

Commissioners renew county curfew ordinance

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Precinct 3 Commissioner James Noack speaks during Montgomery County Commissioners Court on Tuesday, June 26, 2018, at the Alan B. Sadler Commissioners Court Building.

The Montgomery County Commissioners Court renewed and revised its ordinance regarding a curfew for children under 17 in the unincorporated areas of the county, but Precinct 3 Commissioner James Noack said he had concerns the curfew lumped in children who have legitimate reasons to be out in the early morning hours.

During the court's Tuesday meeting, Noack pulled the item from the consent agenda due to concerns over the language in the ordinance that was first established in 1996. The original ordinance states "the Commissioners Court of Montgomery County, Texas, has determined that there has been an increase in juvenile violence, juvenile gang activity, and crime committed by persons under the age of seventeen (17) years in Montgomery County"

Noack said the ordinance includes children who are involved in hunting, fishing, athletics and even those with jobs. "I think it is silly ... I just have a real problem with that," he said. "It's makes our children and grandchildren break the law unnecessarily. I feel like it is the parent's responsibility to keep up with their children." Noack added he was not sure of the benefit of the ordinance.

According to the ordinance, the curfew is from 12:01 a.m. to 6 a.m. However, Precinct 1 Constable Philip Cash and Precinct 5 Constable Sgt. Billy Masden agree it is an effective tool for law enforcement. "There are exceptions (to the ordinance) and it would be up to the officer's discretion," Cash said. "We do have a lot of crime, especially when school is out, with juveniles. They hang out all night and do a lot of damage, mostly criminal mischief.

"(The ordinance) has a good side. As Commissioner Noack pointed out, there are exceptions."

Masden agrees. "Like Constable Cash said, it's the officer's discretion," Masden said noting the ordinance gives law enforcement officers probable cause to stop juveniles who are out after curfew and check on them. "It is a tool we can use."

County Attorney J D Lambright, who said his office did not have an opinion on the ordinance, noted the ordinance has many exclusions including if you are with a parent or a sibling over 17 the child is not in violation of the curfew.

Noack called the ordinance a "double-edged sword." "I don't want my son breaking the law," Noack said. "And this ordinance creates an issue we don't need."

Precinct 1 Commissioner Mike Meador said he has never had a complaint regarding the ordinance. "I think it is a good tool," Meador said. "I think it needs to be left on the table."