



BOISE COUNTY ORDINANCE #2025-02

BOISE COUNTY MINORS ORDINANCE

ESTABLISHING AN ORDINANCE THAT JUVENILES WHO RUNAWAY, OR ARE UNCONTROLLABLE MINORS WITHIN BOISE COUNTY IS AN INFRACTION OFFENSE FOR A FIRST OFFENSE AND A MISDEMEANOR OFFENSE FOR A SECOND OR SUBSEQUENT OFFENSE; ESTABLISHING THAT A JUVENILE WHO VIOLATES CURFEW IS AN INFRACTION OFFENSE; ESTABLISHING THAT ONE WHO ENCOURAGES DELINQUENCY OF A JUVENILE WITHIN BOISE COUNTY IS A MISDEMEANOR; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BOISE COUNTY, IDAHO AS FOLLOWS:

Section I – TITLE

- A. This ordinance shall be known as the Boise County Minors Ordinance.

Section II – PURPOSE

- A. To protect the safety and morals of juveniles in Boise County, while holding a juvenile offender accountable when their behavior continues to escalate, through the criteria provided in the Juvenile Corrections Act, as codified in Idaho Code, Title 20, Chapter 5.
- B. To protect the community, and to instill peace and good order by the prevention of juvenile criminal actions.

Section III – DEFINITIONS

- A. "Curfew hours" means twelve o'clock (12:00) midnight until five o'clock (5:00) A.M. of the following day.
- B. "Emergency" means an unforeseen circumstance or combination of circumstances that requires immediate action to safeguard life, limb or property. Emergencies shall include, but shall not be limited to, fires, natural disasters, automobile crashes or other similar circumstances.
- C. "Establishment" means any place of business to which the public is invited, including, but not limited to, any place of amusement or entertainment.

- D. "Guardian" means a person, who, under court order, is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by a court.
- E. "Minor" means any person under the age of eighteen (18) years of age.
- F. "Parent" means a minor's natural parent or adoptive parent; or a person at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of the minor.
- G. "Parental authorization" means written or verbal permission to engage in an otherwise lawful activity which can include during curfew hours, which can specifically include traveling for hunting.
- H. "Private Property Open to the Public" means real property not owned by the federal government or the state of Idaho or any of its political subdivisions, but is available for vehicular traffic or parking by the general public with the permission of the owner or agent of the real property.
- I. "Public place" means any place to which the public or a substantial group of the public has access, including, but not limited to, streets, highways, thoroughfares, sidewalks, alleys, parking lots, parks and the common areas of schools, hospitals, apartment complexes, office buildings, transportation facilities, entertainment facilities and shops.
- J. "Remain" means to stay or linger at or upon a place; or to fail to depart when requested to do so by a police officer or a person with authority to act in the interest of the establishment or public place at which the minor is located.

Section IV – VIOLATIONS AND PENALTIES FOR MINORS

- A. **Runaways.** It shall be unlawful for any person under the age of eighteen (18) years, living or found in Boise County to attempt to run away or to run away from his parents, guardian or other legal custodian, or to be or remain a person who has run away from his parents, guardian or legal custodian.
- B. **Uncontrollable Minors.** Any person under the age of eighteen (18) years, may be declared beyond control of his parent or guardian, who persistently or habitually refuses to obey reasonable and proper orders or directions of his parent or guardian, where that specific conduct may place him in danger to himself or others or becomes so unreasonably disruptive that it jeopardizes the family unit.
- C. **Curfew.** It shall be unlawful for any person under the age of eighteen (18) years to be present in a public place, in a private residence without permission of the parent or guardian, or on the private property open to the public, or on the premises of any establishment within the county during curfew hours.
- D. **Penalties for Runaways and Uncontrollable Minors.** A person who violates subsection A. Runaway, or B. Uncontrollable Minors is guilty of an infraction, and shall pay an infraction penalty of three hundred dollars (\$300) upon first offense. A person's second or subsequent violation of this ordinance, which need not need to be the same subsection, shall be considered a misdemeanor, which shall be punishable under Idaho Code § 20-520, and the person shall be subject to the provisions of the Idaho Juvenile Corrections Act.

- i. Pursuant to Idaho Code § 20-516(4), a Minor shall not be initially arrested and placed in any jail facility or juvenile detention center, for solely an allegation of this section, unless there is a violation of a valid court order, which may be a pre-trial release order, violation of formal probation, violation of informal adjustment, or the like.
- E. **Penalties for Curfew Violators.** A person who violates subsection C. Curfew is guilty of an infraction, and shall pay an infraction penalty of one hundred and fifty dollars (\$150).

Section V – VIOLATIONS AND PENALTIES FOR ENCOURAGING DELINQUENCY, WHETHER THE VIOLATOR IS A MINOR OR OVER THE AGE OF EIGHTEEN

- A. **Encouraging Delinquency.** It shall be unlawful for any person to knowingly permit, by any act or neglect to encourage, aid or cause any person under the age of eighteen (18) years to come within the purview of Section III, Violations and Penalties for Minors.
- B. **Penalties.** A person who violates a provision of this section is guilty of a misdemeanor, punishable by imprisonment not to exceed six (6) months or by a fine not to exceed one thousand dollars (\$1,000), or by both imprisonment and fine.

Section VI – EXCEPTIONS

- A. The following persons are exempt from the requirements of this ordinance:
 - i. The minor is accompanied by a parent or guardian.
 - ii. An emergency situation exists.
 - iii. The minor is engaged in an employment activity, or is going to or returning home from such activity without detour or stop, except for purposes of obtaining fuel for transportation.
 - iv. The minor is on a sidewalk directly abutting the place in which they reside; or within three hundred feet (300') of their residence and the neighboring residents have not issued a complaint about the minor's presence.
 - v. The minor is attending an activity sponsored by a school, religious or civic organization, by a public organization or entity, or by another similar organization or entity, which activity is supervised by adults; or is going to or returning from such activity without detour or stop, except for purposes of obtaining fuel for transportation.
 - vi. The minor is engaged in an activity and has parental authorization for the activity, and a contact telephone number to verify parental authorization.
 - vii. The minor is involved in interstate travel through, or beginning or terminating in, the County.
 - viii. The minor is 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, or going to or returning from such activity, without any unauthorized detour, delay or stop.

Section VII – SEVERABILITY

- A. If any section, subsection, sentence, clause, or phrase of this title is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title and they shall remain in full force and effect.

Section VIII – EFFECTIVE DATE

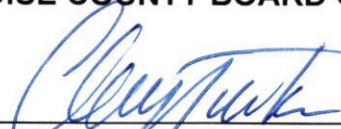
- A. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Section IX – AUTHORITY

- A. This ordinance is adopted pursuant to the authority vested in Boards of County Commissioners in the State of Idaho under Idaho Code §§ 67-7112 and 31-714, and the Idaho Open Meeting Law, Idaho Code § 67-2340, et seq.

PASSED and APPROVED by the Boise County Board of County Commissioners on this 19th day of August, 2025.

BOISE COUNTY BOARD OF COMMISSIONERS



CLAY S. TUCKER, Chairman



LINDY E. LINDSTROM, Commissioner



ROBERT CALLAHAN, Commissioner



ATTEST:



MARY T. PRISCO, Clerk to the Board