

TITLE 7. CRIMINAL CODE

- Chapter 1. General**
Chapter 2. Minors

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7-1-1 Utah Criminal Code Adopted. The Utah Code, 2009 edition, et. seq., as compiled, prepared, and published as a code in book form in Title 76, Utah Code Annotated, 1953, as amended, and as the same has been and may be from time to time amended and superseded, a copy of which has been filed for use and examination by the public in the office of the recorder, is hereby approved and adopted as the criminal code of this city insofar as the same is or can be applicable to the city, unless otherwise provided in this act.

History: 9/84

7-1-2 Reference Meaning. Unless the context requires otherwise, all references in the Utah Criminal Code to "state" shall mean this city.

History: 9/84

7-1-3 Utah Criminal Code not Conclusive. The adoption of the Utah Criminal Code shall not be conclusive of criminal acts. Therefore, other acts may be declared violations of the health, safety, and peace of the inhabitants of Clinton City.

History: 9/84

7-1-4 Limitations. All offenses under this act shall be limited to class B and C misdemeanors and infractions. An offense designated a misdemeanor, either in this act or in another law, without specification as to punishment or category, is a class C misdemeanor.

History: 9/84, 05/99

7-1-5 Citation to Code. Where a citation or information is issued pursuant to a violation of the Utah Criminal Code, it shall be sufficient to use the section of the Utah Criminal Code followed by the words, "Clinton City Code, Title 7."

History: 11/79, 9/84

Chapter 2. Minors

- 7-2-1 Curfews
- 7-2-2 Curfew – Daytime
- 7-2-3 Defenses
- 7-2-4 Curfew Enforcement Procedures

7-2-1 Curfew.

(1) Curfew for minors under eighteen. Except as provided in § (3) below, it shall be unlawful for any person under the age of eighteen (18) years to be in or upon any sidewalk, street, alley or public place between the hours of 11:00 o'clock p.m. and 5:00 o'clock a.m. on any day.

(2) Parents and Guardians. It shall be unlawful for any parent, guardian or other person having legal care, and custody of any minor, to allow or permit or suffer any such minor to go or be in or upon any of the sidewalks, streets, alleys or public places in Clinton City within the times provided in § (1) above.

(3) Exceptions. The provisions of Section (1) shall not apply when any person regulated therein is:

- (a) Accompanied by an adult having the care and custody of such person.
- (b) Attending or directly returning home from a function of any school or church.
- (c) Attending or directly returning home from a lawful entertainment, amusement or commercial activity.
- (d) On an emergency errand or specific business or activity directed by his parent, guardian, or other adult having custody or care of him/her.
- (e) Engaged in legitimate employment which requires his/her presence at the public places during the prohibited hours.

(4) Minors on business premises. No person owning or operating a business, shall permit to be or to remain on the premises where said business is conducted any minor person under the age of eighteen years, between 11:00 p.m. and 5:00 a.m., unless in the immediate presence of the parent or other adult person having legal care and custody of said minor. This section, however, shall not apply to any minor who is lawfully employed on the premises.

(5) Aiding Minor to Violate Curfew. It is unlawful for any person to assist, aid, abet, or encourage any minor to violate the provisions of this Section. It is unlawful for any person to use any influence or otherwise to entice or persuade any minor, under the age of 18 years, from his/her parents, guardians or other persons having charge or custody of such minor without the consent of

such parents, guardians or custodians.

(6) Penalty. A violation of this ordinance shall be a Class C Misdemeanor.

7-2-2 Curfew; Daytime.

(1) Minors Subject to Compulsory Education; Daytime. It is unlawful for any minor subject to compulsory education to loiter or remain in any public place, any restricted dwelling, or any unsupervised place within the Clinton City limits during the normal school hours for the school said minor is required to attend.

(2) Minors Subject to a Compulsory Alternative Education Program; Daytime. It is unlawful for any minor subject to a compulsory alternative education program to loiter or remain in any public place, any restricted dwelling, or any unsupervised place within the Clinton City limits during the normal school hours for the school said minor would normally be enrolled.

(3) Parents, Guardians, and Teachers; Daytime. It is unlawful for any parent, guardian, teacher, or other person having legal care and custody of any minor dealt with respectively in § (1) and (2) above to permit or allow, whether willfully or by exercise of insufficient control, any such minor to remain or loiter in any public place or in any other restricted place, except as provided in § (4) below.

7-2-3 Defenses. It shall be a defense to a violation of § (1) and (2) above that at the time the minor was stopped by a peace officer, the minor was:

- (a) A minor fourteen (14) years or older, emancipated by marriage.
- (b) Accompanied by the minor's parent, guardian, or other adult person having care, custody, or supervision of said minor.
- (c) In a motor vehicle involved in interstate travel.
- (d) On an errand at the direction of the minor's parent or guardian, without detour or stop.
- (e) Acting in response to an emergency.
- (f) Going to, or returning from, a medical or dental appointment.
- (g) Permitted to leave the school campus for lunch or any school approved activity.
- (h) Attending, or without any detour or stop, was going to, or returning from, a school approved, recreational, or educational activity, supervised by adults, and sponsored by the local school district, another school district, or any civic, religious, or other government organization.

- (i) Going to, or returning directly from, a compulsory alternative education program.
- (j) Going to, or returning directly from, the minor's place of school approved employment.
- (k) Granted an exemption for "home schooling" as prescribed by the local board of education.
- (l) Otherwise granted an exemption to compulsory education by the local board of education, under Section 53A-11-102 Utah Code, as amended or any successor provision.

7-2-4 Curfew Enforcement Procedures. Before taking any enforcement action under the provisions of this Section, a police officer shall ask said minor's age and reason for being in the public place or other restricted place. The police officer should not take enforcement action under this Section if the police officer has reasonable cause to believe that any defense under § 7-2-3 above applies.

(1) Upon any violation of § 7-2-1 and 7-2-2:

(a) A peace officer may take the minor into temporary custody and/or issue a citation to the minor.

(b) If the peace officer takes the minor into temporary custody, the peace officer, without unreasonable delay, shall:

(i) Transport the minor to the school from which the minor is absent, releasing the minor to the principal or other designated school official,

(ii) Release the minor to any individual who has been designated by the local school board to receive and return the minor to school, or

(iii) Transport and release the minor to a receiving center established and designated by the local school board.

(c) If the minor refuses to return to school or go to the receiving center, or the peace officer is unable to otherwise release the minor to the appropriate school official or designated receiving center, as provided in § (b)(iii) above, the peace officer may release the minor to the minor's parent or guardian, and shall notify the appropriate school officials of the violation. If a parent or guardian cannot be reached or is unable to accept custody, the minor shall be referred to the Division of Child and Family Services, in the manner required under State law.

(d) If cited, the minor shall appear, along with a parent or guardian, in the applicable youth court or in Juvenile Court as directed in the citation.

(e) A parent or guardian shall not be cited for a violation of § (3) above, unless the minor in question was previously cited for a violation of this Section and

the parent or guardian was warned or advised by a peace officer, school official, receiving center, or court official of such violation.

Penalty. First time offenders of this Section may be offered to go to Clinton City Youth Court, otherwise a violation of this Section shall be a Class "C" Misdemeanor and sent to Juvenile or District Court.

History: 6/69, 7/81, 9/8