

June 10, 1994
REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

DRAFT AMENDMENTS TO CURFEW ORDINANCE

At its May 18, 1994 meeting, the Public Services and Safety Committee directed the City Attorney to prepare amendments to the City of San Diego's curfew ordinance (San Diego Municipal Code sections 58.01 and 58.01.1) changing the curfew commencement time on Friday and Saturday nights to 12:01 a.m. The committee also directed the City Attorney to review the Dallas curfew ordinance and suggest other amendments that would enhance the City's ordinance. The Dallas curfew ordinance was selected as a model because it was upheld by the Fifth Circuit Court of Appeals. *Qutb v. Dallas*, 11 F.3d 488 (5th Cir. 1993). Recently, the United States Supreme Court upheld the Dallas ordinance when it denied certiorari. See *Qutb v. Bartlett*, 62 USLW 3693 (U.S. May 31, 1994) (No. 93-157).

Proposed amendments to the curfew ordinance have been prepared as directed and are contained in attachment one (1). The proposed amended ordinance conforms essentially to the Dallas curfew ordinance contained in attachment two (2). One difference between the ordinances is in the definition of a minor. The Dallas ordinance defines a minor as any person under 17 years of age. The prepared ordinance defines a minor as any person under 18 years of age.

Respectfully submitted,
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City Attorney

JMB:jrp(043.1)
Attachments
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