

MEMORANDUM FOR RECORD  
PH-17-025, 05-23-17

Regarding proposed changes to the longstanding Youth Curfew Ordinance, without first considering and manifesting amendment of the ordinance's paradigm in the areas of enforcement procedures and penalties, my perspective is "Mega-Tee, Mega-Tor...same superhero, different action figure", as it regards amendment of curfew times. I believe it capricious to construe law and statute to subject the whole to the tyranny of a part, a minority in context, that comprises behavior precipitating the need of ordinance for the whole, to deter behavior that is reasonably and best managed by those who know, or should know those minors entrusted in their care by Providence, by law, or a combination thereof.

I reject outright the notion of underwriting abdication of parental or legal guardian accountability and responsibility, as it regards this ordinance. Nor am I willing to aid and abet possibly creating a construct or conditions which may precipitate confrontational environments between citizens and peace officers because of lack in parenting. Recent national events inform my perspective in this regard, although there does not exist in our community, the accompanying acrimony. We have well established bridges of relationship and communication between citizens and law enforcement within our community.

In context to my belief and perception of what appears to be a present national epidemic in contemporary society, there is a conundrum regarding the role and responsibility in relationships between parents or legal guardians of children. I digress to say I believe there are negative constructs in the relationship, a direct correlation of a child or the role of children in accounting for and being responsible for parental care in the golden years of parents lives. What has resulted to date is abject absence, irresponsibility, and propagation of false perception that the village is ultimately responsible for care in either scenario.

Before we charge off to amend the ordinance from its present form, I propose that we focus our efforts on enforcement procedures and penalties first, in efforts to enhance effectiveness of the Youth Curfew Ordinance. I propose the following amendments to enhance the ordinance:

Sec. 16-112. - Enforcement procedures (**enhanced**)<sup>1</sup>

Any peace officer, upon finding a minor in violation of Section 16-110 *shall*:

- (a) Order the minor to go directly and promptly to his home, *after* issuing either a written warning or a citation; or
- (b) Release the minor to a parent, legal guardian or other responsible adult under circumstances deemed appropriate by the officer, *after* issuing either a written warning or a citation.
  - (1) When a minor is released to a parent, legal guardian or other responsible adult, the adult *shall* be informed of the specific violation, the nature and purpose of the law, and the

---

<sup>1</sup> " | Killeen, TX | Municode Library," n.d., accessed May 15, 2017, <https://www.municode.com/library/tx/killeen>.

consequences of future violations. The peace officer *shall* issue a citation to the minor's parent, legal guardian, or a responsible adult into whose care the minor was placed.

Sec. 16-113. – Penalties (**enhanced**)<sup>2</sup>

(a) Any minor violating the provisions of this article *shall* be guilty of a Class C misdemeanor as defined by the Texas Penal Code and *shall* be dealt with in accordance with the provisions of Title 3 of the Texas Family Code, and the Texas Code of Criminal Procedure.

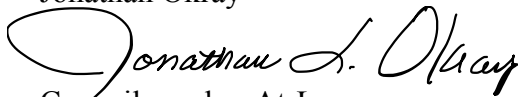
(b) A parent who violates subsection 16-110(b) or a person who violates subsection 16-110(c) *shall* be guilty of a misdemeanor, which *shall* be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

(c) In assessing punishment for either a parent or minor, the municipal court judge *shall* consider a community service or teen court program.

To increase the opportunity of minimizing perceived or real confrontation between peace officers and citizens and to further minimize violation of law and criminality within the confines of curfew, enhancement of the ordinance is modest, if must amend the ordinance. As a matter of assisting parents and guardians, providing them effective tools to help get minors home and secure in home to minimize their exposure to criminality during curfew, it is principle, supreme, and paramount that parents and legal guardians be on the ‘tip of the spear’ of effort regarding safety and security within our community.

As a matter of this governing body considering ordinance, ordinance should be affective and effective, reasonably, readily, and realistically enforceable. The heart of the matter regarding this ordinance is the ability to promote peace and security within our community. The matter of this ordinance before this body is load **after** and **shall** appropriately and effectively within it. I believe they are effective beyond given time constraints.

Jonathan Okray



Councilmember At-Large

---

<sup>2</sup> Ibid.