

## **130.04 CURFEWS.**

- (A) It is a curfew violation for a child 15, 16 or 17 years of age to be in a public place:
1. After 11:00 p.m. on a Friday or Saturday and before 5:00 a.m. on the succeeding Saturday and Sunday; and
  2. After 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday and before 5:00 a.m. on the succeeding Monday, Tuesday, Wednesday, Thursday, or Friday.
- (B) It is a curfew violation for a child less than 15 years of age to be in a public place after 9:00 p.m. or before 5:00 a.m. on any day.
- (C) It is a defense to a violation of this section that the child was emancipated:
1. Under I.C. 31-37-19-27 or I.C.31-6-4-15.7(before its repeal);
  2. By virtue of having married; or
  3. In accordance with the laws of another state or jurisdiction;
- (D) It is a defense to a violation of this section 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; and
  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 to assembly;
    - 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
    - g. Engaged in interstate or international travel from a location outside of Indiana to another location outside of Indiana.
- (E) A child and its parents, guardians, or responsible adults violating this section commits a class "B" infraction the first time a violation occurs and a class "A" infraction for each subsequent violation.  
(Ord. 96-09, passed 10-7-1996; AM. Ord. 04-04, passed 3-8-2004)

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