

# LAWS FOR JUVENILES

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# **CURFEW LAWS**

IF YOU ARE UNDER 18, YOU SHOULD KNOW THE CURFEW LAW

## **Hennepin County Curfew Times**

(Minnesota Juvenile Code 260B.007, 16a)

(Hennepin County Ordinance No. 16 Subd 3 A, B, or C)

<b><u>AGE</u></b>	<b><u>WEEKDAYS</u></b>	<b><u>FRIDAY &amp; SATURDAY</u></b>
Under 12 years old	Home by <b>9:00 p.m.</b>	Home by <b>10:00 p.m.</b>
12 – 14 years old	Home by <b>10:00 p.m.</b>	Home by <b>11:00 p.m.</b>
15 – 17 years old	Home by <b>11:00 p.m.</b>	Home by <b>Midnight</b>

In order to keep young people out of trouble and out of danger, police in all cities enforce the curfew laws.

If you are in a public place or business after the above hours without a parent, guardian, or other responsible adult, the police may give you a ticket. A public place includes schools, streets, parks, movie theaters, restaurants, bowling alleys, a car that is in a public place, etc.

If you get a ticket from the police because you are out past curfew, you may have to pay a fine of \$50 or do one day of "Sentence to Serve," which is community service work scheduled by the Juvenile Court. The fine remains the same regardless of how many citations you may receive. There is no mandatory court appearance.

Parents must insist that you are home by curfew time because it is against the law for them to allow you to be out past curfew. If they let you stay out past curfew, a complaint could be issued against them. The complaint would be a misdemeanor (minor crime) that is punishable by up to 90 days in jail and up to a \$1000 fine {Hennepin County Ordinance No. 16 Subd 3 (D)}.

Business employees will ask you to leave at curfew time because it is against the law (a misdemeanor) for a business establishment to allow kids to remain in their buildings during curfew hours {Hennepin County Ordinance No. 16 Subd 3 (E)}.

# **ALCOHOL LAWS**

(Minnesota Juvenile Code 260B.007, Subd 16 - 17)

(M.S.S. 340A.503)

## **Consumption or Possession of Alcohol by a Minor**

It is against the law for anyone under the age of 21 years to purchase, consume, possess, or misrepresent their age in order to purchase alcoholic beverages. The first and second citations issued by police may result in either attendance at a health education seminar, a \$100 fine, or two days of "Sentence To Serve," which is a community service work program run by the County. A third and subsequent alcohol violation will require a mandatory court appearance. If you have had previous law violations of any type, the consequences may be greater.

Persons under 21 years of age may consume alcoholic beverages in the household of their parents or guardians with the consent of their parent or guardian (Subd 1a).

It is unlawful for any business selling liquor to permit any person under the age of 21 to drink alcoholic beverages in their establishment (Subd 1a). This is a misdemeanor punishable by up to 90 days in jail and a \$700 fine.

## **Sale of Alcoholic Beverages to a Minor**

It is unlawful for any person (this includes minors) to sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age (Subd 2).

This is a Gross Misdemeanor that, for an adult, is punishable by up to a year in jail and a \$3,000 fine (Minnesota State Statute 340A.702). A minor would be processed through Juvenile Court.

## **School Notification**

When a student has contact with police due to an alcohol offense, police must notify the student's school of the contact (M.S.S. 121A.28).

# **TOBACCO LAWS**

(Minnesota Juvenile Code 260B.007, Subd. 16)

(M.S.S. 609.685)

It is against the law for anyone under the age of 18 years to purchase, possess, or use tobacco products. If the youth is not diverted and police issue a citation to Juvenile Court, a first-time offender generally has the option of paying a \$50 fine, attending a four- hour seminar on health, or doing one day of "Sentence To Serve," which is a community service work program run by the County. If a youth has prior law violations, the consequences may be greater.

## **On School Property:**

If the violation occurred on school property, the fine is \$100 or two days of Sentence To Serve.

## **Effect On Driver's License:**

Youth who commit a second tobacco offense may lose their driver's license or be unable to apply for a driver's license for up to a year (M.S.S 260B.235, Subd 5b). Youth who use their driver's license, permit, or Minnesota I. D. to purchase or attempt to purchase tobacco may lose the license for 90 days (M.S.S. 171.171 Subd 3).

A person who lends a driver's license to another who then tries to buy tobacco may lose their license for 90 days (M.S.S. 171.171 Subd 4).

The law does not allow parents to give their minor children permission to use tobacco products. It is a misdemeanor punishable by up to a \$700 fine and 90 days in jail for anyone to furnish tobacco to a person under the age of 18 years (M.S.S. 609.685, Subd 2). However, an Indian may furnish tobacco to an Indian under the age of 18 years if the tobacco is furnished as part of a traditional Indian spiritual or cultural ceremony (M.S.S. 609.685, Subd 5).

## **Sale of Tobacco to Minors:**

It is unlawful to sell tobacco to a person under the age of 18 years. This is a Misdemeanor punishable by up to 90 days in jail and a \$1,000 fine (M.S.S. 609.685, Subd 1(a)).

# **MARIJUANA LAWS**

(M.S.S. 152.027)

It is against the law for anyone to sell, purchase, use, or possess marijuana. Possession or sale of a small amount (42.5 grams or less) is considered a petty misdemeanor.

It is a misdemeanor to possess more than 1.4 grams of marijuana in a motor vehicle.

It is against the law to possess drug paraphernalia if the paraphernalia has been used and has residue on it from illegal drugs.

A person under 18 years of age who receives a citation for any of the above offenses may have to pay a \$100 fine, attend a health class, or do one day of "Sentence to Serve," which is a community service work program supervised by the county.

## **School Notification:**

When a student has contact with police due to a drug offense, police must notify the student's school of the contact (M.S.S. 121A.28).

# **TEEN DRIVER LAWS**

## **Nighttime Driving Limitations:**

(M.S.S. 171.055 Subd 2(b))

For the first six months of licensure: Driving is prohibited midnight - 5 a.m.

Exemptions:

- Driving when accompanied by a licensed driver age 25 or older.
- Driving between home and place of employment.
- Driving to/from home and a school event for which the school has not provided transportation.
- Driving for employment purposes.

The nighttime limitation is lifted after the first six months of licensure.

## **Passenger Limitations:**

(M.S.S. 171.055 Subd 2(c))

For the first six months of licensure: Only one passenger under the age of 20 is permitted, unless accompanied by a parent or guardian.

For the second six months of licensure: No more than three passengers under the age of 20 are permitted, unless accompanied by a parent or guardian.

Exemption:

- Passengers under age 20 who are members of the driver's immediate family are permitted.

## **Cell Phone and Texting:**

(M.S.S. 171.055 Subd 2(a), 169.475)

It's illegal for drivers under age 18 to use a cell phone, whether hand-held or hands-free - except to call 911 in an emergency.

It's illegal for drivers of all ages to compose, read, or send text messages or access the Internet while the vehicle is in motion or a part of traffic.

## **Drinking and Driving:**

(M.S.S. 169A.33, 169A.20)

It is illegal for a person under age 21 to drive after consuming any amount of alcohol.

Drivers under the legal drinking age with an alcohol-concentration of 0.08 or higher will face regular DWI laws and sanctions.

## **Special Laws for Youth**

DWI laws apply equally to drivers of all ages. DWI violations require either evidence of impaired driving or an alcohol concentration of .08 or higher, or the presence of certain illegal substances in the person's body, during or within two hours of the time of driving, operating, or being in control of a motor vehicle, broadly defined. However, two additional alcohol-related laws apply to youth under age 21. Drivers aged 16 and 17 years old who violate the DWI laws are under the jurisdiction of the adult court, not the juvenile court. As such, they are subject to the full range of adult penalties and consequences.

**The drinking age law** prohibits a person who is under the age of 21 from:

- Consuming alcohol without parental permission and supervision;
- Purchasing or attempting to purchase alcohol;
- Possessing alcohol with intent to consume;
- Entering a liquor store or bar for the purpose of purchasing or consuming alcohol; or
- Misrepresenting one's age for the purpose of purchasing alcohol.

A violation of this statute is a misdemeanor and carries a mandatory minimum fine of \$100. However, it does not result in suspension of the driver's license unless the person has used a driver's license, Minnesota ID card, or any type of false identification to purchase or attempt to purchase alcohol (90 days suspension). For purposes of these laws, a person does not attain the age of 21 until 8:00 a.m. on the day of the person's 21st birthday.

## **Underage Drinking Driving -- Zero Tolerance**

Minnesota's DWI law provides misdemeanor penalties and driver's license suspension for any driver under age 21 who is convicted of driving a motor vehicle anywhere in the state while consuming alcohol or while there is physical evidence of such consumption present in the person's body. (This law applies only to the driver and not to any passengers.) However, a violation of the zero-tolerance law for underage drinking and driving does not in itself constitute a DWI/impaired driving violation, nor can it be used as an enhancing factor for any subsequent DWI violation.

# **OPEN HOUSE PARTIES**

(Edina City Code - Section 905)  
(M.S.S. 340A.801, M.S.S. 152.905 Subd 1)

In an effort to help keep young people safe, the City of Edina has an Ordinance regulating “Open House Parties.” This is similar to “Social Hosting” Ordinances in other places. The Ordinance prohibits people, adults AND minors, from hosting a gathering where alcohol or drugs are being used by minors.

**Edina City Code Section 905.02 says – “No person having *control* of any *residence or premises* shall allow an *open house party* to take place at the residence or premises if any *alcoholic beverage* or *controlled substance* is possessed or consumed at the open house party by any *minor*.”**

## **Definitions:**

**Control:** “The right of possession of a residence or premises.”

**Residence or Premises:** “A home, apartment, condominium, hotel room, premises, or other dwelling unit or meeting room or hall, whether occupied on a temporary basis or permanent basis, whether occupied as a dwelling or for a social function, owned, rented, leased or under the control of any person or persons including the curtilage of such residence or premises.”

**Open House Party:** “A social gathering of persons at a residence or premises. A social gathering attended only by the owners, or those with rights of possession of the residence or premises, or their immediate family members, shall not be considered an open house party for purposes of this Section.”

**Alcoholic Beverage:** “Any beverage containing more than one-half of one percent of alcohol by volume.”

**Controlled Substance:** “Any drug, substance or immediate precursor so defined in M.S.S. 152.01.”

**Minor:** “A person not legally permitted by reason of age to possess alcoholic beverages pursuant to the provisions of this code and state law.”

# **TRUANCY LAWS**

## **YOU MUST ATTEND SCHOOL**

Education leads to happier and more responsible citizens. We know that parents value education and want what is best for their children's future. The following laws apply to truancy:

- A child under 16 years of age must attend school (Minnesota Statute 120A.22, Subd.5). Students 16 or 17 years of age cannot legally drop out of school without the permission of their parents (Minnesota Statute 120A.22, Subd. 8). The parents must consult with the school administration and officially withdraw the 16 or 17 year-old student who wants to leave school before age 18 or graduation.
- A juvenile who misses seven days of school or seven class periods on seven different days can be charged as a Habitual Truant (M.S.S. 260C.007, Subd. 6 [14J & Subd. 19]). It is usually the school social worker who files the petition to court.
- Under M.S.S. 120A.22, Subd. 1, it is the responsibility of parents or guardians to assure that their children acquire knowledge and skills that are essential for effective citizenship.
- A parent who contributes to a child's truancy from school may be charged with a misdemeanor under M.S.S. 260C.335 that is punishable by up to 90 days in jail and/or a \$700 fine.
- A child is "educationally neglected" if the child is absent from school due to the failure of the parent to get the child to school (M.S.S. 260 C.163, Subd.11). This generally applies to children under the age of 12 years.

When police pick up a child who is truant, the child will likely be transported to school. The child's parents will be called.

Business owners are encouraged to call 911 and report youth that appear to be under 16 years of age and who are in their establishments during the day.

A youth who is suspended from school should not be out on the streets during the school hours. They are to be at home while under school suspension.

Anyone wishing further information about truancy or educational neglect should contact their school.