IRVINE POLICE DEPARTMENT

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Violations that apply to minors.

Minor in Possession of Tobacco

308(b) of the California Penal Code states. Every person under the age of 18 years who purchases, receives, or possesses any **tobacco**, cigarette, or cigarette papers, or any other preparation of **tobacco**, or any other instrument or paraphernalia that is designed for the smoking of **tobacco**, products prepared from **tobacco**, or any controlled substance shall, upon conviction, be punished by a fine of seventy-five dollars (\$75) or 30 hours of community service work.

Possession of Alcohol by Minors

25662.(a) of the Business & Profession Code states. Any person under the age of 21 years who has any alcoholic beverage in his or her **possession** on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor and shall be punished by a fine of two hundred fifty dollars (\$250) or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed or is not attending school.

Possession of Marijuana

11357(b) of the Health & Safety Code states. Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100).

<u>Irvine Municipal Code Section 4 -14-303. (Curfew)</u>

It shall be unlawful for any **minor under the age of 18 years** to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places or trespass on private property between the hours of **10:00 p.m. and 6:00 a.m.** of the following day, provided, however, that the provisions of this section shall not apply to a minor accompanied by his or her parent, guardian, or other adult person having the care and custody of said minor or when said minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of said minor.

Irvine Municipal Code Section 4-14-305. (Responsibility of Parents)

It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of 18 years to knowingly permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, or trespass on private property between the hours of 10:00 p.m. and 6:00 a.m. of the following day; provided, however, that the provisions of this section shall not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of said minor or when said minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of said minor.

Irvine Municipal Code Section 4-14-103.

Discharge of firearms/BB/Air Softguns prohibited

A. Prohibition. It shall be unlawful for any person, other than peace officers and members of the armed forces and National Guard acting in their official line of duty, to shoot, fire or discharge, or for any person to cause or permit to be shot, fired or discharged, within the City, any rifle, shotgun, pistol, revolver or firearm, or **BB** gun, **pellet** gun and **air** rifle of any kind, except when it may be necessary to do so in order to protect life or property or to destroy or kill any predatory or dangerous animal.

Possession of Marijuana or Open Container While Driving

23222 of the California Vehicle Code states (a) No person shall have in his or her possession on his or her person, while driving a motor vehicle upon a highway or on lands, as described in subdivision (b) of Section 23220, any bottle, can, or other receptacle, containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed.

(b) Except as authorized by law, every person who possesses, while driving a motor vehicle upon a highway or on lands, as described in subdivision (b) of Section 23220, not more than one avoirdupois ounce of marijuana, other than concentrated cannabis as defined by Section 11006.5 of the Health and Safety Code, is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100).

Provisional License for Minors: License Restrictions

12814.6(b) of the California Vehicle Code states (1) Except as specified in paragraph (3), during the **first six months** after issuance of a provisional license the licensee shall not do any of the following unless accompanied and supervised by a licensed driver who is the licensee's parent or guardian, a licensed driver who is **25 years of age or older**, or a licensed or certified driving instructor:

- (A) Drive between the hours of 12 midnight and 5 a.m.
- (B) Transport passengers who are under 20 years of age.
- (2) During the second six months after issuance of a provisional license the licensee may transport passengers under the age of **20 years between** the hours of **5 a.m. and 12 midnight** without supervision. This driving time restriction shall not modify or alter any local ordinance that restricts or prohibits cruising during specified proscribed hours. However, the restriction imposed under subparagraph (A) of paragraph (1) shall continue to apply during this period.
- (3) A licensee may drive between the hours of **12 midnight and 5 a.m.** or transport an immediate family member without being accompanied and supervised by a licensed driver who is the licensee's parent or guardian, a licensed driver who is 25 years of age or older, or a licensed or certified driving instructor, in the following circumstances:
- (A) Medical necessity of the licensee when reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary. The licensee shall keep in his or her possession a signed statement from a physician familiar with the condition, containing a diagnosis and probable date when sufficient recovery will have been made to terminate the necessity.
- (B) Schooling or school-authorized activities of the licensee when reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary. The licensee shall keep in his or her possession a signed statement from the school principal, dean, or school staff member designated by the principal or dean, containing a probable date that the schooling or school-authorized activity will have been completed.
- (C) Employment necessity of the licensee when reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary. The licensee shall keep in his or her possession a signed statement from the employer, verifying employment and containing a probable date that the employment will have been completed.
- (D) Necessity of the licensee or the licensee's immediate family member when reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary to transport the licensee or the licensee's immediate family member. The licensee shall keep in his or her possession a signed statement from a parent or legal guardian verifying the reason and containing a probable date that the necessity will have ceased.