

# STAFF REPORT

## City of Lancaster

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MVB

Date: August 28, 2012

To: Mayor Parris and City Council Members

From: Dave McEwen, City Attorney

Subject: **Ordinance Adding Chapter 9.44 to the Lancaster Municipal Code Relating to Registered Sex Offenders**

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### **Recommendation:**

Introduce **Ordinance No. 981** (the “Ordinance”), adding Chapter 9.44 to the Lancaster Municipal Code relating to registered sex offenders.

### **Fiscal Impact:**

The fiscal impact of the Ordinance is unknown.

### **Background:**

The City Attorney’s Office has been requested by the Criminal Justice Commission to draft an ordinance in order to restrict and regulate the places that a registered sex offender may reside and frequent.

Statistics show that sex offenders have a dramatically higher recidivism rate for their crimes than other types of violent felons. On November 7, 2006, the voters of the State of California overwhelmingly approved Proposition 83, the Sexual Predator Punishment and Control Act (commonly referred to as “Jessica’s Law”) in order to better protect Californians, and in particular to protect children, from registered sex offenders. Proposition 83 enacted Section 3003.5(b) of the California Penal Code, which prohibits any registered sex offender from residing within 2,000 feet of any public or private school, or any park where children regularly gather. Section 3003.5(a) of the California Penal Code prohibits any person who is released on parole for a crime for which registration is required under Section 290 of the California Penal Code from living in a single-family dwelling with another sex offender during his or her parole, unless those individuals are related. Section 3003.5(c) of the California Penal Code expressly authorizes municipal jurisdictions to enact local ordinances that further restrict the residency of any registered sex offender.

The Ordinance adds Chapter 9.44 to the Lancaster Municipal Code and imposes restrictions and regulations upon registered sex offenders in addition to those imposed under state law. Specifically, the Ordinance imposes (subject to certain exceptions and limitations) the following restrictions and regulations:

- A registered sex offender shall not reside within 2,000 feet of any school, park or day care center;
- A registered sex offender shall not reside in single family dwelling, multi-family dwelling, duplex dwelling, multi-unit residential dwelling, or hotel/motel/inn where another registered sex offender already resides;

- A registered sex offender shall not be present within 300 feet of a school, day care center, park, bus stops in the immediate vicinity of parks, public and private playgrounds, public library, public museum, public or private crisis center or shelter, arcade, youth sports facilities, and amusement parks (indoor and outdoor), when children are present; and
- On October 31st of each year, as well as on any day designated by the city for any Halloween trick or treating event, a registered sex offender, shall:
  - (i) leave all exterior residential, decorative and ornamental lighting off during the hours of 5:00 p.m. to 11:59 p.m.; and
  - (ii) not decorate his or her permanent residence with Halloween decorations, and remove any such decorations; and
  - (iii) not answer the door to children who are trick-or-treating.

The Ordinance is intended to supplement, not to conflict with, existing state law by imposing more stringent restrictions on the locations where registered sex offenders may reside and by imposing restrictions on the locations that registered sex offenders may frequent.

**Attachment:**  
Ordinance No. 981