

From: Matthew Weng
Sent: Thursday, June 07, 2012 3:40 PM
To: 'pmiller@ehtgov.org'
Subject: Municipal curfews

Peter:

Mike Darcy forwarded your email on to me regarding curfews. I've asked our webmaster to take down the samples that were posted on our website and we will write a mayor's letter shortly cautioning municipalities about the outcome of your case.

Mike indicated that you seemed concerned that the Judge indicated that he felt it would be difficult, if not impossible, or craft a curfew ordinance that would pass constitutional muster. I disagree. It seems as though as long as the juvenile has parental permission the constitutional issues are avoided. Here's a sample from North Arlington:

- A. It shall be unlawful for juveniles to be in any public place during curfew hours as defined in § 134-1 unless accompanied by a parent or guardian. This prohibition does not apply if said juvenile is:
- (1) Engaged in, or traveling to or from, a business or occupation which the laws of the State of New Jersey authorize a juvenile to perform;
 - (2) On an errand at the direction of the minor's parent or guardian;
 - (3) In a motor vehicle involved in interstate travel;
 - (4) Involved in an emergency;
 - (5) On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the Police Department about the minor's presence;
 - (6) Attending religious services, extracurricular school activities, activities sponsored by a religious or community organization or other cultural, educational or social events or is in direct transit to or from such events;
 - (7) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - (8) Married or had been married or had disabilities of minority removed.

Obviously I cannot guarantee this would survive judicial scrutiny but I think it is a step in the right direction.

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