring immediate action to prevent serious bodily injury or loss of life or any unforeseen combination of circumstances or the resulting state which calls for immediate action;
11. In a motor vehicle, bus or train involved in interstate travel;
12. Not a resident of the City and the minor possess a valid passport, visitor's visa or other form of identification which establishes that the minor is temporarily visiting within the City;
13. On a sidewalk abutting the minor's permanent residence; or
14. Is, or was, engaged in a lawful employment or volunteer work at a recognized charity institution or is going to or from such activity without detour or stop.

E. *Daytime Curfew—Exceptions—Operator.* Subsection (C)(4) shall not apply to the operator of an establishment, when the operator of an establishment promptly notifies the Lone Jack Police Department of the minor's presence on the establishment's premises during daytime curfew hours and that the minor has refused to leave.

F. *Enforcement—Penalties.*

1. Subsection (B) shall be punishable pursuant to Section 1.8.
2. Subsection (C) shall be enforced as follows:
  - a) Before taking any action to enforce the provisions of Subsection (C), a Law Enforcement Officer who has a reasonable suspicion based on articulable facts that the minor, parent, guardian or operator of an establishment is in violation of a provision contained in Subsection (C) shall ascertain:
    - 1) The minor's name, address, age;
    - 2) The name of the minor's parent or guardian;
    - 3) The reason or purpose for the minor's being in, on or upon the establishment, public place or street during the daytime curfew hours; and
    - 4) Any other information reasonably necessary to determine whether a violation exists.
  - b) A Law Enforcement Officer shall enforce the provisions of Subsection (C) by way of a written notice to appear or an arrest for an adult, and by way of a written notice to appear, a referral to the Jackson County Family Court Services Truancy Diversion Program or any procedure authorized under the Juvenile Code of the State of Missouri for a minor, when;
    - 1) The Law Enforcement Officer reasonably believes that an offense has occurred; and
    - 2) Based on any response or other circumstances, the minor, parent, guardian or operator of an establishment, who is accused of the violation, has failed to establish the existence set forth in Subsections (D) or (E).

3. When a minor is charged with a violation of Subsection (C), each violation shall constitute a separate offense and shall be punishable as an infraction punishable by up to forty (40) hours of community service for each offense. Whenever a minor shall have been summoned by written notice to appear for the violation of any provision of this Section, the parent(s) or guardian of such minor, if known, shall be summoned to appear and defend such minor.
4. When a parent or guardian is charged with a violation of Subsection (C), or when an operator of an establishment is charged with a violation of Subsection (C), each violation shall constitute a separate offense and shall be punishable as a misdemeanor as provided under Section 1.8.