

40:48-2.52

LEGISLATIVE HISTORY CHECKLIST
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(Curfews for juveniles)

NJSA: 40:48-2.52

LAWS OF: 1992 CHAPTER: 132

BILL NO: S53

SPONSOR(S) Rice

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary
SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: August 3, 1992
SENATE: February 24, 1992

DATE OF APPROVAL: October 29, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached
KBG:pp

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Senator RICE

1 AN ACT authorizing municipalities to establish curfews for
2 juveniles and supplementing Title 40 of the Revised Statutes.

3
4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 ¹1. The Legislature finds and declares that children who are
7 left unsupervised during the overnight hours may be exposed to
8 the most detrimental influences in society; that the allure of the
9 rampant drug counter-culture, the potential for involvement in
10 criminal activity, and other potential threats to the physical and
11 mental health and welfare of children justify governmental action
12 in furtherance of the protection of one of the most fragile and
13 easily influenced segments of our society.

14 The Legislature further finds and declares that it is in the best
15 interest of society to encourage family unity; to encourage the
16 family unit to provide for the care, protection, and wholesome
17 mental and physical development of children; to encourage the
18 supervision of children by their parents and guardians and to
19 encourage communication between them.

20 The Legislature further finds and declares that because of the
21 peculiar vulnerability of children, their inability to make critical
22 decisions in an informed, mature manner, and the importance of
23 the parental role in child rearing, it is appropriate to authorize
24 municipalities to enact ordinances to protect children from the
25 dangers of the streets and to encourage the deepening of familial
26 relationships.¹

27 ¹[1.] ^{2.1} a. As used in this act:

28 (1) "Juvenile" means an individual who is under the age of
29 18 years.

30 (2) "Guardian" means a person, other than a parent, to whom
31 legal custody of the juvenile has been given by court order or who
32 is acting in the place of the parent or is responsible for the care
33 and welfare of the juvenile.

34 ¹(3) "Public place" means any place to which the public has
35 access, including but not limited to a public street, road,
36 thoroughfare, sidewalk, bridge, alley, plaza, park, recreation or
37 shopping area, public transportation facility, vehicle used for
38 public transportation, parking lot or any other public building,
39 structure or area.¹

40 b. A municipality is hereby authorized and empowered to
41 enact an ordinance making it unlawful for a juvenile ²of any age

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCO committee amendments adopted February 13, 1992.

² Assembly AJL committee amendments adopted June 22, 1992.

1 under 18 years within the discretion of the municipality² to be on
2 any public street or in a public place between the hours of 10:00
3 p.m. and 6:00 a.m. unless accompanied by ¹[a] the juvenile's¹
4 parent or guardian¹ or unless engaged in, or traveling to or from,
5 a business or occupation which the laws of this State authorize a
6 juvenile to perform¹. Such an ordinance may also make it
7 unlawful for any parent or guardian to allow an unaccompanied
8 juvenile to be on any public street or in any public place during
9 those hours.

10 c. An ordinance enacted pursuant to this act shall provide that
11 violators shall be required to perform community service and may
12 be subject to a fine of up to \$1,000.00. If both a juvenile and the
13 juvenile's parent or guardian violate such an ordinance, they shall
14 be required to perform community service together.

15 d. An ordinance enacted pursuant to this act ²[may] shall²
16 include ¹[an exception] exceptions¹ permitting juveniles to
17 ¹engage in errands involving medical emergencies and to¹ attend
18 extracurricular school activities, activities sponsored by religious
19 or community-based organizations, and other cultural,
20 educational and social events after 10 p.m. ¹and before 6 a.m.

21 e. An ordinance enacted pursuant to this act shall establish
22 clear standards in precise language adequate to apprise a juvenile
23 and a parent or guardian of that which is unlawful and adequate
24 to circumscribe the discretion of police officers in order to
25 overcome subjective and discriminatory enforcement.¹

26 ¹[2.] 3.¹ This act shall take effect immediately.

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Authorizes municipalities to enact juvenile "curfew" ordinances.

SENATE, No. 53

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Senator RICE

1 AN ACT authorizing municipalities to establish curfews for
2 juveniles and supplementing Title 40 of the Revised Statutes.

3

4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 1. a. As used in this act:

7 (1) "Juvenile" means an individual who is under the age of
8 18 years.

9 (2) "Guardian" means a person, other than a parent, to whom
10 legal custody of the juvenile has been given by court order or who
11 is acting in the place of the parent or is responsible for the care
12 and welfare of the juvenile.

13 b. A municipality is hereby authorized and empowered to
14 enact an ordinance making it unlawful for a juvenile to be on any
15 public street or in a public place between the hours of 10:00 p.m.
16 and 6:00 a.m. unless accompanied by a parent or guardian. Such
17 an ordinance may also make it unlawful for any parent or
18 guardian to allow an unaccompanied juvenile to be on any public
19 street or in any public place during those hours.

20 c. An ordinance enacted pursuant to this act shall provide that
21 violators shall be required to perform community service and may
22 be subject to a fine of up to \$1,000.00. If both a juvenile and the
23 juvenile's parent or guardian violate such an ordinance, they shall
24 be required to perform community service together.

25 d. An ordinance enacted pursuant to this act may include an
26 exception permitting juveniles to attend extracurricular school
27 activities, activities sponsored by religious or community-based
28 organizations, and other cultural, educational and social events
29 after 10 p.m.

30 2. This act shall take effect immediately.

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STATEMENT

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35 This bill authorizes a municipality to enact an ordinance
36 making it unlawful for a juvenile to be on any public street or in a
37 public place between 10 p.m. and 6 a.m. unless accompanied by a
38 parent or guardian. The ordinance may also make it unlawful for
39 any parent or guardian to allow an unaccompanied juvenile to be
40 on any public street or in any public place during those hours.
41 "Juvenile" means an individual who is under the age of 18 years.
42 The municipal ordinance shall provide that violators shall be
43 required to perform community service and may be subject to a
44 fine of up to \$1,000. If both a juvenile and the juvenile's parent
45 or guardian violate such an ordinance, they shall be required to

1 perform community service together. The municipal ordinance
2 may include an exception permitting juveniles to attend
3 extracurricular school activities, activities sponsored by religious
4 or community-based organizations, and other cultural,
5 educational and social events after 10 p.m.
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8 _____
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10 Authorizes municipalities to enact juvenile "curfew" ordinances.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 53

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 1992

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 53 [1R].

This bill authorizes a municipality to enact an ordinance making it unlawful for a juvenile to be on any public street or in a public place between 10 p.m. and 6 a.m. unless accompanied by the juvenile's parent or guardian or unless engaged in, or traveling to or from, a business or occupation which the laws of this State authorize a juvenile to perform. The committee amended subsection b. to clarify that a municipality may chose, within its discretion, to make its ordinance applicable to juveniles of any age less than 18 years. Thus, a municipality may enact a curfew ordinance that only pertains to juveniles less than 16 years of age, for example. An ordinance enacted pursuant to this bill may also make it unlawful for any parent or guardian to allow an unaccompanied juvenile to be on any public street or in any public place during those hours.

The bill requires an ordinance enacted pursuant to this act to provide that violators must perform community service and may be subject to a fine of up to \$1,000. If both a juvenile and the juvenile's parent or guardian violate the ordinance, they shall be required to perform community service together. The municipal ordinance shall include exceptions permitting juveniles to engage in errands involving medical emergencies and to attend extracurricular school activities, activities sponsored by religious or community-based organizations, and other cultural, educational and social events after 10 p.m. and before 6 a.m. These exceptions were permissive in the bill but the committee amended this subsection to provide that a municipal ordinance shall include these exceptions.

The bill requires an ordinance enacted pursuant to this act to establish clear standards in precise language adequate to apprise a juvenile and a parent or guardian of that which is unlawful and adequate to circumscribe the discretion of police officers in order to overcome subjective and discriminatory enforcement.

This bill is identical to Assembly Bill No. 1037 [1R].

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 53

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 1992

The Senate Community Affairs Committee favorably reports Senate Bill No. 53, with committee amendments.

Senate Bill No. 53 authorizes a municipality to enact an ordinance making it unlawful for a juvenile to be on any public street or in a public place between 10 p.m. and 6 a.m. unless accompanied by the juvenile's parent or guardian or unless engaged in, or traveling to or from, a business or occupation which the laws of this State authorize a juvenile to perform. An ordinance enacted pursuant to this bill may also make it unlawful for any parent or guardian to allow an unaccompanied juvenile to be on any public street or in any public place during those hours. "Juvenile" means an individual who is under the age of 18 years. "Public place" means any place to which the public has access, including but not limited to a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, recreation or shopping area, public transportation facility, vehicle used for public transportation, parking lot or any other public building, structure or area.

The bill requires an ordinance enacted pursuant to this act to provide that violators must perform community service and may be subject to a fine of up to \$1,000. If both a juvenile and the juvenile's parent or guardian violate the ordinance, they shall be required to perform community service together. The municipal ordinance may include exceptions permitting juveniles to engage in errands involving medical emergencies and to attend extracurricular school activities, activities sponsored by religious or community-based organizations, and other cultural, educational and social events after 10 p.m. and before 6 a.m.

The bill requires an ordinance enacted pursuant to this act to establish clear standards in precise language adequate to apprise a juvenile and a parent or guardian of that which is unlawful and adequate to circumscribe the discretion of police officers in order to overcome subjective and discriminatory enforcement.

The committee amended the bill to incorporate a definition of public place, and to include exceptions to curfew ordinances for juveniles engaged in or traveling to or from work and juveniles engaged in errands involving medical emergencies. The committee also added the requirement that an ordinance enacted pursuant to this act must establish clear standards in precise language adequate to apprise a juvenile and a parent or guardian of that which is unlawful and adequate to circumscribe the discretion of police officers in order to overcome subjective and discriminatory enforcement.

The committee also amended the bill to include legislative findings and declarations evidencing the Legislature's concern for the general health and welfare of children and its desire to encourage parental supervision over their children during the most dangerous hours of the day.

This bill was pre-filed for introduction in the 1992 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001
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TRENTON, N.J. 08625

Release: Thursday
October 29, 1992

GOVERNOR SIGNS CURFEW BILL *Gives Towns Guidance in Crafting Local Curfews*

Governor Jim Florio today signed a bill which sets clear statewide guidelines for local towns to enact curfews, which he called an "acceptable method for protecting the innocent, including young people, if they adhere to sensible standards."

"This law will help our towns and communities separate curfews from controversy. This law establishes clear statewide guidelines and legislative directions for local governments to use if they decide to enact curfews," said Governor Florio. "Everyone here is aware that curfews touch on certain rights issues. This bill addresses them. Those concerns are important."

"But when crimes like carjacking, theft or gang violence sweep through a community, we have to remember that citizens and crime victims have important rights that must be protected -- the right to be safe, secure and comfortable in their home, and where they live and work," he said.

The law sets standard guidelines for towns to use in adopting curfew ordinances for juveniles under the age of 18. The new law also gives municipalities the prerogative of holding parents responsible as well for curfew violations. The penalty for both juveniles and parents is community service. Juveniles would also be eligible for additional fines up to \$1,000. The law takes effect immediately.

Many New Jersey municipalities have curfew ordinances already in place which are working and would not be directly affected by the new law. In the best sense, curfews carefully applied are about communities working together to prevent serious crime before it happens or is repeated, which is at the heart of the state's new law enforcement efforts, Governor Florio said.

Curfews can be an acceptable method for protecting the innocent, including young people, if they adhere to sensible standards, Governor Florio said, and are not applied in a discriminatory or subjective fashion, and if fines and punishment are not excessive. The new law address all these issues.

"We don't believe state government should be telling municipalities what their community standards should be. This bill doesn't mandate a thing. But if a community believes that curfews can help protect youngsters from the dangers of the street, increase parental responsibility and reduce crime, we want to help keep the issue out of court by establishing the right standards," he said.

"This bill recognizes that the vast majority of people of every kind of community want to live in safe and secure neighborhoods," Governor Florio said. "When fear of indiscriminate crime, like carjackings, spreads through a community, it fosters tension and distrust between neighbors and neighborhoods. It breeds distrust of kids, most of whom are doing the right thing. So when a community is fighting to calm the fear, to restore the fabric of a neighborhood and the hope of people, we should not turn our backs."

The bill, S 53/A 1037, was sponsored by Senator Ron Rice and Assemblyman Jerry Green.

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