Sec. 18-4. Curfew for minors—Generally.

(a) In sections 18-4 through 18-7 of this Code:

(1) *Minor* means a person under the age of seventeen (17) years and who is at least six (6) years of age, or is younger than six (6) years of age and has previously been enrolled in first grade, or a person who is enrolled in high school and who has not yet reached eighteen (18) years of age.

(2) *Parent* means a person who is the natural or adoptive parent of a minor. As used herein, "parent" shall also include a court appointed guardian or other person eighteen (18) years of age or older, authorized by the parent, by a court order, or by the court appointed guardian to have the care and custody of the minor.

(3) *Guardian* shall mean any person to whom custody of a minor has been given by a court order.

(4) *Emergency* shall include, but not be limited to, fire, natural disaster, automobile accident, or an incident requiring the need of immediate medical care for another person.

(5) *Public place* means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops, but does not include a lot containing and used with a residential dwelling if the minor is there with consent of his parent and the owner or tenant who occupies the residential premises.

(b) A person commits an offense hereunder if he or she:

(1) is a minor; and

(A) knowingly appears in a public place in the city between the hours of 11:00 p.m. and 6:00 a.m.; or

(B) knowingly appears in a public place in the city between the hours of 8:00 a.m. and 2:50 p.m., during a weekday while Aransas Pass Independent School District is in regular session.

(c) It is a defense to prosecution under this section if at the time the minor appeared in a public place:

(1) The minor was accompanied by a parent;

(2) The minor was on an emergency errand;

(3) The minor, with parental consent, was in attendance of a meeting, dance, theater, sporting event, or other activity supervised by adults and sponsored by a school, church, civic organization, or other similar entity;

(4) The minor was engaged in lawful employment or volunteer work or going to or coming from such activity without detour or stop;

(5) The minor was in the yard of the place where the minor resides or in the yard of a place where the minor had permission from a parent or guardian to be;

(6) The minor was acting at the direction of a peace officer;

(7) The minor was in a motor vehicle involved in intrastate or interstate transportation with approval from a parent or guardian;

(9) The minor was emancipated at the time of the offense.

(d) Before making an arrest under this article, a peace officer shall inquire of the apparent offender's age and reason for being in the public place, and shall not arrest unless the officer reasonably believes that an offense has occurred, and that, based on any response and other circumstances, that one (1) of the defenses in subsection (c) above is not present.

Sec. 18-5. Same—Duty of parents, etc.

A natural or adoptive parent, a legal guardian, person in loco parentis, or other person with legal custody or control of a minor commits an offense if he knowingly permits, or by criminally negligent control, allows the minor to appear in a public place in violation of section 18-4 of this Code.

Sec. 18-6. Same—Inducement of violation.

A person commits an offense if he knowingly induces, encourages, or assists a minor to appear in a public place in violation of section 18-4 of this Code.

Sec. 18-7. Same—Permitting curfew violation on premises.

(a) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to enter or remain upon the premises of the establishment in violation of section 18-4 of this Code.

(b) In this section:

(1) *Establishment* means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

(2) *Operator* means any individual firm, association, partnership, or corporation operating, managing, or conducting any establishment, including the members or partners of an association or partnership and the officers of a corporation.

(3) *Premises* means the structure within which the establishment is housed.