

# SENATE, No. 155

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Senator WAYNE R. BRYANT**

**District 5 (Camden and Gloucester)**

**Senator PAUL SARLO**

**District 36 (Bergen, Essex and Passaic)**

**Assemblyman JERRY GREEN**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman BRIAN P. STACK**

**District 33 (Hudson)**

**Co-Sponsored by:**

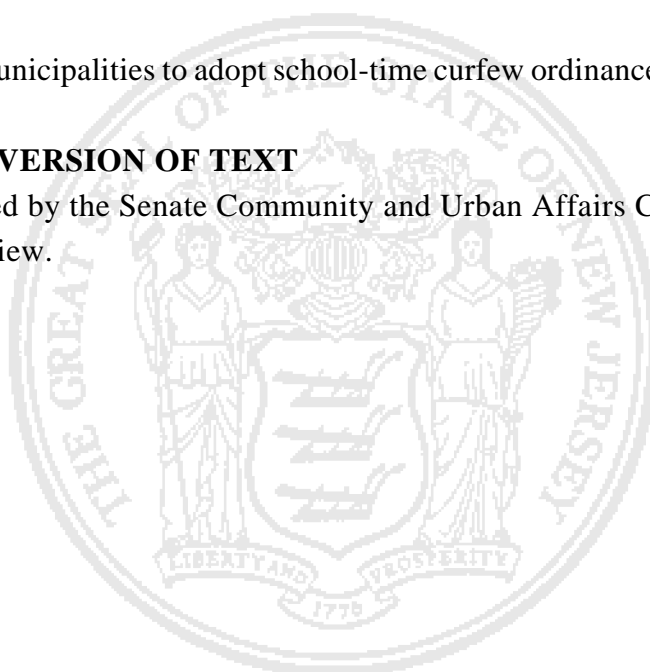
**Senator Sacco, Assemblymen Connors and Conaway**

**SYNOPSIS**

Permits municipalities to adopt school-time curfew ordinances for juveniles.

**CURRENT VERSION OF TEXT**

As reported by the Senate Community and Urban Affairs Committee with technical review.



**(Sponsorship Updated As Of: 12/14/2004)**

S155 BRYANT, SARLO

2

1 AN ACT concerning the adoption of curfew ordinances for juveniles by  
2 municipalities and amending P.L.1992, c.132.

3

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

6

7 1. Section 2 of P.L.1992, c.132 (C.40:48-2.52) is amended to read  
8 as follows:

9 2. a. As used in this act:

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

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

15 (3) "Public place" means any place to which the public has access,  
16 including but not limited to a public street, road, thoroughfare,  
17 sidewalk, bridge, alley, plaza, park, recreation or shopping area, public  
18 transportation facility, vehicle used for public transportation, parking  
19 lot or any other public building, structure or area.

20 b. (1) A municipality is hereby authorized and empowered to enact  
21 an ordinance making it unlawful for a juvenile of any age under 18  
22 years within the discretion of the municipality to be on any public  
23 street or in a public place between the hours of 10:00 p.m. and 6:00  
24 a.m. unless accompanied by the juvenile's parent or guardian or unless  
25 engaged in, or traveling to or from, a business or occupation which the  
26 laws of this State authorize a juvenile to perform. Such an ordinance  
27 may also make it unlawful for any parent or guardian to allow an  
28 unaccompanied juvenile to be on any public street or in any public  
29 place during those hours.

30 (2) A municipality is hereby authorized and empowered to enact an  
31 ordinance making it unlawful for a juvenile of any age under 18 years  
32 within the discretion of the municipality to be in any public place  
33 during the hours when the juvenile is required to be in attendance at  
34 either a public or non-public school unless the juvenile is accompanied  
35 by a parent or guardian or is carrying written permission from the  
36 juvenile's educational authority allowing the juvenile to be in a public  
37 place.

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

43 d. An ordinance enacted pursuant to this act shall include

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

**Matter underlined thus is new matter.**

1 exceptions permitting juveniles to engage in errands involving medical  
2 emergencies [and]\_ to attend extracurricular school activities, and to  
3 participate in other cultural, educational and social events, sponsored  
4 by religious or community-based organizations [after 10 p.m. and  
5 before 6 a.m] during curfew hours.

6 e. An ordinance enacted pursuant to this act shall establish clear  
7 standards in precise language adequate to apprise a juvenile and a  
8 parent or guardian of that which is unlawful and adequate to  
9 circumscribe the discretion of police officers in order to overcome  
10 subjective and discriminatory enforcement.

11 (cf: P.L.1995, c.388)

12

13 2. This act shall take effect immediately.