

ORDINANCE TO AMEND ATLANTA'S CURFEW LAWS TO PROVIDE EXEMPTIONS FOR HOMELESS YOUTH AND TEENAGERS

AN ORDINANCE BY MATTHEW CHARLES CARDINALE

AN ORDINANCE TO AMEND CITY OF ATLANTA CODE OF ORDINANCES, PART II (ORDINANCES), CHAPTER 106 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE V (OFFENSES BY AND AGAINST MINORS), SECTION 106-227 (CURFEW - AUTHORIZED), TO ADD ADDITIONAL EXEMPTIONS FOR HOMELESS YOUTH AND TEENAGERS; AND FOR OTHER PURPOSES.

WHEREAS, there are at least hundreds of homeless youth and teenagers attempting to survive in the City of Atlanta each year; and

WHEREAS, there are inadequate shelters and long-term placements to accommodate the unique needs of each homeless youth and teenager within City of Atlanta boundaries; and

WHEREAS, currently, Atlanta's curfew laws create special barriers for homeless youth by creating the possibility of placing them into the criminal justice system simply for not having a home; and

WHEREAS, placing homeless youth into the criminal justice system is cruel, unusual, unconscionable, harmful, and counterproductive; and

WHEREAS, Chapter 106-227 (Curfew - authorized) makes it illegal for a minor ages sixteen or younger to be in public streets or places during the hours of 11 p.m. and 6 a.m. on weekdays; or between midnight and 6 a.m. on weekends; and

WHEREAS, the section provides several exceptions to the curfew, including, for example, youth with permission from their parents, youth attending school or work events, and youth participating in a First Amendment activity; and

WHEREAS, it is necessary to enact additional exemptions to prevent the continued criminalization of homeless youth as a status in the City of Atlanta;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That Part II (Ordinances), Chapter 106 (Offenses and Miscellaneous Provisions), Article V (Offenses by and against Minors), Section 106-227 (Curfew - Authorized), which currently reads as follows:

"It is unlawful for any minor 16 years of age or younger to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any place unsupervised by an adult having the lawful authority to be at such places between the hours of 11:00 p.m. on any day and 6:00 a.m. of the following day; however, on Fridays and Saturdays, the effective hours are between 12:00 midnight and 6:00 a.m. of the following day; and provided, that the provisions of this section shall not apply in the following instances:

- (1) When a minor is accompanied by such minor's parent, guardian or other adult person having the lawful care and custody of the minor.
- (2) When the minor is upon an emergency errand directed by such minor's parent or guardian or other adult person having the lawful care and custody of such minor.
- (3) When the minor is returning directly home from a school activity, entertainment, recreational activity or dance.
- (4) When the minor is returning directly home from lawful employment that makes it necessary to be in the places referenced in this section during the proscribed period of time.
- (5) When the minor is attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion.
- (6) When the minor is in a motor vehicle with parental consent for normal travel, with interstate travel through the city, excepted in all cases from the curfew."

is hereby amended by adding two new subsections, (7) and (8), as follows:

- (7) When the minor is legally emancipated pursuant to a court order.

(8) When the minor is homeless.

SECTION 2: Except as otherwise provided, the provisions of Section 1 are effective as of the date of adoption of this legislation.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.