



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

To: Board of County Commissioners
Through: Robert A. McMillan, County Attorney
From: Kimberly Romano, Assistant County Attorney KR
Date: August 26, 2005
Subject: Sexual Predator Ordinance

RECOMMENDATION: Authorize advertising the proposed sexual predator ordinance for public hearing on September 27, 2005.

BACKGROUND: The attached draft ordinance is essentially the same ordinance that was prepared by the Sheriff's Office after discussions at the Mayors and Managers meeting of July 20, 2005. This office made some minor revisions to the format and substance of the draft provided by the Sheriff. Copies were provided to all City Attorneys and Managers. Comments and suggestions have been incorporated, where appropriate.

The proposed ordinance applies to sexual offenders whose victims were younger than 16 and sexual predators regardless of the age of the victim ("offenders and predators"). The ordinance prohibits offenders and predators from residing (permanently or temporarily) within 1000 feet of schools (public and private), day care centers, parks (including the trails system) and playgrounds. There are exceptions for offenders and predators who are in residence before the adoption of the ordinance (who must move at the end of the term of their lease) and minors not sentenced as adults. Additionally, offenders and predators are prohibited from traveling within 1000 feet of schools, day care centers, parks and playgrounds, with ten (10) exceptions for such activities as meeting with lawyers, compliance with a court order, employment, etc. Landlords are prohibited from knowingly renting living facilities to offenders and predators if the premises are located within 1000 feet of a school, day care center, park or playground. The ordinance creates rebuttable presumptions that landlords are aware of the identity of registered offenders and predators and that any rental in a residential zoning area is intended to be used as a temporary or permanent residence. The Sheriff is required to provide offenders and predators with photo identification cards and maps showing the schools, day care centers, parks and playgrounds located in the County, however,

failure to receive a map or failure of the map to show a particular facility is not a defense to a violation of the ordinance. The ordinance provides a method to measure distances and provides for countywide application, enforcement, inclusion in the code, severability and an effective date.

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