

**ORDINANCE NO. 339
(AS AMENDED THROUGH 339.2)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
339 RELATING TO THE CONTROL OF CURFEW AND TRUANCY OF PERSONS
UNDER THE AGE OF 18 YEARS**

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

Section 1. DEFINITIONS FOR CURFEW PROVISIONS.

- “At the direction”** means specifically permitted or directing either verbally or in writing. “Curfew hours” means the period from 10:00 p.m. any evening of the week, until 6:00 a.m. the following day.
- “Truancy hours”** means the period of the day when the school the minor would normally attend is in session, on days when the school the minor would normally attend is in session.
- “Emergency”** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to fire, natural disaster, automobile accident, medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- “Establishment”** means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
- “Guardian”** means (1) a person who, under court order, is the guardian of the person of a minor; or (2) a public or private agency with which the court has placed a minor.
- “Minor”** means any person under eighteen (18) years of age.
- “Parent”** means a person who is a natural parent, adoptive parent, or step-parent of another person.
- “Public place”** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
- “Responsible adult”** means a person at least eighteen (18) years of age, authorized by a parent or guardian to have the care and custody of a minor.

“Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Section 2. CURFEW RESTRICTIONS.

- (a) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the County of Riverside during curfew hours.
- (b) It is unlawful for any parent or guardian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the County during curfew hours.
- (c) It is a defense to prosecution under Section 2(a) or 2(b) that the minor was:
 - (1) accompanied by the minors parent, guardian or responsible adult;
 - (2) on an errand at the direction of the minor’s parent, guardian or responsible adult, without any detour or stop;
 - (3) in a motor vehicle involved in interstate travel;
 - (4) engaged in, going to or returning home from an employment activity without any detour or stop;
 - (5) involved in an emergency;
 - (6) on the sidewalk abutting the minor’s residence;
 - (7) engaged in, going to or returning home from an official school, religious, or other recreational activity supervised by adults, sponsored by the County of Riverside, a civic organization, or another similar entity that takes responsibility for the minor.
 - (8) exercising First Amendment rights protected by the United States Constitution;
or
 - (9) emancipated pursuant to law.

Section 3. TRUANCY RESTRICTIONS.

- (a) It is unlawful for any minor who is subject to compulsory education or to compulsory continuation education to be present in any public place or on the premises of any establishment within the County of Riverside during truancy hours.
- (b) It is unlawful for any parent or guardian of a minor knowingly to permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the County during truancy hours.
- (c) It is a defense to prosecution under Section 3(a) or 3(b) that the minor was:
 - (1) accompanied by a parent, guardian, or responsible adult;
 - (2) involved in an emergency;
 - (3) going to or returning from a medical appointment without any detour or stop;
 - (4) engaged in, going to or returning home from an employment activity without any detour or stop;
 - (5) in possession of valid proof that the minor is a student who has permission to leave the school campus.

Section 4. ENFORCEMENT.

- (a) Before taking any enforcement action under this ordinance, a law enforcement officer shall ask the apparent offenders age and a reason for being in the public place or on the premises of the establishment during curfew or truancy hours. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that no defense under section 2(c) or 3(c) is present or applicable.
- (b) Each violation of this section shall constitute a separate offense. Any person who violates any of the provisions of Section 2 or 3 of this ordinance shall be guilty of a misdemeanor or an infraction, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment. Minors shall be dealt with in accordance with juvenile court law and procedure.

Adopted: 339 03/02/1948 (Eff: 04/21/1948)

Amended: 339.1 10/30/1979 (Eff: 11/29/1979)

339.2 Item 7.7 of 06/02/1998 (Eff: 07/02/1998)