

ORDINANCE NO. 2750

AN ORDINANCE OF THE CITY OF CHULA VISTA ADDING SECTIONS 9.09.030 THROUGH 9.09.080 TO CHAPTER 9.09 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO DAYTIME TRUANCY BY JUVENILES ON SCHOOL DAYS

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Chapter 9.09 of the Chula Vista Municipal Code is hereby amended by adding Sections 9.09.030 through 9.09.080 to read as follows:

9.09.030 Purpose.

The purpose of this section relating to the daytime presence of juveniles outside of school on school days is to reduce the incidence of juvenile truancy that plagues our schools and creates a burden upon the health, safety, and welfare of the community. Students absent from school are denied an education; unexcused absences result in a loss of state and federal funding to the detriment of all students; unsupervised students may involve themselves in unsafe activities by loitering in residential neighborhood, business districts, or industrial centers; and, some unsupervised students may engage in criminal activity to the detriment of the community; Further, some unsupervised students may become a burden on police who must return them to school, wait for parents to pick them up, and investigate any and all criminal activity related to the student's truancy. As a result, therefore, the city council of the city of Chula Vista finds and determines that a special need exists for the adoption of a city ordinance to prohibit truancy by any juvenile under the age of eighteen, who is subject to compulsory education or to compulsory continuation education, with certain specific exceptions set forth herein. In addition, the city council desires to discourage parents from permitting, or by insufficient control, allowing such truancy. It is further the intent of the city council to provide appropriate criminal sanctions against any juvenile or parent who violates the provisions of this chapter.

9.09.040. Definitions.

For purposes of this chapter, the below terms are defined as follows:

- A. "Emergency" includes, but is not limited to, fire, natural disaster, automobile accident, injury to person, and necessity for immediate medical care for another person.
- B. "Establishment" means any privately owned place of business to which the public is invited.
- C. "Juvenile" means any person under eighteen years of age.
- D. "Parent" means the biological or adoptive parent of a juvenile; the court appointed guardian of the juvenile; foster parent; the person designated by the biological or adoptive parent to have custody and control of the juvenile, for any period of time.

- E. "Public Place" means any place to which the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, office buildings, transportation facilities, shopping centers, and malls.

9.09.050 Daytime Truancy by Juveniles in Public Places on School Days.

- A. It is unlawful for any juvenile who is subject to compulsory education or to compulsory continuing education to be present in any public place or any place other than school or home between the hours of 8:30 a.m. and 1:30 p.m. on any day when school is in session for that juvenile.
- B. Section 9.09.050A does not apply under any of the following circumstances:
 - 1. When the juvenile is accompanied by his or her parent or guardian;
 - 2. When the juvenile is on an emergency errand directed by his or her parent or guardian;
 - 3. When the juvenile is going directly to, or coming directly from his or her place of school-approved employment;
 - 4. When the juvenile is going directly to or coming directly from a medical appointment;
 - 5. When the juvenile has permission to leave the school campus for lunch and has in his or her possession a valid, school issued, off-campus permit;
 - 6. When the juvenile is going directly to, or directly coming from a compulsory alternative education program activity;
 - 7. When the juvenile is attending or, without any detour or stop, going to or returning from an official school, religion, government-sponsored activity, or other recreation activity supervised by adults;
 - 8. When the juvenile is engaged in obtaining or providing medical care of a parent or family member.
 - 9. When the juvenile is officially enrolled in home schooling; or
 - 10. When the juvenile has passed a general educational development test and received a California high school equivalency certificate.

9.09.060 Responsibility of Parent.

It is unlawful for the parent of any juvenile to knowingly permit or, by insufficient control, to allow the juvenile to be in violation of Section 9.09.050A.

9.09.070. Enforcement Procedure.

- A. Upon any violation of Section 9.09.050A, a peace officer may issue a citation to the juvenile and may detain the juvenile until he or she can be placed in the care and custody of his or her parent or may transport the juvenile to his or her home or to the school from which the juvenile is absent. If cited, the juvenile and a parent shall appear in court as directed in the citation. The parent shall be advised of the fact that the juvenile was cited for a violation of the City of Chula Vista Municipal Code Section 9.09.050A. The parent shall be warned of his or her responsibility and liability as the juvenile's parent.
- B. If a parent has been previously warned as set forth in Section 9.09.070A, a peace officer may issue a citation for an infraction, in violation of Section 9.09.060, to the parent to appear in court.
- C. When a parent has previously been issued a citation for an infraction as set forth in Section 9.09.070, upon any subsequent violation by a parent of Section 9.09.060, a peace officer may issue a citation for a misdemeanor to the parent of the juvenile to appear in court.

9.09.080 Penalties.

- A. Any parent or juvenile convicted of an infraction for violation of Sections 9.09.050A or 9.09.060 may be punished by a fine not exceeding two hundred fifty dollars (\$250.00) or by a requirement to perform county, city, or school-approved work projects or community service or both. If required to perform a project or community service, the total time for performance shall not exceed sixty days, during times other than a juvenile's hours of school attendance or a juvenile or parent's hours of employment.
- B. Any parent convicted of a misdemeanor violation of Section 9.09.060 may be punished by imprisonment in the County Jail for a period of time not exceeding six months or by a fine not exceeding one thousand dollars (\$1,000.00) or both.

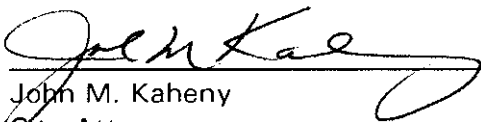
SECTION II: This ordinance shall take effect and be in full force and effect on the thirtieth day after its second reading and adoption.

Presented by

Approved as to form by



Richard Emerson
Police Chief



John M. Kaheny
City Attorney

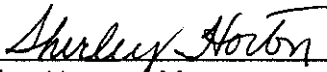
PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 6th day of October, 1998, by the following vote:

AYES: Councilmembers: Moot, Padilla, Salas and Horton

NAYS: Councilmembers: None

ABSENT: Councilmembers: Rindone

ABSTAIN: Councilmembers: None



Shirley Horton Mayor

ATTEST:



Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Beverly A. Authelet, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2750 had its first reading at a regular meeting held on the 22nd day of September, 1998, and its second reading and adoption at a regular meeting of said City Council held on the 6th day of October, 1998.

Executed this 6th day of October, 1998.



Beverly A. Authelet, City Clerk