



CODE OF ORDINANCE City of Corpus Christi

ARTICLE II. MINORS*

***Editor's note:** It should be noted that Ord. No. 027564, § 1, adopted Jan. 29, 2008, provides, "The curfew ordinance found at sections 33-40, 33-41, 33-42 and 33-43 of the Code of Ordinances, City of Corpus Christi, is hereby continued."

Cross references: Glue sniffing, § 33-60.

Sec. 33-40. Curfew for minors—Generally.

- (a) A person commits an offense if he/she:
- (1) Is a minor; and
 - (2) Appears in a public place between the hours of 11:00 p.m. and 6:00 a.m., or on a Monday, Tuesday, Wednesday, Thursday, or Friday between the hours of 9:00 a.m. and 4:00 p.m.
- (b) In this section:
- (1) "*Minor*" means an individual under the age of seventeen (17) years.
 - (2) "*Parent*" means a natural or adoptive parent, stepparent, person in loco parentis, or legal guardian of the person of the child.
 - (3) "*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.
- (c) It is a defense to prosecution under this section that the person appeared in a public place:
- (1) Because of an emergency which the person reasonably believed would affect the physical well-being or the property interests of himself or another;
 - (2) At the direction of a peace officer;
 - (3) And was accompanied by his parent, or another adult over the age of twenty-one whom his parent entrusted with his care;
 - (4) As an incident of attendance with parental consent at a meeting, dance, theater, sporting event, or other activity supervised by adults and sponsored by a school, church, civic organization, or other similar entity which takes responsibility for such minor;
 - (5) As an incident of lawful employment;
 - (6) As an incident of interstate travel;
 - (7) Was emancipated;
 - (8) With respect to the hours between 9:00 a.m. and 4:00 p.m. only, that the offense occurred during the scheduled vacation of or on a holiday observed by the school in which the minor is enrolled; or that the minor has graduated from high school or received a high school equivalency certificate; or that the minor

had permission to be absent from school or be in the public place from an authorized school official (suspension or expulsion shall not constitute permission). In the case of a child being educated in a home school, a parent shall be deemed a school official;

(9) While exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly with parental consent to be in the particular place engaging in the particular activity; or

(10) While necessarily traveling in a direct route to or from a place he is permitted to be under this section.

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

(Code 1958, § 23-20; Ord. No. 21218, § 1, 8-13-1991; Ord. No. 22080, § 1, 11-1-1994; Ord. No. 22375, § 1, 10-17-1995; Ord. No. 24763, § 1, 2-12-2002)

Sec. 33-41. 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 33-40 of this Code.

(Code 1958, § 23-21; Ord. No. 21218, § 1, 8-13-1991; Ord. No. 22375, § 1, 10-17-1995; Ord. No. 24763, § 1, 2-12-2002)

Sec. 33-42. Same—Inducement of violation.

A person commits an offense if he induces, encourages, or assists a minor to appear in a public place in violation of section 33-40 of this code.

(Code 1958, § 23-22; Ord. No. 21218, § 1, 8-13-1991; Ord. No. 22375, § 1, 10-17-1995; Ord. No. 24763, § 1, 2-12-2002)

Sec. 33-43. 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 33-40 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.

(Ord. No. 21238, § 1, 9-10-1991; Ord. No. 22375, § 1, 10-17-1995; Ord. No. 24763, § 1, 2-12-2002)

Editor's note: Formerly numbered § 33-42.1.

Sec. 33-44. Obscene matter—Unlawful to sell or loan to a minor.

It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:

(1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or a portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse and which is harmful to minors, or

(2) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in paragraph (1) above, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse and which, taken as a whole, is harmful to minors.

(Code 1958, § 23-12A; Ord. No. 8923, § 1, 7-2-1968)

Editor's note: Formerly numbered § 33-43.

Sec. 33-45. Same—Unlawful to exhibit to a minor.

It shall be unlawful for any person knowingly to exhibit for a monetary consideration to a minor or knowingly sell to a minor an admission ticket or pass or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited, a motion picture, show or other presentation which, in whole or in part, depicts nudity, sexual conduct or sado-masochistic abuse and which is harmful to minors.

(Code 1958, § 23-12B; Ord. No. 8923, § 1, 7-2-1968)

Editor's note: Formerly numbered § 33-44.

Sec. 33-46. Same—Unlawful to give or deliver to a minor.

It shall be unlawful for any person to knowingly give or deliver to a minor:

(1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or a portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse and which is harmful to minors, or

(2) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in paragraph (1) above, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse and which, taken as a whole is harmful to minors.

(Code 1958, § 23-12C; Ord. No. 8923, § 1, 7-2-1968)

Editor's note: Formerly numbered § 33-45.

Sec. 33-47. Same—Unlawful to permit a minor to have.

It shall be unlawful for any person to knowingly permit a minor over whom such person has parental authority, custody or control to have in the possession of such minor:

(1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or a portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse and which is harmful to minors, or

(2) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in paragraph (1) above, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse and which, taken as a whole, is harmful to minors.

(Code 1958, § 23-12D; Ord. No. 8923, § 1, 7-2-1968)

Editor's note: Formerly numbered § 33-46.

Sec. 33-48. Same—Definitions.

As used in sections 33-43 through 33-46, the following terms shall have the respective meanings ascribed to them:

- (a) *Minor* means any person under the age of seventeen (17) years.
- (b) *Nudity* means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
- (c) *Sexual conduct* means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.
- (d) *Sexual excitement* means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (e) *Sado-masochistic abuse* means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- (f) *Harmful to minors* means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:
 - (1) Predominantly appeals to the prurient, shameful or morbid interest of minors, and
 - (2) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and
 - (3) Is utterly without redeeming social importance for minors.
- (g) *Knowingly* means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:
 - (1) The character and content of any material described herein which is reasonably susceptible of examination by the defendant, and
 - (2) The age of the minor; provided however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

(Code 1958, § 23-12E; Ord. No. 8923, § 1, 7-2-1968)

Editor's note: Formerly numbered § 33-47.

Sec. 33-49. Commission of offense by minor child--Parental responsibility therefor.

- (a) *Offenses.*
 - (1) A parent commits an offense when, acting with the intent to promote or assist the commission of an offense under this Code, such parent solicits, encourages, directs, aids, or attempts to aid his minor child to commit an offense.
 - (2) A parent commits an offense if, acting recklessly or with criminal negligence, he fails to perform a parental duty to prevent his minor child from engaging in delinquent conduct or conduct indicating a need for supervision.
- (b) *Definitions.* As used in this section, the following terms have the following meanings:
 - (1) "Delinquent conduct" means that conduct defined in Texas Family Code Section 51.03(a).
 - (2) "Conduct indicating a need for supervision" means that conduct defined in Texas Family Code Section 51.03(b).
 - (3) "Reckless mental state" means that mental state described in Texas Penal Code Section 6.03(c).
 - (4) "Criminally negligent mental state" means that mental state described in Texas Penal Code Section 6.03 (d).
 - (5) "Minor" means an individual under the age of eighteen (18) years.

(6) "Parent" means a natural or adoptive parent, stepparent, person in loco parentis, or legal guardian of the person of the child.

(c) *Parental duties.*

(1) It is the continuous duty of a parent of any minor to exercise reasonable control to prevent the minor from engaging in delinquent conduct or conduct indicating a need for supervision.

(2) Parental duties include, but are not limited to, the following:

- a. Keeping illegal drugs and illegal firearms out of the home;
- b. Providing reasonable supervision of the minor child; and
- c. Forbidding the minor from keeping stolen property, or illegally possessing firearms or illegal drugs.
- d. Preventing the child from applying graffiti or possessing graffiti implements as defined in section 33-101 of the Code.

(d) *Administration and application.* Prosecutors and judges are directed that the primary goal of this section is to bring about positive change in parental behavior. Circumstances of the individual defendant should be considered. Where appropriate, non-punitive alternatives such as deferred adjudication conditioned upon counseling or parenting courses are preferred.

(Ord. No. 21374, § 1, 4-21-1992; Ord. No. 22370, § 1, 10-10-1995)

Editor's note: Formerly numbered § 33-48.

Secs. 33-50--33-55. Reserved.

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