



CITY OF GRAND PRAIRIE ORDINANCE

MEETING DATE: 08/19/2025

PRESENTER: Ronnie Morris, Assistant Chief of Police

TITLE: Amend Chapter 17, Article IV “Residency Restrictions for Child Predator Offenders” of the Grand Prairie Code of Ordinances to Amend and Restate Chapter 17, Article IV in its Entirety to Update the Residency Restrictions to Apply to All Registered Sex Offenders Who Are Required to Register Due to a Crime Involving a Minor and Prohibit Said Registered Sex Offenders from Entering or Loitering Within 100 Feet of a Location Designated as a Child Safety Zone Without a Legitimate Purpose or Establishing Permanent Residency in Hotels with a Playground or Swimming Pool

REVIEWING COMMITTEE: (Reviewed by the Public Safety, Health and Environment Committee on 08/11/2025)

PURPOSE OF REQUEST:

In 2008, Grand Prairie enacted Chapter 17, Article IV to restrict the residence of sex offenders who had victimized children. Since the residency restrictions were first put in place, there have been changes to the Texas Penal Code to create new offenses for the protection of children, such as continuous sexual abuse of a child (Penal Code 21.02). Some of the newly created offenses require those convicted of the offense to register as a sex offender; however, the restrictions of our current ordinance do not apply because it lists specific offenses. These changes remove the specific offenses listed in our ordinance to restrict residency for all individuals who are required to register as sex offenders after a conviction involving a child victim. The residency restrictions prohibit the individuals from living in a child safety zone. Child safety zones are areas where children commonly gather such as parks, water parks, schools, and day-care centers.

The amendment also adds two new offenses. The first offense prohibits individuals, who are required to register as a sex offender due to a conviction involving a child victim, from establishing a temporary or permanent residence in a hotel which contains a playground or swimming pool. The second offense prohibits the same individuals from entering and staying within one hundred (100) feet of a public park, public water park, public swimming pool, day-care center, public or private youth center, or video arcade facility unless the person is engaging in legitimate business and has notified the Grand Prairie Police Department of their intent and legitimate purpose for being in the area. The police department may be notified via the online SOR Notification Portal or by calling the police non-emergency phone number. Information concerning the portal can be obtained from the Grand Prairie Police Department’s Sex Offender Registry Unit.

ATTACHMENTS / SUPPORTING DOCUMENTS:

1- Tracked Changes of Ordinance

BODY

AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS, AMENDING CHAPTER 17, ARTICLE IV “RESIDENCY RESTRICTIONS FOR CHILD PREDATOR OFFENDERS” OF THE GRAND PRAIRIE CODE OF ORDINANCES TO AMEND AND RESTATE CHAPTER 17, ARTICLE IV IN ITS ENTIRETY TO UPDATE THE RESIDENCY RESTRICTIONS TO APPLY TO ALL REGISTERED SEX OFFENDERS WHO ARE REQUIRED TO REGISTER DUE TO A CRIME INVOLVING A MINOR AND PROHIBIT SAID REGISTERED SEX OFFENDERS FROM ENTERING OR LOITERING WITHIN 100 FEET OF A LOCATION DESIGNATED AS A CHILD SAFETY ZONE WITHOUT A LEGITIMATE PURPOSE OR ESTABLISHING PERMANENT RESIDENCY IN HOTELS WITH A PLAYGROUND OR SWIMMING POOL

WHEREAS, the City Council of the City of Grand Prairie determines and declares that child predator offenders are a serious threat to public safety; and

WHEREAS, the City Council finds that high concentration of children gather at parks, water parks, schools, day cares, youth centers, and video arcades; and

WHEREAS, the City Council finds that persons convicted of offenses that involve either physical contact with minors or preparatory steps towards physical contact with minors are a greater risk to the safety of children who gather near areas where such offenders reside; and

WHEREAS, since the enactment of Ordinance No. 7802 adding “Residency Restrictions for Child Predator Offenders”, the Texas Legislature has created new criminal offenses for the protection of children, including Penal code Section 21.02 creating the offense of Continuous Sexual Abuse of a Child; and

WHEREAS, the City Council determines that establishing regulations that restrict certain offenders from residing or loitering, without a legitimate purpose, in public areas that are at or near locations where there is a high concentration of children will provide better protection for children in the City by minimizing immediate access and proximity to children who are at, or going to and from parks, water parks, schools, day cares, youth centers, and video arcades, and that this residency restriction will foster the public safety of our citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, THAT:

SECTION 1. Article IV “Residency Restrictions for Child Predator Offenders” is hereby amended in its entirety to read as follows:

“Sec. 17-68. Regulation of sex offender residency.

- (a) *Definitions.* For the purposes of this section, the following terms, words, and the derivations thereof shall have the meanings given herein:

Child Safety Zone. Any premises where children commonly gather including all improved and unimproved areas on the lot where a public park, public water park, private or public school, public swimming pool, day-care center, public or private youth center, or video arcade facility is located.

Day care center. A facility providing care, training, education, custody, treatment, or supervision for seven or more children under 14 years of age for less than twenty-four (24) hours a day, but at least two hours a day, three or more days a week.

Legitimate Purpose. A reason for being at a place that involves engaging in lawful activity, including activity related to the person's work, family, health or well-being, or receipt of services from a business with a fixed location.

Minor. A person younger than eighteen (18) years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.

Public. A place where the public or a substantial group of the public has access.

Residence, permanent. A place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.

Residence, temporary. A place where a person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where a person routinely abides, resides, or lodges for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Video Arcade Facility. Any facility that is open to the public, intended primarily for the use of pinball or other video machines, and contains at least three pinball or video machines. For the purposes of this section, video machines shall not include eight-liners.

Youth Center. Any recreational facility or gymnasium that is intended primarily for use by a minor and regularly provides athletic, civic, or cultural activities.

- (b) *Offenses.*

(1) It is unlawful for a person, other than a minor, to establish a permanent or temporary residence within one thousand (1,000) feet of a Child Safety Zone if the person is required to register on the sex offender database maintained by the State of Texas because of a conviction(s) involving a minor. For the purposes of this section, deferred adjudication shall be considered a conviction. A conviction which is being appealed remains a conviction for the purposes of this section until such time as there is a final, non-appealable determination which overturns the conviction.

(2) It is unlawful for a person, other than a minor, to establish a permanent or temporary residence at a hotel which is equipped with a swimming pool or playground if the person is required to register on the sex offender database maintained by the State of Texas because of a conviction(s) involving a minor. For the purposes of this section, deferred adjudication shall be considered a conviction. A conviction which is being appealed remains a conviction for the purposes of this section until such time as there is a final, non-appealable determination which overturns the conviction.

(3) It is unlawful for a person who is required to register on the sex offender database maintained by the State of Texas because of a conviction(s) involving a minor to enter into or loiter in or within one hundred (100) feet of a child safety zone for a period of fifteen (15) minutes or more unless the person has a legitimate purpose and has complied with the notification requirements of subsection (c).

- (c) It is unlawful for a person who is required to register on the sex offender database maintained by the State of Texas because of a conviction(s) involving a minor to enter or loiter in or within one hundred (100) feet of a public park, public water park, public swimming pool, day-care center, public or private youth center, or video arcade facility for more than fifteen (15) minutes without first notifying the Grand Prairie Police Department. The notification to the Grand Prairie Police Department shall include the individual's legal name, the location they will be visiting, the purpose for being at the location, their date of birth, and their state identification number and state of issuance. The notification shall be made using the Grand Prairie Police Department's online SOR Notification Portal which will provide an acknowledgement of receipt. If the online SOR Notification Portal is unavailable, or if an acknowledgement is not received, such notification shall be made by calling the Grand Prairie Police Department's non-emergency phone number. Information concerning the portal can be obtained from the Grand Prairie Police Department's Sex Offender Registry Unit.
- (d) *Evidentiary matters: measurements.*
- (1) It shall be prima facie evidence that this section applies to a person if that person's record appears on the database and the database indicates that the victim was less than eighteen (18) years of age.
 - (2) For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises of the Child Safety Zone, as described hereinabove, or, in the case of multiple residences on one (1) property, measuring from the nearest property line of the premises to the nearest property line of the Child Safety Zone, as described herein.
- (e) *Culpable mental state not required.* Neither allegation, nor evidence of a culpable mental state is required for the proof of an offense defined by this chapter.
- (f) *Affirmative defenses.* It is an affirmative defense to prosecution that any of the following conditions apply:
- (1) The person required to register on the database established the permanent or temporary residence and has complied with all of the sex offender registration laws of the State of Texas, prior to the date of the adoption of this article.
 - (2) The person required to register on the database is a minor.
 - (3) The premises where children commonly gather, as specified herein, within one thousand (1,000) feet of the permanent or temporary residence of the person required to register on the database was opened after the person established the permanent or temporary residence and complied with all sex offender registration laws of the State of Texas.
 - (4) The information on the database is incorrect, and, if corrected, this section would not apply to the person who was erroneously listed on the database.
 - (5) The person was, at the time of the violation, subject to community services supervision pursuant to Article 42A.453 of the Texas Code of Criminal Procedure, and the court reduced or waived the one thousand-foot restriction for a child free zone under Texas Code of Criminal Procedure, § 42A.453(c)(1), (B), as it applies to the person's residence.
 - (6) The person is a primary or secondary school student who is residing with their parent or legal guardian.

Sec. 17-69. Purpose.

The purpose of this article is to provide regulations restricting offenders who victimized minors and are required to register with Texas Department of Public Safety Sex Offender Database from residing in certain areas of the city where there are high concentrations of children.

Sec. 17-70. Penalty.

Any person, firm or corporation found to be violating any term or provision of this article, shall be subject to a fine not to exceed \$500 for each offense. Every day a violation continues shall constitute a separate offense.”

SECTION 2. That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 3. That Chapter 17, “Offenses and Miscellaneous Provisions”, of the Code of Ordinances of the City of Grand Prairie, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 4. That the terms and provisions of this Ordinance are severable and are governed by Section 1-4 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 5. All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this Ordinance.

SECTION 6. That this Ordinance shall be and become effective immediately upon and after its passage and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, ON THIS THE 19th DAY OF AUGUST 2025.