

SECTION 32A: SEXUAL PREDATOR RESIDENCY RESTRICTIONS

Subd 1. Findings and purpose.

Certain predatory offenders present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses. Most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

It is the purpose of this section to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of its citizens by establishing areas around locations where children regularly congregate in concentrated numbers, wherein certain sexual predators are prohibited from establishing temporary or permanent residence.

Subd 2. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. Daycare center means any facility licensed by the State of Minnesota in which care, supervision and training for individuals under the age of 18 is provided for part of a 24-hour period.
- B. Designated offender means any person who has been categorized as a Level III predatory offender under Minn. Stat. 244.052, a successor statute, or a similar statute from another state.
- C. Park or playground mean any land, including improvements, but excluding trails and sidewalks operated by the city, county or other public entity for the use by the general public as a recreational area.
- D. Permanent residence means any place where a person abides, lodges or resides for 14 or more consecutive days.
- E. School means any public or non-public educational institution that offers educational instruction to individuals under the age of 18.
- F. Temporary residence means a place, other than a person's permanent residence, where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year or four or more consecutive or non-consecutive days during any month.

Subd 3. Residency prohibition; penalties; exception.

A. Residency prohibition.

1. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 1,250 feet of any daycare center, school, park or playground.
2. 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 of the designated offender to the nearest outer property line of a daycare center, school, park or playground.

- B. Penalties. A person who violates this section shall be punishable by a fine not exceeding \$1,000 or by confinement for a term not exceeding 90 days, or by both such fine and confinement.

Each day a person maintains a residence in violation of this article constitutes a separate violation.

- C. *Exceptions.* A designated offender residing within a prohibited area as described in subsection A does not commit a violation of this section if any of the following apply:
1. The designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minn. Stat. 243.166, Minn. Stat. 243.167, or successor statute, prior to the date this article was adopted and made effective.
 2. The designated offender was a minor when he or she committed the offense and was not convicted as an adult.
 3. The designated offender is a minor.
 4. The daycare center, school, park or playground within 1,250 feet of the designated offender's permanent residence or temporary residence was designated or opened after the designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minn. Stat. 243.166 or Minn. Stat. 243.167, or successor statute.
 5. The residence is also the primary residence of the designated offender's parents, grandparents, siblings, spouse or adult children.