
VILLAGE BOARD MEETING

From: Chad Pelishek, Village Manager

VILLAGE OF HARRISON

Meeting Date: 9/30/2025

Title: Proposed Ordinance: Sexual Offender

Recommended Action: Motion to direct staff to work on a sexual offender ordinance.

Background and Additional Information:

Over the past month there were numerous concerns raised on social media about sexual offender living next to a public park. Surrounding municipalities have sexual offender ordinances including Appleton.

The Village Manager asked advice of the Village Attorney what the pros/cons of the such ordinance could be and to provide examples. The response of the Village Attorney is below:

It is true that at the state level, “sexually violent persons” on supervised release are not allowed to live in certain areas. For example, sexually violent persons on supervised release must be placed in their own county and they are not allowed to be within 1,500 feet of particular locations, like schools, premises, childcare facilities, public parks, places of worship and youth centers. Additionally, if the crime had to do with the elderly, they must live 1,500 feet from a nursing or assisted living facility.

As stated, those residency requirements, only apply to “sexually violent persons.” Sexually violent persons are those who have been convicted of a sexually violent offense, including first, second and third degree sexual assault, first degree and second degree sexual assault of a child, repeat sexual assault of the same child, incest with a child, child enticement, and other violent crimes (homicide, battery, etc.) if they are sexually motivated including solicitation, conspiracy or attempt to commit any of the crimes listed previously. The definition does cover a wide range of offenses, but the Village is able to create additional measures outside of that statute if you so choose.

Importantly, non-violent offenders have no residency requirements at the state level. Municipalities instead are allowed and commonly do enact additional sex offender residency restriction ordinances. There are certain exceptions municipalities must include when creating these ordinances. For example, if the person has been told where to live based on supervised release and is in compliance with court orders, the village’s ordinance will not apply to them.

Other potential issues to keep in mind:

- For the above-mentioned state law, the law does not apply retroactively to new structures. So, if it is a new school, or new nursing home, etc. then the law does not apply, and the person can still live there. You indicated that the park at issue is new, so even if the person involved here was a

“sexually violent person” they would have likely been exempt from the statute anyways if they lived there before the park was built.

- In addition, any new ordinance put in place now would not apply retroactively. If the issue is specific to a certain sex offender living near the new park, even if the ordinance were put in place tomorrow, it would not apply to anyone that established a permanent or temporary residence prior to the effective date of the ordinance.

Budget Impacts: None

Attachments: Ordinance example from Menomonee Falls