

REPORT

November 28, 2006

Re: **Sex Offender Ordinance**

The Common Council met as a committee of the whole immediately following a public hearing in the Common Council Chambers in the City Hall on November 27, 2006. Mr. Cavo noted for the record that Mr. Perkins was working. Mr. Esposito and Ms. Basso were out of town on vacation.

Mr. Casagrande, Corporation Counsel, summarized the origins of this proposed ordinance. Mr. Casagrande put into the record Court exhibits regarding the recidivism rate of persons convicted of sexual offenses having a greater likelihood of recommitting this act than other felons. Mr. Casagrande also stated that this type of ordinance will survive constitutional scrutiny as long as the council can advance a rational basis for the ordinance or the restrictions and, he clearly sees a rational basis for this ordinance. The ordinance and the restrictions will minimize the threat that different sex offenders will come into contact with children. This is a compelling interest and a rational purpose.

Mrs. Teicholz moved to recommend the adoption of the sex offender ordinance including the change to Subsection (2) the following additional language: "which persons' last known addresses (as shown on the Sex Offender Registry) are within the City of Danbury." Seconded by Mr. Seabury.

Discussion followed. Mr. Nagarsheth moved the question. Seconded by Mr. Cutsumpas. Motion carried with Saadi, Visconti, Chianese and Taborsak voting in the negative.

Main motion carried with Mrs. Taborsak voting in the negative. Motion carried 17 yes and 1 no. Mrs. Teicholz moved to adjourn at 8:35 p.m. Seconded by Mr. Rotello. Motion carried unanimously.

Respectfully submitted,

Joe Cavo, Chairman



ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

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

CITY OF DANBURY
ORDINANCE

AMENDING CITY OF DANBURY CODE OF ORDINANCES, CHAPTER 12 (OFFENSES, MISCELLANEOUS PROVISIONS) BY ADDING SECTION 27, PROHIBITING REGISTERED SEX OFFENDERS FROM ENTERING PUBLIC PARKS, PLAYGROUNDS AND OTHER PUBLIC FACILITIES FREQUENTED BY CHILDREN; DEFINING CHILD SAFETY ZONE, CHILD SEX OFFENDER; PROVIDING FOR ENFORCEMENT PROCEDURES AND PENALTIES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, the Common Council recognizes that the City of Danbury has a compelling interest in protecting children from the threat of sexual abuse; and

WHEREAS, the City's public parks, 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; and

WHEREAS, 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, playground, recreation center, bathing beach, swimming pool or wading pool, sports field or sports facility.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

SECTION 1. That the City of Danbury Code of Ordinances be amended by adding Section 27 to Chapter 12, as follows:

Chapter 12 - 27

(1) Prohibition Regarding Child 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:



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

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

(a) A park, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, or sports facility, including the parking area and land surrounding any of the aforementioned facilities, which is 1) under the jurisdiction 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, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, or sports facility.

(ii) "Child 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 child sex offender to be present in any Child Safety Zone.

(c) Exceptions.

The provisions of this Ordinance shall not apply to:

(i) 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) 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.

(2) 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



ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

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

CITY OF DANBURY
ORDINANCE

BE IT ORDAINED BY THE
COMMON COUNCIL OF THE CITY OF DANBURY:

SECTION 1. That the City of Danbury Code of Ordinances Section 12-34 (b) (4) is hereby amended by adding the language that is underlined as follows:

Danbury police officers shall be authorized to issue citations for violations of the provisions of sections 3A-27, 12-2, 12-3, 12-4, 12-13, 12-14, 12-24, 12-27, 12-33 and 18-13 of the Danbury Code of Ordinances. In addition to the foregoing, Danbury police officers shall be authorized to issue citations for violations of the provisions of the Danbury Code of Ordinances identified in paragraphs (1) through (3) of this subsection.