

TO: James L. App, City Manager
FROM: Dennis J. Cassidy, Chief of Police
SUBJECT: Ordinance Pertaining to Residency Restrictions for Certain Sex Offenders
DATE: February 7, 2006

NEEDS For the City Council to consider an ordinance augmenting residency restrictions for certain convicted sex offenders.

FACTS:

1. City Staff was asked to explore and present a sexual predator residency ordinance that would further protect children from known sexual predators by establishing residency restrictions in locations where children congregate.
2. Current state law establishes residency restriction for certain sex offenders that are on parole from residing within one quarter mile of any public or private school attended by children in Kindergarten through Grade 8 during their period of parole.
3. Section 290 of the Penal Code requires persons convicted of certain offenses to register with the Police Department in the city where he/she reside. The City of Paso Robles currently has fifty nine (59) convicted sex offenders registered in the City limits. Forty (40) of them or 68% involved victims under the age of 18 years.
4. Based on the evidence available, sex offenders have recidivism rates as high as 45%. According to a 1998 report by the U.S. Department of Justice, sex offenders are the least likely to be cured and the most likely to re-offend, and tend to prey on the most innocent members of society. More than two-thirds of the victims of rape and sexual assault are under 18 years of age. Sex offenders have a dramatically higher recidivism rate for their crimes than any other type of violent felon.
5. It is in the City's interest to promote, protect, and improve the health, safety, and welfare of the citizens of the City by establishing areas around locations where children regularly congregate wherein certain sexual offenders shall be prohibited from establishing temporary or permanent residence.
6. Information and concerns were received from the local Board of Realtors and dialogue between their Legal Council and the City Attorney resulted in several positive changes to the original document/ordinance. We have met with the Board of Realtors representatives and have received review comments regarding the proposed changes. The School District previously supplied information relevant to the proposed ordinance that resulted in some positive change to the document/ordinance pertaining to bus stops. Staff has refined and confirmed definitions of "areas where children congregate" and has prepared adequate mapping for disclosure/notification and future enforcement purposes.

**ANALYSIS &
CONCLUSION:**

Several States, Cities and Counties have enacted ordinances and laws further restricting the residency of convicted sex offenders in proximity to locations where children gather. Current law restricts only those currently on parole who are convicted of certain crimes from living within a quarter of a mile from certain locations where children congregate. It would benefit the citizens of Paso Robles to enhance the protection of our children by establishing areas around locations where children regularly congregate that prohibit certain sexual offenders from establishing temporary or permanent residency. This ordinance would also require property managers, landlords, and realtors to disclose the existence of the ordinance prior to the commencement of any sale, rental, or leasing transaction. This ordinance will not affect those registrants currently living in restricted areas prior to the adoption of the ordinance.

**POLICY
REFERENCE:**

Sections 290 and 3003 (g) of the California Penal Code.

**FISCAL
IMPACT:**

Undetermined. Monitoring and enforcement could require a significant law enforcement staff time commitment and personnel resources.

OPTIONS:

1. Introduce for first reading Ordinance No. XXX N.S. adding a new Chapter 9.46 to Title 9 of the Municipal Code of the City of El Paso de Robles pertaining to residency restrictions for certain sex offenders and set February 21, 2006 as the date for adoption of said ordinance.
2. Amend, modify, or reject the above option.