



Office of the District Attorney  
349th Judicial District of Texas

P.O. Box 1076  
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RQ-1173

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Opinion Committee

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July 28, 1998

Office of the Attorney General  
Opinion Committee  
P. O. Box 12548  
Austin, Texas 75835

FILE # ML-40392-98  
I.D. # 40392

Re: Juvenile Curfew Ordinance of the City of Crockett, Texas

Dear Sir or Madam:

On June 15, 1998 the City of Crockett, Texas passed Ordinance No. 0-6-98, which imposed a juvenile curfew. A copy of the Ordinance is enclosed herewith. Complaint has been made by the Legal Redress Department of the local NAACP chapter that the ordinance is unconstitutional. So I might determine my duties in connection with enforcement of the ordinance, I request an opinion as to the constitutionality of the ordinance.

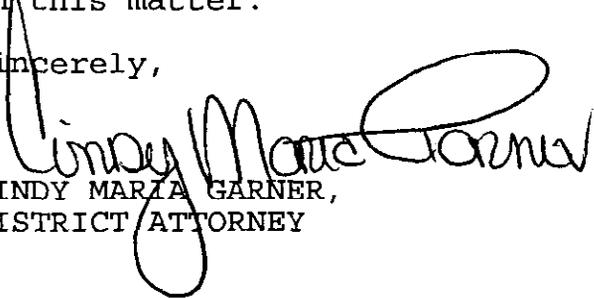
In my opinion, the ordinance is valid. My conclusion is based upon City of Dallas vs. Stanglin, 490 U.S. 19, 109 S.Ct. 1591 (1989). In the Stanglin case, the United States Supreme Court held a city has authority over children's activities broader in scope than over actions of adults. It further held an ordinance limiting the social activity of children implicates no suspect class and infringes on no constitutionally protected right.

The ordinance of the City of Crockett, Texas merely limits the social activity of children at hours when juvenile crime is at its highest. It specifically excepts from the penalties of the act, in Section 3, any interference with a child's activities with his parent or guardian, travel, employment activity, school, religious and First Amendment rights. The ordinance further complies with the provisions of TEX. FAM. CODE ANN. 52.028 (1998) and TEX. LOC. GOV. CODE ANN. Section 370.002 (Supp. 1996).

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Please issue an opinion at your earliest convenience. Thank you for your time and efforts in this matter.

Sincerely,



CINDY MARIA GARNER,  
DISTRICT ATTORNEY

CMG/vw  
Enclosure

cc: Mr. William R. Pemberton  
Attorney for the City of Crockett, Texas  
P.O. Box 1112  
Crockett, Texas 75835