

Sec. 78-4. **Curfew** for minors.

(a) **Curfew hours for children 15, 16, or 17 years of age.** No parent, guardian or other custodian of any child 15, 16, or 17 years of age shall permit that child to be in a public place:

- (1) Between 1:00 a.m. and 5:00 a.m. on Saturday and Sunday.
- (2) After 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or before 5:00 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.
- (3) A law enforcement officer may not detain a child or take a child into custody based on a violation of this section unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:

- a. The child has violated this section; and
- b. There is no legal defense to the violation.

(b) **Curfew hours for children under 15 years of age.** It is unlawful for a child under 15 years of age to be in a public place after 10:00 p.m. or before 5:00 a.m. on any day.

(c) **Exceptions.** This section does not apply to a child who is:

- (1) Emancipated under IC 31-37-19-27 or IC 31-6-4-15.7;
- (2) By virtue of having married; or
- (3) In accordance with the laws of another state or jurisdiction; at the time that the child engaged in the prohibited conduct.

(d) **Defense to violation.** It is a defense to a violation under this chapter that the child engaged in the prohibited conduct while:

- (1) Accompanied by the child's parent, guardian, or custodian;
- (2) Accompanied by an adult specified by the child's parent, guardian, or custodian;
- (3) Participating in, going to, or returning from:
  - a. Lawful employment;
  - b. A school sanctioned activity;
  - c. A religious event;
  - d. An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
  - e. An activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or
  - f. An activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults; or
- (4) Engaged in interstate or international travel from a location outside Indiana to another location outside Indiana.

(e) **Enforcement procedure.** Each police force member, based upon probable cause, may stop and question any minor suspected of violating the provisions of this section, and may take the minor into custody when found violating any provisions of this section. The officer shall take the minor to the city police headquarters, where the name of the minor's parent or guardian or the person having legal custody of the minor shall be ascertained. The parent, guardian or person having legal custody shall be notified or summoned by the investigating officer to appear at the police headquarters to complete the investigation. The investigating or apprehending officer, if satisfied that a violation

has occurred, shall cause a citation for the violation of this section to be issued to the offending parent, guardian or custodian.

(f) *Penalty; court proceedings.* Whoever violates any provisions of this section shall be punished as provided in section 1-7. In addition, any minor violating any provision of this section may be referred to the county juvenile probation department, to the county prosecutor's office juvenile division, and/or to the county superior court no. 2, which court has juvenile jurisdiction, for further proceedings regarding the juvenile's curfew violation.

(Ord. No. 3374, 8-17-1993; Ord. No. 3847, 8-7-2001; Ord. No. 3924, 6-15-2004)

**State law references:** Local curfews, IC 31-37-3-4, 31-37-3-5.

**IC 31-37-3-4**  
**Advancement of curfew time by local ordinance**

31-37-3-4 Sec. 4. Whenever a city, town, or county determines that any curfew time established by section 2 or 3 of this chapter is later than is reasonable for public safety under the conditions found to exist in the city, town, or county, the city, town, or county may, by ordinance, advance the curfew time within the jurisdiction of the city, town, or county by not more than two (2) hours.

*As added by P.L.1-1997, SEC.20.*