

MOTION

LAMC Sec. 45.04 "Prohibition Against Juvenile Loitering Between The Hours of 8:30 A.M and 1:30 P.M.," prohibits any person under the age of 18 and subject to compulsory education or compulsory continuation school from loitering between the hours of 8:30 A.M. and 1:30 P.M. outside of the school in their community. This code section includes an exception that a "...minor is authorized to be absent from his or her school pursuant to the provisions of California Education Code Section 48205, or any other applicable State or federal law" (C.F. 95-0438).

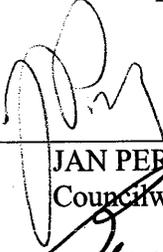
The City of Long Beach has implemented Ordinance No 172,012 (attached) that prohibits juvenile loitering between the hours of 8:30 A.M. and 1:30 P.M. and "...makes it unlawful for any minor under the age of 18, who is subject to compulsory education or to compulsory continuation education, alone or in concert with others, be present in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, places of amusement and eating places, vacant lots or any place open to the public during the hours of 8:30 A.M and 1:30 P.M. of the same day on days when said school is in session..."

The City's current truancy regulations should be amended to clarify that students are considered truant after the morning/recess bell rings at the school they attend. In order to ensure that the LAMC, relative to truancy is clear and concise, the City Council should request the City Attorney to prepare and present an ordinance that addresses these concerns.

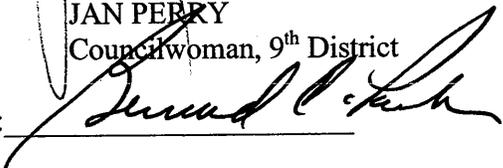
I THEREFORE MOVE that the City Council request the City Attorney to:

- (1) Review the City of Long Beach Ordinance (attached);
- (2) Prepare and present an ordinance to amend LAMC Sec. 45.04 to clarify language concerning the prohibition against juvenile loitering by classifying students as truant or tardy if they arrive after the morning/recess bell rings at the school they attend, similar to the City of Long Beach Ordinance;
- (3) Include truancy regulations, exceptions and violations language in the ordinance; and
- (4) Report to the Education and Neighborhoods Committee with a report and ordinance on this matter within 60 days.

PRESENTED BY:


 JAN PERRY
 Councilwoman, 9th District

SECONDED BY:



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SEC. 45.04. PROHIBITION AGAINST JUVENILE LOITERING BETWEEN THE HOURS OF 8:30 A.M. AND 1:30 P.M.

(Amended by Ord. No. 172,012, Eff. 6/19/98.)

(a) Curfew.

It is unlawful for any minor under the age of 18, who is subject to compulsory education or to compulsory continuation education, alone or in concert with others, be present in or upon ~~the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, places of amusement and eating places, vacant lots or any place open to the public during the hours of 8:30 a.m. and 1:30 p.m. of the same day on days when said minor's school is in session.~~

(b) Exceptions.

The provisions of this section shall not apply when:

1. The minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor;
2. The minor is on an emergency errand directed by his or her parent or guardian or other adult person having the care and custody of the minor;
3. The minor is going or coming directly from or to their place of gainful employment;
4. The minor is going or coming to or from a medical appointment;
5. The minor has permission to leave campus for lunch and has in his or her possession a valid, school-issued, off-campus permit;
6. The minor is attending or going to or returning directly home from a public meeting, or place of public entertainment, such as a movie, play, sporting event or school activity; or
7. The presence of such minor in said place or places is connected with or required with respect to a business, trade, profession or occupation in which the minor is lawfully engaged.
8. When the minor is involved in an emergency such as a fire, natural disaster, automobile accident, a situation requiring immediate action to prevent serious bodily injury or loss of life, or any unforeseen combination of circumstances or the resulting state which calls for immediate action; or
9. When the minor is in a motor vehicle involved in interstate travel; or
10. When the minor is on a sidewalk abutting the minor's residence.
11. The minor is authorized to be absent from his or her school pursuant to the provisions of California Education Code Section 48205, or any other applicable State or federal law. (Added by Ord. No. 172,603, Eff. 6/28/99.)

(c) Violation.

Each violation of the provisions of this section shall constitute a separate offense and shall be an infraction unless the minor requests that a petition be filed under Section 601 and 602 of the Welfare and Institutions Code.

(d) Penalties for Violation.

Any person convicted of willfully violating this ordinance is guilty of an infraction punishable by a fine not exceeding \$250.00 and/or perform community service for a total time not to exceed 20 hours over a period not to exceed 30 days, during times other than his or her hours of school attendance or employment.

Notwithstanding any other provisions of this Code, when a person under the age of 18 years is charged with a violation of this ordinance, and a peace officer issues a notice to appear in Superior Court to that minor pursuant to Welfare and Institutions Code Section 256, the charge shall be deemed an infraction unless the minor requests that a petition be filed under Section 601 or 602 of the Welfare and Institutions Code.

(e) Severability of Provisions.

If any severable provision of this ordinance or any application thereof is held invalid, that invalidity shall not affect other provisions or applications of the ordinance which can be given effect notwithstanding such invalidity.