

Albuquerque Model City Council Curriculum

1 protection of minors from each other and from other persons, to provide for the
2 enforcement of parental control over and responsibility for children, to protect the
3 general public and reduce the incidence of juvenile criminal activities pursuant to the
4 City's power to promote the health, safety and general welfare of its citizens.

5 Section 2. Definitions. For the purpose of this Ordinance, the following terms,
6 phrases, words and their derivations, shall have the meaning given herein.

7 A. "Curfew Hours" means:

- 8 1. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday,
9 or Thursday until 6:00 a.m. of the following day; and
- 10 2. 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

11 B. "Emergency" means an unforeseen combination of circumstances
12 or the resulting state that calls for immediate action. The term includes, but is not
13 limited to, a fire, a natural disaster, automobile accident, or any situation requiring
14 immediate action to prevent serious bodily injury or loss of life.

15 C. "Establishment" means any privately-owned place of business
16 operated for a profit to which the public is invited, including, but not limited to, any
17 place of amusement or entertainment.

18 D. "Guardian" means:

- 19 1. a person who, under court order, is the guardian of the
20 person of a minor; or
- 21 2. a public or private agency with whom a minor has been
22 placed by a court.

23 E. "Minor" means any person under 17 years of age.

24 F. "Operator" means any individual, firm, association, partnership, or
25 corporation operating, managing, or conducting any establishment. The term includes

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1 the members or partners of an association or partnership and the officers of a
2 corporation.

3 G. "Parent" means a person who is:

4 1. a natural parent, adoptive parent, or step-parent of another
5 person; or

6 2. at least 18 years of age and authorized by a parent or
7 guardian to have the care and custody of a minor.

8 H. "Public Place" means any place to which the public or a
9 substantial group of the public has access and includes, but is not limited to, streets,
10 highways, and the common areas of schools, hospitals, apartment houses, office
11 buildings, transport facilities, and shops.

12 I. "Remain" means to:

13 1. linger or stay; or

14 2. fail to leave premises when requested to do so by a police
15 officer or the owner, operator, or other person in control of the premises.

16 J. "Serious Bodily Injury" means bodily injury that creates a
17 substantial risk of death or that causes death, serious permanent disfigurement, or
18 protracted loss or impairment of the function of any bodily member or organ.

19 Section 3. Offenses.

20 A. A minor commits an offense if he remains in any public place or
21 on the premises of any establishment within the City during curfew hours.

22 B. A parent or guardian of a minor commits an offense if he
23 knowingly permits, or by insufficient controls allows, the minor to remain in any public
24 place or on the premises of any establishment within the City during curfew hours.

25 C. The owner, operator, or any employee of an establishment

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1 commits an offense if he knowingly allows a minor to remain upon the premises of the
2 establishment during curfew hours.

3 Section 4. Defenses.

4 A. It is a defense to prosecution under Section 3 that the minor was:

5 1. accompanied by the minor's parent or guardian;

6 2. on an errand at the direction of the minor's parent or
7 guardian, without any detour or stop;

8 3. in a motor vehicle involved in interstate travel;

9 4. engaged in an employment activity, or going to or returning
10 home from an employment activity, without any detour or stop;

11 5. involved in an emergency;

12 6. on the sidewalk abutting the minor's residence or abutting
13 the residence of a next-door neighbor if the neighbor did not complain to the police
14 department about the minor's presence;

15 7. attending an official school, religious, or other recreational
16 activity supervised by adults and sponsored by a civic organization, or another similar
17 entity that takes responsibility for the minor, or going to or returning home from
18 without any detour or stop, an official school, religious, or other recreational activity
19 supervised by adults and sponsored by a civic organization, or another similar entity
20 that takes responsibility for the minor;

21 8. exercising first amendment rights protected by the United
22 States Constitution, such as the free exercise of religion, freedom of speech, and the
23 right of assembly; or

24 9. married or had been married or had disabilities of minority
25 removed in accordance with Chapter 26 of the New Mexico Human Rights Act.

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1 B. It is a defense to prosecution under Section 3.c. that the owner,
2 operator, or employee of an establishment promptly notified the police department that
3 a minor was present on the premises of the establishment during curfew hours and
4 refused to leave.

5 Section 5. Enforcement. Before taking any enforcement action under this
6 Section, a police officer shall ask the apparent offender's age and reason for being in
7 the public place. The officer shall not issue a citation or make an arrest under this
8 Section unless the officer reasonably believes that an offense has occurred and that,
9 based on any response and other circumstances, no defense in Section 4 is present.

10 Section 6. Penalties. A person who violates a provision of this Ordinance is
11 guilty of a separate offense for each day or part of a day during which the violation
12 is committed, continued or permitted. Each offense, upon conviction, is punishable
13 by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not
14 more than ninety (90) days, or by both such fine and imprisonment.

15 Section 7. Section 12-1-5-5 Revised Ordinances, 1974, is amended to read as
16 follows:

17 *12-1-5-5 OFFENSES BY CHILDREN.

18 Offenses by children consists of any person:

19 A. Under the age of 18 years exhibiting any fictitious or false
20 registration card, identification card, note, or other instrument for the purpose of
21 consummating any transaction whatsoever within the City, or for the purpose of
22 deceiving or misleading any other person as to the true age of such person;

23 B. Under the age of 21 years procuring, buying, purchasing,
24 possessing or obtaining any alcoholic beverage.

25 Section 8. SEVERABILITY CLAUSE. If any section, paragraph, sentence,

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1 clause, word or phrase of this ordinance is for any reason held to be invalid or
2 unenforceable by any court of competent jurisdiction, such decision shall not affect
3 that it would have passed this ordinance and each section, paragraph, sentence,
4 clause, word or phrase thereof irrespective of any provision being declared
5 unconstitutional or otherwise invalid.

6 Section 9 . COMPILATION. Sections 1 through 7 of this ordinance shall be
7 incorporated in and compiled as part of the Revised Ordinances of Albuquerque, New
8 Mexico,

9 Section 10 . EFFECTIVE DATE. This ordinance shall take effect five days after
10 publication in full.