

AN ORDINANCE BY

COUNCILMEMBER KEISHA SEAN WAITES

TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES, PART II (ORDINANCES), CHAPTER 106 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE V (OFFENSES BY AND AGAINST MINORS), SECTION 106-227 (CURFEW - AUTHORIZED), TO MODIFY THE UNLAWFUL HOURS OF UNACCOMPANIED MINORS 16 (SIXTEEN) YEARS OF AGE OR YOUNGER FROM 11PM TO 6AM ON ANY DAY TO THE HOURS OF 8PM TO 6AM; AND MODIFY FRIDAY AND SATURDAY UNLAWFUL HOURS OF UNACCOMPANIED MINORS 16 (SIXTEEN) YEARS OF AGE OR YOUNGER FROM 12AM MIDNIGHT TO 6AM TO THE HOURS OF 9PM TO 6AM; MAINTAINING THE CURRENT EXCEPTIONS LISTED IN SECTION 106- 227 (1-9); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in protecting the public safety and welfare of its citizens; and

WHEREAS, the City of Atlanta has determined that it would be in the best interest of the public safety and welfare of the citizens to prohibit youths 16 (sixteen) and younger from being unaccompanied in specific settings pursuant to Chapter 106 Section 227 (“Curfew Law”); and

WHEREAS, curfews have historically been used as a means to protect nondelinquent youth from crime and to deny delinquent youth the opportunity to engage in criminal behavior

WHEREAS, curfews are commonplace in cities and towns across America, according to the U.S. Conference of Mayors; and

WHEREAS, recent curfew laws across the nation were amended to impose more stringent curfew parameters to further promote safety; and

WHEREAS, Studies suggest juvenile perpetrators of crime often take as their victims other youth, it is hoped that rates of youth victimization will drop as well.

WHEREAS, The City of Atlanta has also experienced such instances or juvenile violence and believe it necessary to shorten the hours of accompanied youth in the existing curfew ordinance.

WHEREAS, City of Atlanta Code of Ordinances, Part II, Chapter 106, Section 106-227 (“Curfew - authorized”) makes it illegal for an unaccompanied minor ages 16 (sixteen) or younger to be in public streets or places during the hours of 11 p.m. and 6 a.m. on weekdays; or between midnight and 6 a.m. on weekends; and

WHEREAS, the new curfew hours makes it illegal for an unaccompanied minor ages 16 (sixteen) or younger to be in public streets or places during the hours of 8 p.m. and 6 a.m. on weekdays; or between 9 p.m. and 6 a.m. on weekends; and

WHEREAS, the current curfew law includes exceptions which shall remain, listed as:

- (1)When a minor is accompanied by such minor's parent, guardian or other adult person having the lawful care and custody of the minor.
- (2)When the minor is upon an emergency errand directed by such minor's parent or guardian or other adult person having the lawful care and custody of such minor.
- (3)When the minor is returning directly home from a school activity, entertainment, recreational activity or dance.
- (4)When the minor is returning directly home from lawful employment that makes it necessary to be in the places referenced in this section during the proscribed period of time.
- (5)When the minor is 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.
- (6)When the minor is in a motor vehicle with parental consent for normal travel, with interstate travel through the city, excepted in all cases from the curfew.
- (7)When the minor is a homeless child or youth.
- (8)When the individual is legally emancipated pursuant to a court order.
- (9)When the individual is married; and

WHEREAS, currently, Atlanta's curfew law should properly establish safety among teens and youths in the City and should be strengthened to include tighter restrictions to improve the quality of life of all citizens.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1: That Part II (Ordinances), Chapter 106 (Offenses and Miscellaneous Provisions), Article V (Offenses by and against Minors), Section 106-227 (Curfew - Authorized), shall now read:

“It is unlawful for any minor 16 (sixteen) years of age or younger to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any place unsupervised by an adult having the lawful authority to be at such places between the hours of 8 p.m. on any day and 6:00 a.m. of the following day; however, on Fridays and Saturdays, the effective hours are between 9pm and 6:00 a.m. of the following day; and provided, that the provisions of this section shall not apply in the following instances:

SECTION 2: That all conflicting ordinances are hereby waived to the extent of the conflict.

SECTION 3: This ordinance shall take effect immediately upon becoming law.