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LRB093 15669 RLC 50566 a

1 AMENDMENT TO HOUSE BILL 6415

2 AMENDMENT NO. _____. Amend House Bill 6415 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Child Curfew Act is amended by changing
5 Section 1 as follows:

6 (720 ILCS 555/1) (from Ch. 23, par. 2371)

7 Sec. 1. Curfew.

8 (a) Definitions. In this Section.

9 (1) "Curfew hours" means:

10 (A) Between 12:01 a.m. and 6:00 a.m. Saturday;

11 (B) Between 12:01 a.m. and 6:00 a.m. on Sunday; and

12 (C) Between 11:00 p.m. on Sunday to Thursday,

13 inclusive, and 6:00 a.m. on the following day.

14 (2) "Emergency" means an unforeseen combination of
15 circumstances or the resulting state that calls for
16 immediate action. The term includes, but is not limited to
17 a fire, a natural disaster, an automobile accident, or any
18 situation requiring immediate action to prevent serious
19 bodily injury or loss of life.

20 (3) "Guardian" means:

21 (A) a person who, under court order, is the
22 guardian of the person of a minor; or

23 (B) a public or private agency with whom a minor
24 has been placed by a court.

1 (4) "Minor" means any person under 17 years of age.

2 (5) "Parent" means a person who is:

3 (A) a natural parent, adoptive parent, or
4 step-parent of another person; or

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

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

13 (7) "Remain" means to:

14 (A) linger or stay; or

15 (B) fail to leave premises when requested to do so
16 by a police officer or the owner, operator, or other
17 person in control of the premises.

18 (8) "Serious bodily injury" means bodily injury that
19 creates a substantial risk of death or that causes death,
20 serious permanent disfigurement, or protracted loss or
21 impairment of the function of any bodily member or organ.

22 (b) Offenses.

23 (1) A minor commits an offense if he or she remains in
24 any public place or on the premises of any establishment
25 during curfew hours.

26 (2) A parent or guardian of a minor or other person in
27 custody or control of a minor commits an offense if he or
28 she knowingly permits the minor to remain in any public
29 place or on the premises of any establishment during curfew
30 hours.

31 (c) Defenses. It is a defense to prosecution under
32 subsection (b) that the minor was:

33 (A) accompanied by the minor's parent or guardian
34 or other person in custody or control of the minor;

1 (B) on an errand at the direction of the minor's
2 parent or guardian, without any detour or stop;

3 (C) in a motor vehicle involved in interstate
4 travel;

5 (D) engaged in an employment activity or going to
6 or returning home from an employment activity, without
7 any detour or stop;

8 (E) involved in an emergency;

9 (F) on the sidewalk abutting the minor's residence
10 or abutting the residence of a next-door neighbor if
11 the neighbor did not complain to the police department
12 about the minor's presence;

13 (G) attending an official school, religious, or
14 other recreational activity supervised by adults and
15 sponsored by a government or governmental agency, a
16 civic organization, or another similar entity that
17 takes responsibility for the minor, or going to or
18 returning home from, without any detour or stop, an
19 official school, religious, or other recreational
20 activity supervised by adults and sponsored by a
21 government or governmental agency, a civic
22 organization, or another similar entity that takes
23 responsibility for the minor;

24 (H) exercising First Amendment rights protected by
25 the United States Constitution, such as the free
26 exercise of religion, freedom of speech, and the right
27 of assembly; or

28 (I) married or had been married or is an
29 emancipated minor under the Emancipation of Minors
30 Act.

31 (d) Enforcement. Before taking any enforcement action
32 under this Section, a law enforcement officer shall ask the
33 apparent offender's age and reason for being in the public
34 place. The officer shall not issue a citation or make an arrest

1 under this Section unless the officer reasonably believes that
2 an offense has occurred and that, based on any response and
3 other circumstances, no defense in subsection (c) is present.

4 ~~It is unlawful for a person less than 17 years of age to be~~
5 ~~present at or upon any public assembly, building, place, street~~
6 ~~or highway at the following times unless accompanied and~~
7 ~~supervised by a parent, legal guardian, or other responsible~~
8 ~~companion at least 18 years of age approved by a parent or~~
9 ~~legal guardian or unless engaged in a business or occupation~~
10 ~~which the laws of this State authorize a person less than 17~~
11 ~~years of age to perform:~~

12 ~~1. Between 12:01 a.m. and 6:00 a.m. Saturday;~~

13 ~~2. Between 12:01 a.m. and 6:00 a.m. Sunday; and~~

14 ~~3. Between 11:00 p.m. on Sunday to Thursday, inclusive,~~
15 ~~and 6:00 a.m. on the following day.~~

16 ~~(b) It is unlawful for a parent, legal guardian, or other~~
17 ~~person to knowingly permit a person in his or her custody or~~
18 ~~control to violate subparagraph (a) of this Section.~~

19 (e) ~~(e)~~ A person convicted of a violation of any provision
20 of this Section shall be guilty of a petty offense and shall be
21 fined not less than \$10 nor more than \$500, except that neither
22 a person who has been made a ward of the court under the
23 Juvenile Court Act of 1987, nor that person's legal guardian,
24 shall be subject to any fine. In addition to or instead of the
25 fine imposed by this Section, the court may order a parent,
26 legal guardian, or other person convicted of a violation of
27 subsection (b) of this Section to perform community service as
28 determined by the court, except that the legal guardian of a
29 person who has been made a ward of the court under the Juvenile
30 Court Act of 1987 may not be ordered to perform community
31 service. The dates and times established for the performance of
32 community service by the parent, legal guardian, or other
33 person convicted of a violation of subsection (b) of this
34 Section shall not conflict with the dates and times that the

1 person is employed in his or her regular occupation.

2 (Source: P.A. 89-682, eff. 1-1-97.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".