

Common Council Committee of the Whole

To: Honorable Mayor Mark D. Boughton and members of the Common Council
Re: Minutes of the Common Council Committee of the Whole held on June 10, 2008

Council President Cavo called the Common Council Committee of the Whole to order at 7:16PM.

The members were recorded as follows:

Present - McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Perkins, Visconti, Chianese, Saadi, Cavo, Seabury, Rotello, Teicholz, Arconti, Curran, Knapp, Levy, Riley, Stanley

Absent - Esposito and Diggs (Councilman Esposito was working and Councilwoman Diggs was out of town on business.)

19 Present - 2 Absent

1. Sex Offender Ordinance-Chapter 12, Section 27

Councilwoman Teicholz moved to recommend to the Council Committee of the Whole the amendment to the Ordinance Chapter 12 Sec. 27 in accordance with the changes referenced in the Committee Report including the increase in fines from \$100 to \$250 in accordance to state statute. Seconded by Councilman Saadi.

Discussion followed regarding the warning provision and amendments.

Motion passed by unanimous vote

Respectfully submitted,

Doratheia A. Gulya-Stasny
Recording Secretary



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ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

That the City of Danbury Code of Ordinances Chapter 12, Section 27 be amended as follows:

Sec. 12-27. Sex Offenders; Child Safety Zones.

(1) Legislative Findings; Purpose.

(a) The Connecticut Legislature has found that persons convicted or found not guilty by means of mental disease or defect of certain criminal offenses against minors and sexually violent offenses, present a continuing danger to the health and safety of the public, sufficient to require that such persons register with the Connecticut Commissioner of Public Safety.

(b) As of November 2006, the Connecticut Department of Public Safety's Sex Offender Registry ("Sex Offender Registry") shows that approximately forty (40) people living in Danbury are registered sex offenders.

(c) The Common Council finds from the evidence that the recidivism rate for released sex offenders is alarmingly high, especially for those who commit their crimes on children.

(d) The Common Council recognizes that the City of Danbury has a compelling interest in protecting children from the threat of sexual abuse.

(e) The City's public parks, schools, playgrounds, sports and recreation facilities are provided for the use, education, training, entertainment and enjoyment of children and their families, and such venues are intended to be and should be free of the dangers presented to children's health, safety and welfare by persons required to register on the Sex Offender Registry.

(f) The Common Council finds that the public health, safety and welfare of the community, particularly children, will be best served by prohibiting persons required to register with the Sex Offender Registry from entering into a public park, school, playground, recreation center, bathing beach, swimming pool or wading pool, sports field or sports facility.

(2) Prohibition Regarding Sex Offender in Child Safety Zone.

(a) **Definitions:** For the purpose of this Ordinance the following terms, phrases, words and derivations shall have the meaning given herein. When not inconsistent with the context, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

(i) "Child Safety Zone " means:

(a) A park, school, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, or sports facility, which is 1) under the ownership of the City of Danbury or of any department, agency, or authority of the City of Danbury, including but not limited to the Board of Education of the City of Danbury, or 2) leased by the City of Danbury to another person for the purpose of operating a park, school, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, or sports facility. "Child Safety Zone" includes any and all buildings, land, parking area or other improvements located on the same parcel on which each of the aforementioned facilities is located, but does not include any public street.

Operations or his/her designee shall publish a list and the locations of the Child Safety Zones on the City's website (www.ci.danbury.ct.us). Website users may access such list and locations by clicking on the website's homepage link entitled "Links for Danbury Residents," and then clicking on "Child Safety Zones." The Director of Permit Operations or his/her designee shall update such website list and locations whenever a Child Safety Zone parcel is acquired, transferred, or modified in area by the City.

(ii) Sex offender" means:

(a) A person who has been convicted or found not guilty by reason of mental disease or defect of 1) a "criminal offense against a victim who is a minor," 2) "a nonviolent sexual offense," 3) a "sexually violent offense," or 4) any felony that the court finds was committed for a "sexual purpose," as those terms are defined in subdivisions (2), (5), (11) and (12) of Section 54-250 of the Connecticut General Statutes as amended, and who is required to register with the Commissioner of Public Safety pursuant to Sections 54-251, 54-252, 54-253 or 54-254 of the Connecticut General Statutes as amended, or

(b) A person who has been convicted or found not guilty by reason of mental disease or defect in any other state, in a federal or military court or in any foreign jurisdiction of any crime the essential elements of which are substantially the same as any of the crimes specified in subdivisions (2), (5) and (11) of section 54-250 of the Connecticut General Statutes as amended, and which requires registration as a sexual offender in such other state or in the federal or military system, and who resides in this state on and after October 1, 1998.

(iii) "Not guilty by reason of mental disease or defect" means that which is defined in subdivision (6) of section 54-250 of the Connecticut General Statutes as amended.

(b) Prohibition.

It shall be unlawful for a sex offender to be present in any Child Safety Zone.

(c) Exceptions.

The provisions of this Ordinance shall not apply:

(i) To any person whose name has been removed from the Connecticut Department of Public Safety's Sex Offender Registry or from the registry of any other state or in the federal or military system by act of a court or by expiration of the term such person is required to remain on such registry.

(ii) To any person entering into a facility in a Child Safety Zone for the sole purpose of voting in any municipal, state or federal election or referendum, provided that the person leaves the facility immediately after voting.

(iii) To the extent that the conduct prohibited by this ordinance is in conflict with any sentence or order of probation or parole imposed upon a sex offender.

(3) Notice.

The Chief of Police or his designee shall make reasonable efforts to provide prompt, actual written notice of the enactment of this Ordinance (which notice shall contain a copy of the Ordinance) to all persons who are listed on the Sex Offender Registry as of the effective date of this Ordinance, as well as those persons who are added to the Sex Offender Registry thereafter, which persons' addresses (as shown on the Sex Offender Registry) are within the City of Danbury. Such notice requirement may be satisfied by the mailing of such notice by registered or certified mail, return receipt requested to the last known address of such person as listed on the Sex Offender Registry or as otherwise known to the Chief of Police. The failure of any person to receive such actual written notice shall not be a defense to a violation of this Ordinance.

(4) Enforcement Procedures.

(a) If a police officer reasonably believes that a sex offender is in a Child Safety Zone in violation of this Ordinance, the officer shall require the suspected sex offender to provide his/her name, address, and telephone number. If it is established that the individual is a sex offender, then the officer shall issue a written warning that he/she is in violation of this Ordinance and require the person to leave the Child Safety Zone. If the person refuses to leave or is later found to be in the same or any other Child Safety Zone, the penalties set forth in subsection (5) of this Ordinance shall apply.

(b) If a police officer acquires information sufficient to support a reasonable belief that a particular sex offender has been in a Child Safety Zone, the officer shall issue a written warning to the sex offender that he/she is in violation of this ordinance and that the person is prohibited from entering any Child Safety Zone. The warning shall specify the Child Safety Zone which the sex offender entered and the date or dates of his/her presence in the Child Safety Zone, and shall be issued to the sex offender in the manner provided for notice under subsection (3) of this Ordinance. If the sex offender is later found to be present or to have been present in the same or any other Child Safety Zone, the penalties set forth subsection (5) of this Ordinance shall apply.

(c) Whenever a police officer issues a warning or a citation pursuant to this Section 4, the officer shall mail a copy of the warning or citation by certified mail to the sex offender's parole or probation officer (if any), provided that failure of the officer to comply with this subsection (c) shall not be a defense to a violation of this Ordinance.

(5) Penalties.

Any person in violation of this section shall be fined in the amount of one hundred dollars (\$100.00) for each violation. Fines under this Ordinance shall not apply when the prohibited conduct results in a conviction for a new criminal offense under any applicable state or federal law or when the prohibited conduct is the basis for the revocation of any condition of parole or probation.

(6) Severability.

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect. If any provision of this Ordinance is in conflict with state law, state law shall prevail.