

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 102

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO CURFEWS; AMENDING SECTION 20-549, IDAHO CODE, TO REVISE THE
PENALTY FOR A JUVENILE CURFEW VIOLATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 20-549, Idaho Code, be, and the same is hereby
amended to read as follows:

20-549. CURFEW VIOLATIONS -- CITATION -- NOTIFICATION. Violation by a
juvenile offender of a curfew established by a municipal or county ordinance
shall constitute an infraction and shall be punishable by a fine not to ex-
ceed three of one hundred fifty dollars (\$30150), detention, or both. Fines
shall be deposited in the county juvenile justice fund of the county where
the violation occurred, or if such a fund has not been established, then in
the current county expense account for juvenile corrections purposes in the
county where the violation occurred. ~~The imposition of detention shall be~~
~~subject to the provisions of sections 20-520(1)(c) and 20-521, Idaho Code.~~
Detention of a juvenile offender in a county jail or detention center for vi-
olation of a curfew is prohibited, unless the juvenile offender is an habit-
ual status offender as defined in section 20-521, Idaho Code.

Any peace officer may issue a citation for violation of a curfew that
shall thereafter proceed under the juvenile corrections act in the same man-
ner as though the violation was charged by a petition. Citations shall be is-
sued on the Idaho uniform citation form. The peace officer issuing a curfew
citation may detain the violator and at the time the citation is issued shall
make a reasonable effort to obtain the endorsement of the juvenile's par-
ent or legal guardian on the citation. If the endorsement of a parent or le-
gal guardian cannot be obtained with the exercise of reasonable diligence, a
copy of the citation shall be hand delivered or mailed to the juvenile's par-
ent or legal guardian by a peace officer at least seven (7) days prior to the
date set for the juvenile's appearance. The citation shall provide a date
certain for the appearance before a magistrate of the juvenile and parent or
legal guardian.

~~When sentencing a juvenile offender for violating a curfew, the court~~
~~may also enter any order authorized in section 20-520, Idaho Code. The court~~
~~shall have jurisdiction over the parent or legal guardian of the violator~~
~~pursuant to section 20-522, Idaho Code.~~