



Le Sueur County, MN

Tuesday, November 1, 2016

Board Meeting

Item 7

10:00 a.m. Public Hearing

RE: Designated Predatory Offender Residency Restrictions Ordinance

Staff Contact:



LE SUEUR COUNTY BOARD OF COMMISSIONERS
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John King, Dave Gliszinski, Steve Rohlfing, Joseph Connolly, Lance Wetzel

The Le Sueur County Board of Commissioners will conduct a Public Hearing in the Board of Commissioners Room at the Le Sueur County Courthouse, 88 South Park Ave., Le Center Minnesota on **Tuesday, November 1, 2016 at 10:00 a.m.** for the purpose of taking public comment on the proposed **County of Le Sueur Designated Predatory Offender Residency Restrictions Ordinance.**

Copies of the full text are available for review by any person during regular business hours of 8:00 a.m. to 4:30 p.m., Monday through Thursday and 8:00 a.m. to 4:00 on Friday at the County Auditor's Office located in the Le Sueur County Courthouse or on the Le Sueur County Website at www.co.le-sueur.mn.us

John King
Chair, Le Sueur County
Board of Commissioners

Darrell Pettis
Le Sueur County Administrator

COUNTY OF LE SUEUR – COUNTY CODE
CHAPTER _____ – PUBLIC SAFETY

Designated Predatory Offender Residency Restrictions

Section 1: Designated Predatory Offender Residency Restrictions

(a) Purpose. The Le Sueur County Board of Commissioners intends to serve the county's compelling interest to promote, protect and improve the health, safety, and welfare of Le Sueur County residents under this Section. It is the express intent of the Board to further that interest by: creating areas around locations where children regularly congregate in concentrated numbers within which certain predatory offenders are prohibited from establishing temporary or permanent residence; and, by mitigating the concentration of certain predatory offenders, as required by Minnesota Statute § 244.052, Subd. 4a, by prohibiting certain predatory offenders from establishing temporary or permanent residence within close proximity to one another.

(b) Findings. The Board finds that repeat predatory offenders present a real threat to the public safety and especially to that of children. Certain predatory offenders are likely to use physical violence and present a high risk to repeat their offenses, and most such predatory offenders have committed many more offenses and have many more victims than are ever reported and prosecuted. This makes dealing with the danger posed to the public safety and especially that of children by those certain predatory offenders extremely important.

Section 2: Definitions. For purposes of this section the following definitions will apply unless the context or intent clearly requires a different meaning:

(a) Designated predatory offender. Any person who is required to register as a predatory offender under Minnesota Statute § 243.166, as may be amended from time to time, and who has been categorized as a Level III predatory offender under Minnesota Statute § 244.052, Subd. 3, a successor statute, or a similar statute from another state.

(b) Permanent residence. A place where a person abides, lodges, or resides for 14 or more consecutive days.

(c) Temporary residence. A place where a person abides, lodges, or resides for a period of 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, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

(d) School. A public or nonpublic preschool, elementary or secondary school.

(e) **Licensed child care facility.** A child care facility currently licensed by the Le Sueur County, Minnesota, public health and human services department.

(f) **Public park/playground.** Any city-owned, or privately owned but open to the public, area that is designed, equipped, and set aside for children's play and includes in that area such facilities as play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation and related structures.

Section 3: Prohibited Acts.

(a) **Prohibited location of residence.** It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 2,000 feet of any of the following:

1. Public or private school;
2. Licensed child care facility
3. Public park/playground;
4. Place of worship which provides regular educational programs;
5. Designated public school bus stop;
6. Designated public trails;
7. Public or private Gymnasiums;
8. Libraries;
9. Public beaches;
10. Sporting facilities (i.e. swimming pool, baseball fields, football fields, hockey rinks, soccer fields, etc.) where children are known to congregate;
11. The permanent or temporary residence of any other designated predatory offender.

(b) **Measurement of distance.** For 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 residence or temporary residence to the nearest outer property line of the properties listed in Section 3.

Section 4: Exceptions. This section does not apply under the following circumstances:

(a) The designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes §§ 243.166 and 243.167, or a successor statute, prior to _____, 2016 (date of adoption of this ordinance);

(b) The designated predatory offender was a minor when he/she committed the offense and was not convicted as an adult;

(c) The designated predatory offender is a minor;

(d) The designated predatory offender has been granted a risk level reduction by the end-of-confinement review committee, pursuant to Minnesota Statute § 244.052, Subd. 3(i).

(e) The locations listed in Section 3 that are within 2,000 feet of the person's permanent residence were opened after the designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes §§ 243.166 and 243.167, or a successor statute;

(f) The residence is also the primary residence of the designated predatory offender's parents, grandparents, siblings or spouse, and was their residence prior to _____, 2016 (date of adoption of this ordinance);

(g) The residence is a property that is, prior to _____, 2016 (date of adoption of this ordinance), (i) purchased, leased, or contracted with the Minnesota Department of Corrections, (ii) licensed by the Minnesota Department of Corrections, and (iii) the temporary or permanent residence of one or more Designated Predatory Offenders.

Section 5: Property Owners Prohibited from Renting Real Property to Designated Predatory Offenders in the Exclusion Zones.

(a) It shall be unlawful for any property owner to rent or lease real estate to any designated predatory offender if the property is in the prohibited zone established in Section 3. If a property owner discovers or is informed that a tenant is a designated offender after a rental agreement is signed, a property owner shall commence eviction proceedings against the designated offender and take action to ensure that the designated offender is not residing in the exclusion zone.

(b) A property owner's violation of this prohibition shall be punishable as set forth in Section 6.

Section 6: Penalty. Any person who violates this section shall be punished according to the laws of the State of Minnesota. A violation of this Section shall constitute a misdemeanor. Each day a person maintains a temporary or permanent residence in violation of this ordinance constitutes a separate violation.

Section 7: Severability. The provisions of this Section are severable and if any provision of this Section or application of any provision of this Section due to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Section shall not be affected thereby.

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and Approved: _____, 2016

Signed: _____
Chair, County Board of Commissioners

Attest: _____
County Administrator

Published: _____

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