

Rep. John J. Millner

## Filed: 3/31/2004

09300HB6415ham001 LRB093 15669 RLC 49235 a AMENDMENT TO HOUSE BILL 6415 1 2 AMENDMENT NO. . Amend House Bill 6415 by replacing 3 everything after the enacting clause with the following: "Section 5. The Child Curfew Act is amended by changing 4 5 Section 1 as follows: (720 ILCS 555/1) (from Ch. 23, par. 2371) 6 7 Sec. 1. Curfew. (a) Definitions. In this Section. (1) "Curfew hours" means: 9 (A) Between 12:01 a.m. and 6:00 a.m. Saturday; 10 (B) Between 12:01 a.m. and 6:00 a.m. on Sunday; and 11 (C) Between 11:00 p.m. on Sunday to Thursday, 12 13 inclusive, and 6:00 a.m. on the following day. (2) "Emergency" means an unforeseen combination of 14 circumstances or the resulting state that calls for 15 16 immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident, or any 17 situation requiring immediate action to prevent serious 18 bodily injury or loss of life. 19 (3) "Establishment" means any privately-owned place of 20 21 business operated for a profit to which the public is 22 invited including but not limited to any place of amusement or entertainment. 23

(4) "Guardian" means:

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1	(A) a person who, under court order, is the
2	guardian of the person of a minor; or
3	(B) a public or private agency with whom a minor
4	has been placed by a court.
5	(5) "Minor" means any person under 17 years of age.
6	(6) "Operator" means any individual, firm,
7	association, partnership, or corporation operating,
8	managing, or conducting any establishment. The term
9	includes the members or partners of an association or
10	partnership and the officers of a corporation.
11	(7) "Parent" means a person who is:
12	(A) a natural parent, adoptive parent, or
13	step-parent of another person; or
14	(B) at least 18 years of age and authorized by a
15	parent or quardian to have the care and custody of a
16	minor.
17	(8) "Public Place" means any place to which the public
18	or a substantial group of the public has access and
19	includes but is not limited to streets, highways, and the
20	common areas of schools, hospitals, apartment houses,
21	office buildings, transport facilities, and shops.
22	(9) "Remain" means to:
23	(A) linger or stay; or
24	(B) fail to leave premises when requested to do so
25	by a police officer or the owner, operator, or other
26	person in control of the premises.
27	(10) "Serious bodily injury" means bodily injury that
28	creates a substantial risk of death or that causes death,
29	serious permanent disfigurement, or protracted loss or
30	impairment of the function of any bodily member or organ.
31	(b) Offenses.
32	(1) A minor commits an offense if he or she remains in
33	any public place or on the premises of any establishment
34	during curfew hours.

if he or she knowingly permits, or by insufficient con- allows, the minor to remain in any public place or on- premises of any establishment during curfew hours.  (3) The owner, operator, or any employee of- establishment commits an offense if he or she knowing allows a minor to remain upon the premises of- establishment during curfew hours.  (c) Defenses.  (l) It is a defense to prosecution under subsection that the minor was:  (A) accompanied by the minor's parent or quarding (B) on an errand at the direction of the minor parent or quardian, without any detour or stop;  (C) in a motor vehicle involved in intersity travel;  (D) engaged in an employment activity or going or returning home from an employment activity, with any detour or stop;  (E) involved in an emergency;  (F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor the neighbor did not complain to the police departing about the minor's presence;  (G) attending an official school, religious, other recreational activity supervised by adults sponsored by a qovernment or governmental agency civic organization, or another similar entity takes responsibility for the minor, or going to returning home from, without any detour or stop, official school, religious, or other recreations of school, religious, or other recreations activity supervised by adults and sponsored be government or governmental agency, a continuous properties of the properties		
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1	responsibility for the minor;
2	(H) exercising First Amendment rights protected by
3	the United States Constitution, such as the free
4	exercise of religion, freedom of speech, and the right
5	of assembly; or
6	(I) married or had been married or is an
7	emancipated minor under the Emancipation of Minors
8	Act.
9	(2) It is a defense to prosecution under clause (b) (3)
10	that the owner, operator, or employee of an establishment
11	promptly notified the appropriate local law enforcement
12	agency that a minor was present on the premises of the
13	establishment during curfew hours and refused to leave.
14	(d) Enforcement. Before taking any enforcement action
15	under this Section, a law enforcement officer shall ask the
16	apparent offender's age and reason for being in the public
17	place. The officer shall not issue a citation or make an arrest
18	under this Section unless the officer reasonably believes that
19	an offense has occurred and that, based on any response and
20	other circumstances, no defense in subsection (c) is present.
21	It is unlawful for a person less than 17 years of age to be
22	present at or upon any public assembly, building, place, street
23	or highway at the following times unless accompanied and
24	supervised by a parent, legal guardian, or other responsible
25	companion at least 18 years of age approved by a parent or
26	<del>legal guardian or unless engaged in a business or occupation</del>
27	which the laws of this State authorize a person less than 17
28	years of age to perform:
29	1. Between 12:01 a.m. and 6:00 a.m. Saturday;
30	2. Between 12:01 a.m. and 6:00 a.m. Sunday; and
31	3. Between 11:00 p.m. on Sunday to Thursday, inclusive,
32	and 6:00 a.m. on the following day.
33	(b) It is unlawful for a parent, legal guardian, or other
34	person to knowingly permit a person in his or her custody or

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## control to violate subparagraph (a) of this Section.

(e) (c) A person convicted of a violation of any provision 2 3 of this Section shall be guilty of a petty offense and shall be 4 fined not less than \$10 nor more than \$500, except that neither 5 a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian, 7 shall be subject to any fine. In addition to or instead of the 8 fine imposed by this Section, the court may order a parent, legal guardian, or other person convicted of a violation of 9 10 subsection (b) of this Section to perform community service as determined by the court, except that the legal guardian of a 11 person who has been made a ward of the court under the Juvenile 12 Court Act of 1987 may not be ordered to perform community 13 14 service. The dates and times established for the performance of 15 community service by the parent, legal guardian, or other person convicted of a violation of subsection (b) of this 16 17 Section shall not conflict with the dates and times that the 18 person is employed in his or her regular occupation.

- 19 (Source: P.A. 89-682, eff. 1-1-97.)
- 20 Section 99. Effective date. This Act takes effect upon 21 becoming law.".