Chapter 9.68 Offenses By Or Against Minors - Curfew

Sections:

9.68.010 Designated.

9.68.020 Hours.

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9.68.010 Designated

It is unlawful for any minor under the age of eighteen years to remain away from his home at late and unusual hours of the nighttime. It is recognized that what is a late and unusual hour of the nighttime may vary with the circumstances and from time to time, and in determining whether a minor has violated the provisions of this chapter, the law enforcement officers and the courts shall take into account all the surrounding circumstances, such as: whether gainfully employed, and whether such employment requires said minor to be away from his home at times which would otherwise be considered late and unusual; whether such minor is attending or en route home from legitimate places of recreation, entertainment, education and worship, including sport events, moving picture theaters, youth centers, and church services, and finally, the amount of time which should reasonably be spent to effect a return home from such places and functions. (Ord. 288 §1, 1985)

Enc Ord 372 May 5, 1994

9.68.020 Hours

Subject to the provisions of Section 9.68.010 and to serve as a guide for parents and minors in observing this chapter, the following hours shall be presumed late and unreasonable and any arrest based thereon shall be lawful:

A. For all minors under the age of fourteen years of age:

1. The period of time between nine-thirty p.m. and five a.m. of the day following a Sunday, Monday, Tuesday, Wednesday and Thursday,

2. The period of time between ten p.m. and five a.m. of the day following on Friday and Saturday and any day preceding a legal holiday;

B. For all minors the age of fifteen years of age:

1. The period of time between ten p.m. and five a.m. of the day following on Sunday, Monday, Tuesday, Wednesday and Thursday,

2. The period of time between eleven p.m. and five a.m. of the day following on Friday and Saturday and any day preceding a legal holiday;

C. For all minors the age of sixteen to eighteen years of age:

1. The period of time between ten p.m. and five a.m. of the day following on Sunday, Monday, Tuesday, Wednesday and Thursday.

2. The period of time between twelve a.m. and five a.m. of the day following on Friday and Saturday and any day preceding a legal holiday.

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9.68.030 Responsibility of Parent or Guardian

It is unlawful for a parent or guardian or other adult person having the care and custody of a minor under the age of eighteen years to allow said minor to remain away from his home at late and unusual hours of the nighttime unless said minor is accompanied by said parent or guardian or custodian. Any parent or guardian or other adult person whose ward has been found guilty by the proper court of a violation of this chapter is guilty of a misdemeanor. In any prosecution under this chapter, it shall not constitute a defense that said parent or guardian or adult person did not have knowledge that his ward did remain away from his home at late and unusual hours of the nighttime, nor shall it be a defense that he gave his consent thereto. (Ord. 288 §3, 1965)

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9.68.040 Punishment

Any minor under the age of eighteen years who is apprehended for a violation of this chapter shall be dealt with in accordance with the provisions of the Montana Youth Court Act.

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