

SEX OFFENDER RESIDENCY RESTRICTIONS ORDINANCE CITY OF GLEN ROSE

Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Child care facility A facility means an establishment subject to regulation by HHSC that provides assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the establishment operates for profit or charges for its services. A child care facility includes the people, administration, governing body, activities on or off the premises, operations, buildings, grounds, equipment, furnishings and materials.

Child safety zone means a premises where children commonly gather. The term includes a school, child care facility, day-care facility, playground, public park, public or private youth center, public or private youth sports fields, public swimming pool, video arcade facility, skate park or rink, or other facility that regularly holds events primarily for children. The term does not include a church, as defined by Section 544.251, Insurance Code.

Minor means a person younger than 17 years of age.

Permanent residence means a place where the person abides, lodges, or resides for 14 or more consecutive days.

Playground, premises, school, video arcade facility, and youth center. The meanings assigned by Section 481.134 Health and Safety Code.

Registered sex offender means an individual who is required to register as a sex offender under chapter 62, Code of Criminal Procedure because of a conviction involving a minor.

Temporary residence means a place where the person abides, lodges, or resides for less than 14 days or 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, resides, or lodges for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Prohibited areas.

- (a) It is unlawful for a registered sex offender to establish a permanent residence or temporary residence within 1,000 feet of a child safety zone.
- (b) For the purpose of determining the minimum distance separation, the requirement shall be measured by following a straight line from the property lot line of the permanent or temporary residence to the nearest property lot line of the child safety zone, as described herein.
- (c) No culpable mental state is required to be proven by the prosecution as an element of this offense.
- (d) Nothing in this article shall be interpreted to modify or reduce the state's safety ban.
- (e) A map depicting the prohibited areas shall be created by the city and maintained by the Glen Rose Police Department. The city shall review the map annually for changes. Said map will be made available to the public by the Glen Rose Police Department.

Exception; Affirmative Defenses.

The following are affirmative defenses to a violation of subsection (a):

- (1) The registered sex offender was in, on, or within 1,000 feet of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes;
- (2) The person was a minor when he/she committed the offense and was not convicted as an adult;
- (3) The person is a minor;
- (4) The premises where children commonly gather, specified herein, within 1,000 feet of the children's or the person's permanent or temporary residence was opened after the person established the permanent or temporary residence, and the person has complied with all sex offender registration laws of the state; or
- (5) The person proves that the information on the database is incorrect and that, if corrected, this section would not apply to the person.

Exemption.

- (a) A registered sex offender who established residency in a residence located within 1,000 feet of a child safety zone before [DATE ORDINANCE IS ADOPTED], is exempt from this article. This exemption applies only to:
 - (1) Areas necessary for the registered sex offender to have access to and to live in the residence; and
 - (2) The period the registered sex offender maintains residency in the residence.
- (b) A registered sex offender may apply for an exemption to the requirements of this article by filing an affidavit with the City secretary. The chief of police may grant an exemption only if:
 - (1) Such exemption is not contrary to the public interest or to the public health, safety or welfare;

- (2) Such exemption shall not increase duties for City staff;
- (3) The exemption shall fit within the spirit of this article; and
- (4) The application of the requirements of this article in the particular circumstances would create an unnecessary hardship.
- (c) The chief of police shall send to the applicant written notice of the decision to grant or deny an exemption, and if applicable a statement of the right to an appeal.
- (d) Any person who is denied an exemption under this section may appeal the decision of the chief of police by filing with the City administrator a written request for a hearing before the City council. The request for an appeal must be submitted within ten days after the notice of the chief is sent.

Penalty.

- (a) Any person violating a provision of this section shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed the maximum amount allowed by law. Each day that a violation exists shall constitute a separate offense and shall be punishable as such.

PASSED and APPROVED this ____ day of _____

Joe Boles, Mayor