

Sex Offender Ordinance Proposal

Detective William Brockmoller
Oct. 5, 2021

Sex offenders who are required to register as a sex offender under Texas Code of Criminal Procedure, chapter 62, present an extreme threat to the health, safety, and welfare of children. This ordinance intends to show a compelling interest to promote, protect and improve the health, safety, and welfare of the citizen. The application of this ordinance will help foster a partnership with the community by protecting the family and maintaining Keller as the place to live, visit, and conduct business.

City Ordinance Definitions

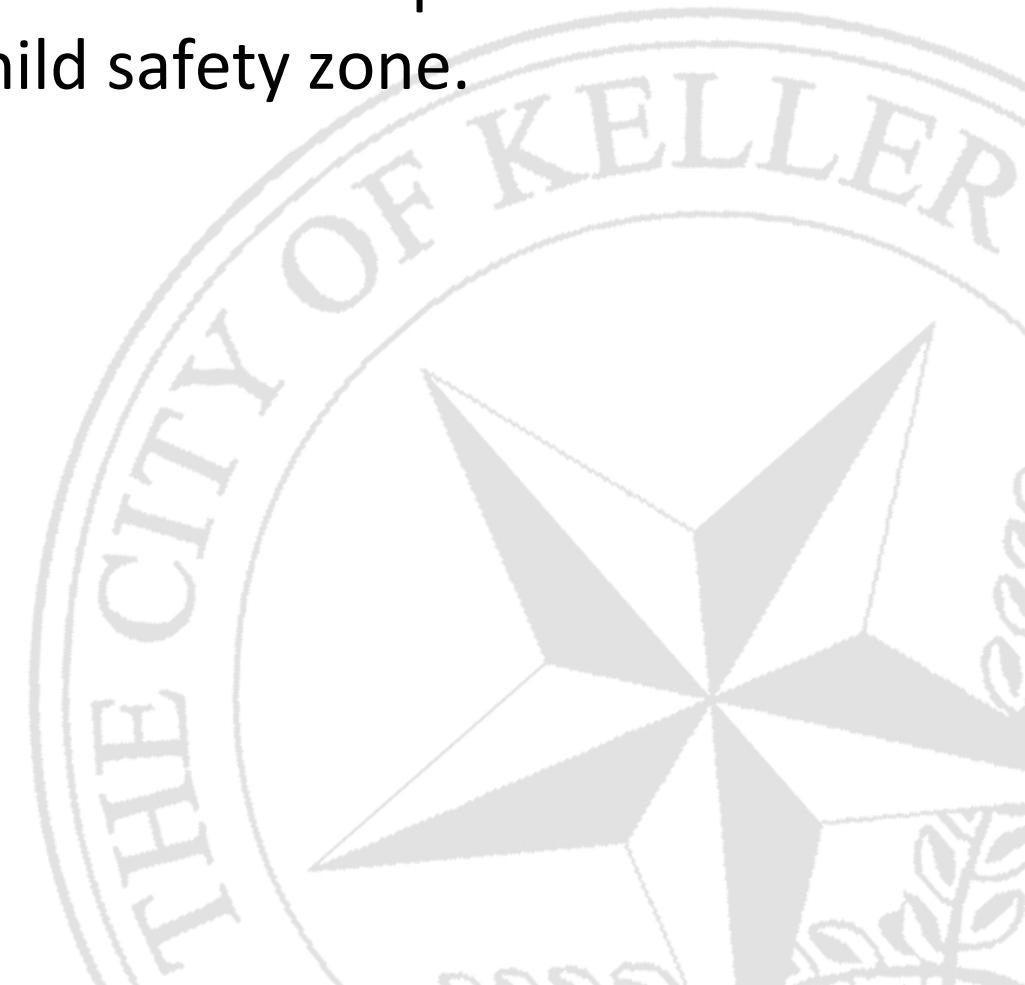
- *Child* means any person under the age of seventeen (17).
- *Child safety zones* means premises where children commonly gather, regardless of whether they are inside or outside the City of Keller limits, and includes:
 - any school whether public, private or religiously affiliated; and
 - public libraries, amusement arcades, video arcades, indoor and outdoor amusement centers, amusement parks, public or commercial and semi-private swimming pools, child-care facilities, public or private youth sports athletic fields, crisis centers or shelters, skate parks or rinks, public or private youth centers, movie theaters, bowling alleys, conservation areas, jogging trails, equestrian trails, hiking trails, bicycle trails, recreational centers, public playgrounds, and scouting facilities.

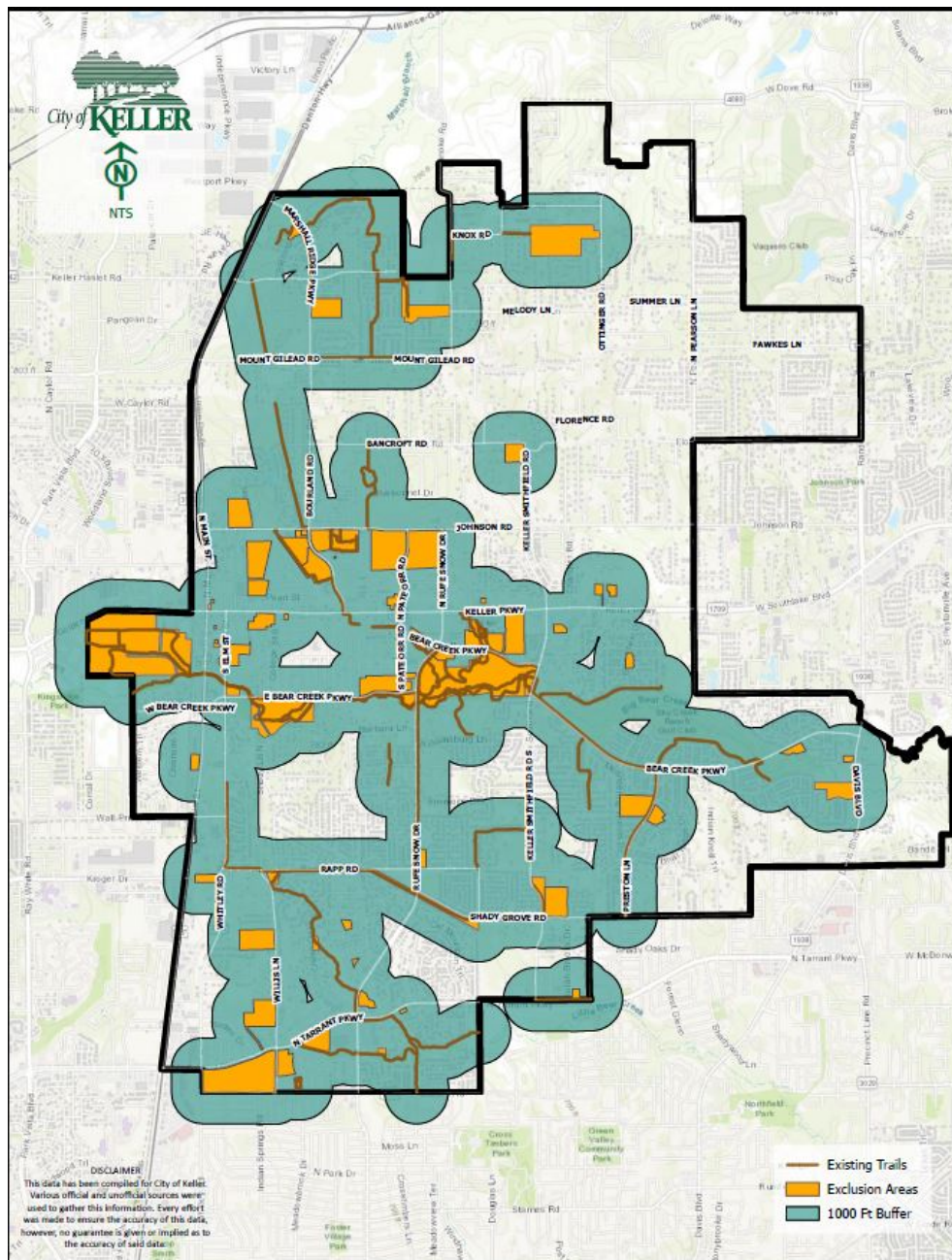
City Ordinance Definitions (continued)

- *Permanent residence* means a place where a person abides, lodges, or resides for twelve (12) or more consecutive days.
- *Sex Offender* means a person who is required to register as a sex offender under the Sex Offender Registration and Notification Act, Texas Code of Criminal Procedure, Chapter 62 because of an offense involving a child.
- *Temporary residence* means either a place where a person abides, lodges, or resides for a period of 12 or more days during any calendar year, and is not the person's permanent address, or a place where a 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 address.

Prohibited Areas

(a) It is unlawful for a sex offender to establish a permanent or temporary residence within 1,000 feet of a child safety zone.

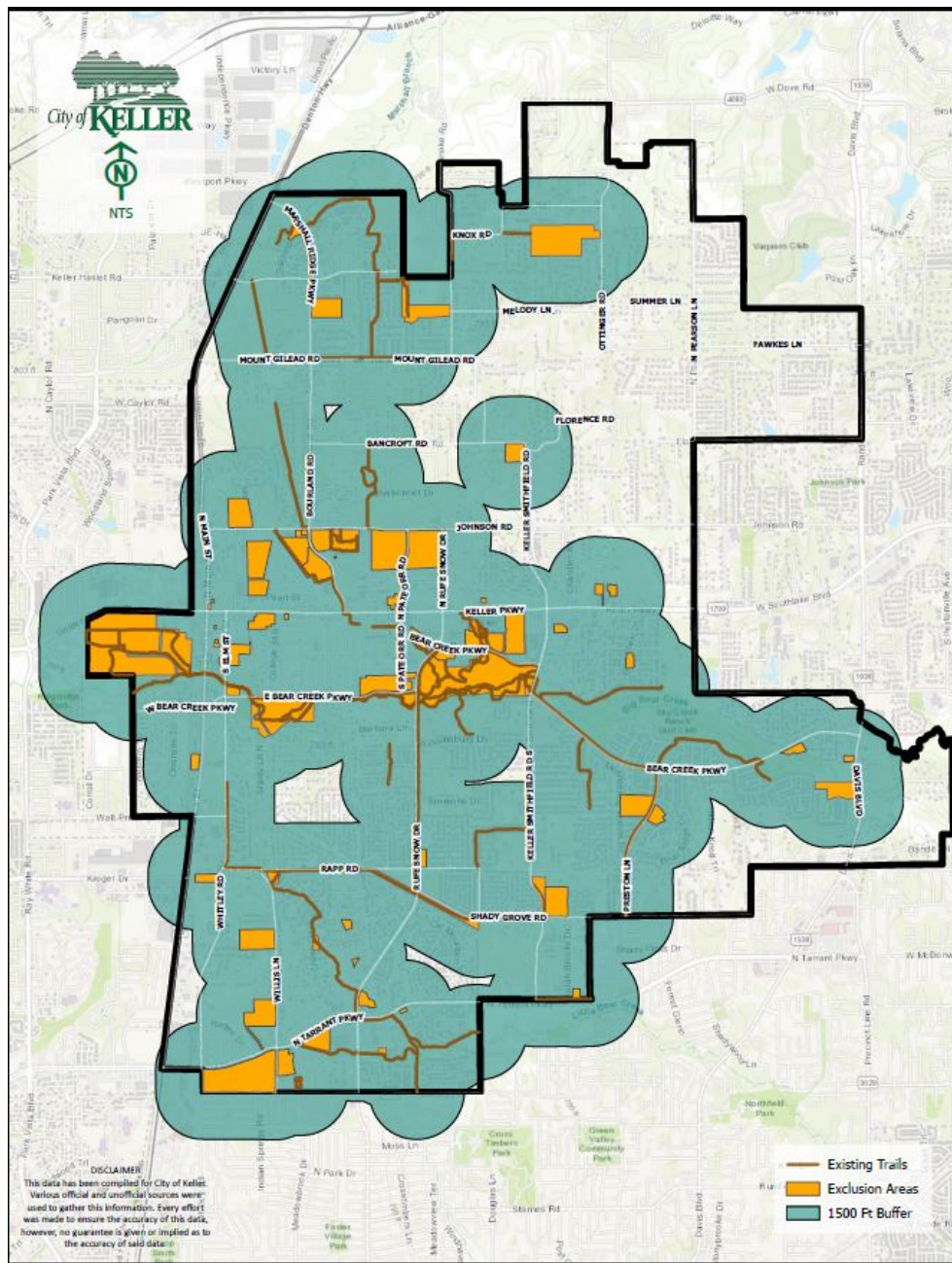




1,000-Foot Boundary



Excellence • Integrity • Service • Creativity • Communication



1,500-Foot Boundary



Excellence • Integrity • Service • Creativity • Communication

Texas Local Government Code § 341.906

(b) To provide for the public safety, the governing body of a general-law municipality by ordinance may restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the municipality.

(d) The ordinance **may establish a distance requirement** described by Subsection (b) at any distance of **not more than 1,000 feet**.

Tex. Loc. Gov't. Code § 341.906

Added by Acts 2017, Texas Acts of the 85th Leg. - Regular Session, ch. 997, Sec. 3, eff. **9/1/2017**.

Offenses

(a) No person shall sublet or rent any place, structure or part thereof manufactured home, trailer, or any other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence according to the terms of this article, if such place, structure, or part thereof, manufactured home, trailer or other conveyance is located within 1,000 feet from a child safety zone.

(b) It shall be unlawful for a sex offender to have an outdoor street-facing light(s) aglow or hand out treats during Halloween.

Affirmative Defenses

- (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, before the date of the adoption of this ordinance;
- (2) the person required to register on the database was a minor when he or she committed the offense requiring such registration and was not convicted as an adult;
- (3) the person required to register on the database is a minor, as defined by Texas Penal Code;

Affirmative Defenses

(4) the premises where children commonly gather, as specified herein, within 1,000 feet of the 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 information on the database is incorrect, and, if corrected, this section would not apply to the person who was incorrectly or improperly listed on the database.



Questions?
Detective William Brockmoller