



CAPE
CHRISTIAN ASSOCIATION OF
PARENT EDUCATORS - NM

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Imagine- Your community passes a daytime curfew bill, because the state seems to think it might be a good idea. Your teens are stopped and questioned at 9:00 in the morning on their way to a concurrent community college class. The policeman calls your home and there is no answer...now what?

- ◆ What if you took the younger children on a field trip and were without cell service?
- ◆ Where are they keeping your children while they look for you?
- ◆ Are your children missing class? Losing grade points for being absent?
- ◆ What are your children *doing* for the six hours they are holding your children?
- ◆ What is the policeman doing about *actual crime* in your community while he is looking for you?
- ◆ What if you didn't get home within the time limit? Will your children end up in foster care for the night?
- ◆ Are they criminals?
- ◆ Are YOU a criminal?
- ◆ Is this reasonable?

Are you beginning to see why this could be a problem?

Action Plan: There are three groups that Rep. Kintigh might listen to.

1) If you have a young person who has been stopped and questioned by police, *we need your help, too.* ([Click here](#) and tell us what happened. Let us know if we can use your name, location, prefer initials, etc.)

If you oppose this bill and are 2) his constituent or 3) a law enforcement officer, **will you call or email his office and tell him you oppose HB 89?** That's all you have to do.

Use the call scripts below or cut, paste, and edit into an email. There are more arguments below.

askdennis@denniskintigh.com Office Phone (505) 986-4453

Call the office, and tell his secretary-

For Constituents

Hi. I am _____ and I am from _____. Please tell Rep. Kintigh that I appreciate his good intentions, but I oppose HB 89.

Law Enforcement

Hi, Please tell Rep. Kintigh that I am _____, and a fellow law enforcement officer from _____. Please withdraw HB 89. Curfew ordinances will ultimately do more harm than good.

Background

Rep. Kintigh introduced this bill at the request of the Roswell City Council; he was formerly the police chief of Roswell and an FBI agent. His hope is that this law will reduce juvenile crime, and crime against juveniles. From *his* perspective he is protecting juveniles not persecuting them.

CAPE'S Position: We oppose curfews in general and daytime curfews in particular. Among other reasonsō

- While criminals are hiding in alleys or ducking down in cars, it is the private, charter, alternative, dual enrollment, and home schooled children who will be stopped, interrogated, and forced to prove they have permission to be out in public.
- Most crime against juveniles occurs between 3:00 and 6:00 pm; a time period not covered by school hour curfews.
- There is no consistent evidence that curfews reduce crime rates.
- Most municipalities do not have areas to allow youth to wait for parents, other than foster homes, detention facilities, or jail. If the parents are unavailable, what will they do with the children FOR *SIX HOURS*?
- Kids and parents will spend more time in court proving they were not violating curfew...students won't be in school, parents won't be at work or supervising their other children, police will be in court and not on the streets.
- Curfews are a clear violation of a parent's right to parent. They criminalize young people for looking young and being visible.
- CAPE acknowledges that Rep. Kintigh tried to make provision to keep innocent students from being *convicted* of curfew violations, but that would not keep those students from being stopped, interrogated, delayed, and embarrassed by police officers who are supposed to be fighting crime, not stopping young people without any reasonable suspicion of criminal activity other than being outside.

Additional Resources for your Information:

[Homeschool Heartbeat](#)

Audio episodes and transcripts of HSLDA attorney Jim Mason describing a recent case starting with the unfair arrest of homeschooled students Kiethan and Miranda Smith for violating a daytime curfew to which they weren't even subject.

[The Impact of Juvenile Curfew Laws in California](#)

A study of the effect of curfews on juvenile crime in California

[Home School Legal Defense Association on Daytime Curfews](#)

[Rights of Minors, Parents, and the 4th Amendment](#)

[Arguments Against Daytime Curfews](#)

[CAPE Letter to Rep. Kintigh](#)