

**Ordinance of the County Board
Of
Kankakee County, Illinois**

RE: ORDINANCE CREATING SECTION 42-32 OF THE KANKAKEE COUNTY CODE – CURFEW

WHEREAS, the County Board of Kankakee County believes it is in the best interest of the citizens of Kankakee County to pass an ordinance that will set a curfew on minors; and,

WHEREAS, this ordinance is necessary to help protect the safety and welfare of minors, to help fight drugs and gang activity, and act as an incentive for parents, legal guardians, and individuals to be responsible for the conduct of minors; and,

WHEREAS, the State of Illinois, 720 ILCS 5/12C-60 et seq. and 55 ILCS 5/5-1078 has granted specific legislative or regulatory authority to the County for child curfew restrictions within the County except for the corporate limits of any city, village or incorporated town; and,

WHEREAS, at the Criminal Justice Committee Meeting on February 15th, 2017, after review, discussion and consideration, the committee recommended the adoption of an addition to the County Code regarding curfew under a newly created Section 42-32,

THEREFORE BE IT RESOLVED that the County Board of Kankakee County adopts the below ordinance on curfew and such ordinance shall be found under Chapter 42, Article II, of the Kankakee County Code of Ordinances, in the newly created sec. 42-32:

Section 42-32- Curfew

(A) It is unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, business, street, highway, or other public place or way at the following times.

(1) For persons less than 16 years of age, between 10:00 p.m. and 6:00 a.m. the following day on any day of the week.

(2) For persons at least 16 years of age, but not yet 17 years of age, between 11:00 p.m. and 6:00 a.m. the following day on any day of the week.

(B) 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, legal guardian, custodian, sibling, stepbrother or stepsister at least 18 years of age.

(2) 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.

(3) Accompanied by an adult at least 21 years of age approved by the child's parent, guardian, or custodian.

(4) Participating in, going directly to, or returning directly from:

(a) Employment which the laws of this state authorize a person less than 17 years of age to perform;

(b) A school recreational 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, Sections 3, 4, and 5 of the Constitution of the State of Illinois, or both;

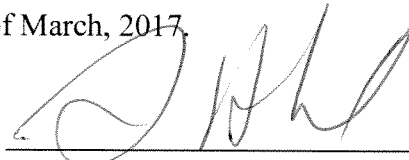
(f) An activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adult.

(C) A citation for violation of division (A) may be issued by a police officer only if he or she reasonably believes that a violation has occurred and none of the defenses enumerated in division (B) apply.

(D) No parent or legal guardian of a minor subject to this section shall consciously permit a minor in his or her custody to be in violation of this section. The parent or legal guardian having custody of a minor subject to this ordinance shall be liable for any and all costs incurred by the county for providing personnel to remain in the company of a minor who has been arrested in violation of this section, if said parent or guardian does not pick up the minor within one hour after receiving notice from the county that said minor is be detained for curfew violation.

(E) Any person who is found to be in violation of any provision of this section shall be fined not less than \$100, yet not more than \$500 for each violation. The court may sentence any person found in violation of this ordinance to community service work or alternative sentencing provision and may assess a per diem amount to be credited towards the payment of fine and costs of the proceedings in which said person was found in violation.

PASSED and adopted this 14th day of March, 2017.



Andrew H. Wheeler, County Board Chairman

ATTEST:



Bruce Clark, County Clerk