

**A LOCAL ACT
FOR THE FIRST SENATORIAL DISTRICT (ROTA)**

To establish a curfew for juveniles in the First Senatorial District; to provide for penalties for failure to observe such curfew; and for other purposes.

BE IT ENACTED BY THE FIRST SENATORIAL DISTRICT (ROTA) PURSUANT TO CHAPTER 4 OF DIVISION 1 OF TITLE 1 OF THE COMMONWEALTH CODE:

1 Section 1. Short Title. This Act may be known and cited
2 as the "Rota Curfew Act of 1991".

3 Section 2. Findings and Purpose. The Second Senatorial
4 Legislative Delegation finds that 1 CMC §1402 defines setting
5 of curfews as a local matter and therefore, proper to be
6 determined by local laws. The Delegation further finds that
7 the health and welfare of the youth of Rota is also matter of
8 local concern. Further, the Delegation finds that there is
9 presently no existing law for the establishment or the
10 enforcement of curfew hours for minors on Rota, and that the
11 betterment of our community and the protection of our youth
12 requires the establishment of such curfew hours.

13 It is the purpose of this Act to provide for the
14 establishment
15 and enforcement of curfew hours for minors on the island of
16 Rota.

17 Section 3. Definitions. For the purposes of this Act:

18 (a) "loiter" means to idle, loaf, stand idly by, or
19 to walk, play, drive, or ride about aimlessly.

20 (b) "permitting" or "permit" means to allow to be
21 done either by consent, or by not prohibiting, or by failing
22 to prevent, or by conceding or granting, or by giving leave,
23 or by tolerating.

1 (c) "minor" means any person under the age of
2 eighteen (18) years.

3 Section 4. Hours Desisnated. It shall be unlawful for
4 any minor to loiter in or about any public streets, highways,
5 roads, alleys, parks, public buildings, places of amusement
6 and entertainment, restaurants, cafe's, and other eateries, or
7 vacant lots and places within the island of Rota during and
8 between the hours of 9:00 p.m. and 5:00 a.m.

9 Section 5. Accompaniment by Adult. The provisions of
10 Section 4 of this Act shall not apply to any minor who is
11 accompanied by his parent, guardian, or other adult person
12 having lawful custody of such minor.

13 Section 6. Attendance at Supervised Activities. The
14 provisions of Section 4 of this Act shall not apply to public
15 theaters, sports arenas and places where supervised
16 entertainment, sports, or instruction for minors is conducted.
17 However, this exception shall apply only to minors who are in
18 attendance at such theaters or places for the purpose of
19 attending the supervised entertainment, play, or instruction
20 thereby afforded.

21 Section 7. Direct Routing Between Home and Certain
22 Activities. The provisions of Section 4 of this Act shall not
23 apply to any minor who is in the direct route of going to or
24 returning from the places mentioned in Section 6 of this Act
25 and his home. However, in the event such minor loiters or
26 deviates from such route, this exception shall not apply and
27 the provisions of Section 4 shall apply.

28 Section 8. Employment. The provisions of Section 4 of
29 this Act shall not apply to any minor who is lawfully employed
30 during the hours specified, or is in direct route going to or
31 returning from his place of employment as provided in Section
32 7 of this Act.

1 Section 9. Assistins or Permitting Violation of Curfew
2 Prohibited. Any person other than a minor who assists, aids,
3 abets, permits, or encourages any minor to violate any of the
4 provisions of this Act is guilty of a misdemeanor.

5 Section 10. Penalties.

6 (a) Any person not covered by subsections (b) and
7 (c) of this Section violating the terms of this Act may be
8 imprisoned for a period not to exceed 30 days or fined not
9 more than \$500, or both.


10 (b) Any minor violating the provisions of this Act
11 may be given a citation or lawfully detained in accordance
12 with and appropriate proceedings may be instituted pursuant to
13 Division 5 of Title 6 of the Commonwealth Code. If a violation
14 of the curfew is shown to have occurred, the Court may order
15 the minor to perform as many hours of community service as it
16 deems appropriate but in no case less than ten hours.

17 (c) Any parent, guardian, or other adult person
18 having the lawful custody, permanent or temporary, of any
19 minor who suffers or permits or lets, either willfully or
20 negligently, such minor to violate the provision of this Act
21 shall be fined not more than \$500.

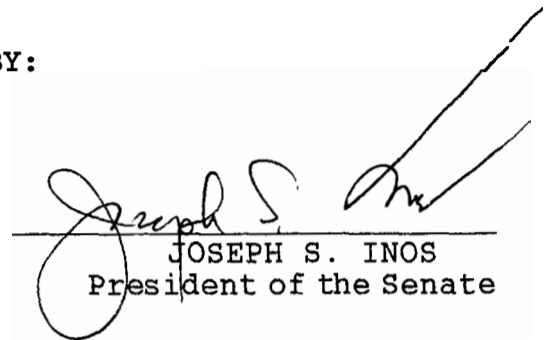
22 Section 11. Severability. If any section, subsection,
23 sentence, clause or phrase of this Act is for any reason held
24 to be invalid or unconstitutional, such decision shall not
25 effect the validity of the remaining portions of this Act.

1 Section 12. Effective Date. This Act shall take effect
2 upon its approval by the Governor, or upon its becoming law
3 without such approval.

CERTIFIED BY:




PAUL A. MANGLONA
Chairman
Rota Legislative Delegation



JOSEPH S. INOS
President of the Senate

Approved this 27th day of JAN., 1992.



LORENZO I. DELEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands