

By: Representative Scott (80th)

To: Juvenile Justice

## HOUSE BILL NO. 200

1 AN ACT TO ESTABLISH A STATEWIDE CURFEW FOR MINORS UNDER THE  
2 AGE OF EIGHTEEN; TO PROVIDE EXCEPTIONS; TO AUTHORIZE COUNTIES AND  
3 MUNICIPALITIES TO OPT OUT FROM UNDER THE STATEWIDE CURFEW AND, IN  
4 THEIR DISCRETION, ADOPT THEIR OWN CURFEW ORDINANCES; TO PROVIDE  
5 FOR PENALTIES; TO AMEND SECTIONS 45-17-1, 45-17-3, 45-17-5 AND  
6 45-17-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS  
7 OF THIS ACT; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. (1) No minor under the age of eighteen (18)  
10 years shall be in or upon any street, highway, park, alley or  
11 other public place between the hours of 11:00 p.m. and 5:00 a.m of  
12 the following morning, unless:

13 (a) Such minor is accompanied by a parent, guardian or  
14 other person eighteen (18) years of age or over and authorized by  
15 the parent or by law to have care and custody of the minor;

16 (b) Such minor is then engaged in a lawful pursuit or  
17 activity which requires the presence of the minor in such public  
18 places during the hours specified in this section;

19 (c) The minor has had the disability of minority  
20 removed;

21 (d) Such minor is engaged in a civic related activity  
22 which is supervised by adults; or

23 (e) The minor is in a county or municipality that has  
24 opted out from under the statewide curfew pursuant to subsection  
25 (3) of this section.

26 (2) No parent, guardian or person having the care and  
27 custody of a minor under the age of eighteen (18) years shall  
28 allow such minor to be in or upon any street, highway, park, alley

29 or other public place between the hours specified in subsection  
30 (1) of this section, except as otherwise provided in that  
31 subsection.

32 (3) Subsections (1) and (2) of this section do not affect  
33 the authority of any county or municipality to make regulations  
34 concerning the conduct of minors in public places by ordinance or  
35 other local law. The governing authority of any county or  
36 municipality may opt out from under the statewide curfew  
37 established under subsection (1) of this section by spreading such  
38 decision upon the minutes of the governing authority and the  
39 reasons therefor.

40 (4) Any county or municipality that has opted out from under  
41 the statewide curfew pursuant to subsection (3) of this section  
42 may adopt a local ordinance establishing a curfew restriction for  
43 that county or municipality. Any such ordinance adopted by a  
44 county board of supervisors shall be applicable only to areas not  
45 within a city. Any ordinance adopted under this section may  
46 provide different periods of curfew for different age groups.

47 (5) Any minor who violates subsection (1) of this section or  
48 an ordinance established under subsection (4) of this section  
49 shall be considered to have committed an act of delinquency, and  
50 for a first offense, may be taken into custody subject to the  
51 provisions of the Youth Court Law, as provided in Sections  
52 43-21-105 and 43-21-151. The parent or guardian shall be fined up  
53 to Two Hundred Fifty Dollars (\$250.00), and the minor shall  
54 perform two hundred (200) hours of community service within one  
55 (1) year of conviction and shall have his or her driver's license  
56 suspended for one (1) year.

57 (6) Any minor who violates subsection (1) of this section or  
58 an ordinance established under subsection (4) of this section for  
59 a second or subsequent offense shall have his or her driver's  
60 license suspended until the age of eighteen (18) years and the  
61 parent or guardian shall be fined Five Hundred Dollars (\$500.00).

62 SECTION 2. Section 45-17-1, Mississippi Code of 1972, is  
63 amended as follows:

64 45-17-1. (a) "Civil emergency" is defined as:

65 (1) A riot or unlawful assembly characterized by any

66 use of force or violence disturbing the public peace, or any  
67 threat to use such force and violence, if accompanied by immediate  
68 power of execution, by two (2) or more persons acting together and  
69 without authority of law.

70 (2) Any natural disaster or man-made calamity,  
71 including but not limited to flood, conflagration, cyclone,  
72 tornado, earthquake or explosion within the geographic limits of a  
73 municipality resulting in the death or injury of persons, or the  
74 destruction of property to such an extent that extraordinary  
75 measures must be taken to protect the public health, safety and  
76 welfare.

77 (3) The destruction of property, or the death or injury  
78 of persons brought about by the deliberate acts of one or more  
79 persons acting either alone or in concert with others when such  
80 acts are a threat to the peace of the general public or any  
81 segment thereof.

82 (b) "Curfew" is hereby defined as a prohibition against any  
83 person or persons walking, running, loitering, standing, sitting,  
84 lying or motoring upon any alley, street, public property or  
85 vacant premises within the corporate limits of the municipality  
86 except persons officially designated to duty with reference to  
87 said civil emergency or those lawfully on the streets as defined  
88 hereinafter. The term "curfew" shall include the provisions of  
89 Section 1 of this act as it relates to minors.

90 (c) "Chief administrative officer" is defined to be the  
91 mayor of any municipality. Any municipality, however, may by  
92 ordinance specially designate any official as chief administrative  
93 officer for purposes of this chapter.

94 SECTION 3. Section 45-17-3, Mississippi Code of 1972, is  
95 amended as follows:

96 45-17-3. Except as otherwise provided in Section 1 of this  
97 act, when, in the judgment of the chief administrative officer of  
98 a municipality a civil emergency as defined herein is determined

99 to exist, he shall forthwith proclaim in writing the existence of  
100 same, a copy of which proclamation will be filed with the clerk of  
101 the municipality.

102 SECTION 4. Section 45-17-5, Mississippi Code of 1972, is  
103 amended as follows:

104 45-17-5. Except as otherwise provided in Section 1 of this  
105 act, after proclamation of a civil emergency by the chief  
106 administrative officer, he may order a general curfew applicable  
107 to such geographical areas of the municipality or to the  
108 municipality as a whole as he deems advisable, and applicable  
109 during such hours of the day or night as he deems necessary in the  
110 interest of the public safety and welfare. Said proclamation and  
111 general curfew shall have the force and effect of law and shall  
112 continue in effect until rescinded in writing by the chief  
113 administrative officer, but not to exceed five (5) days.

114 SECTION 5. Section 45-17-9, Mississippi Code of 1972, is  
115 amended as follows:

116 45-17-9. Except as provided in Section 1 of this act,  
117 municipalities may provide by ordinance that any person violating  
118 the provisions of orders issued by the chief administrative  
119 officer pursuant to this authorization during a proclaimed civil  
120 emergency be guilty of a misdemeanor and be punished by a fine not  
121 exceeding Three Hundred Dollars (\$300.00) or six (6) months  
122 imprisonment, or both such fine and imprisonment.

123 SECTION 6. This act shall take effect and be in force from  
124 and after July 1, 1999.