



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
www.cityofracine.org

Meeting Agenda

Sex Offender Residency Appeal Board

Dave Younk
Jessica Diaz

Thursday, August 3, 2017

1:30 PM

City Hall Room 307

Call To Order

Approval of Minutes for May 26, 2017 Meeting

[Ord.0010-17](#) Ordinance 0010-17

An Ordinance to repeal and recreate Chapter 3 of the Code of Ordinances - SEXUAL OFFENDERS RESIDENCY RESTRICTIONS.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: To repeal and recreate subsection (a)(1) of Sec. 3-1. - Sexual offender residency restrictions as follows:

“The Common Council finds that repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to public safety. It is further believed that such persons present an unacceptably high risk of re-offending once released. As such, the Council hereby establishes regulations which restrict certain offenders from residing or congregating in areas that are at or near where there is a high concentration of children in order to provide better protection for children in the City by minimizing immediate access and proximity to children and thereby reducing opportunity and temptation for recidivism.”

Part 2: To amend subsection (a)(2) of Sec. 3-1. - Sexual offender residency restrictions by repealing the words “not to impose a criminal penalty, but instead.” Repeal the word “entering” in the last line and replace it with the word “loitering.” Amend this subsection after the last sentence with “It is not the intent of the Common Council to impose additional punishment on sex offenders.”

Part 3: To repeal and recreate subsection (a)(4) of Sec. 3-2. - Prohibited location of residence for designated sex offenders as follows:

“A “park” that includes a playground means any area held open for use by the public for active or passive leisure purposes, such as any park, recreation area or beach that includes a recreation and play area intended for children.”

Part 4: To repeal subsection (a)(5) of Sec. 3-2. - Prohibited location of residence for designated sex offenders.

Part 5: To repeal subsection (a)(6) of Sec. 3-2. - Prohibited location of residence for designated sex offenders.

Part 6: To renumber subsection (a)(7) of Sec. 3-2. - Prohibited location of residence for designated sex offenders to (a)(5) and add the words “and intended or used by children.” at the end of the sentence.

Part 7: To repeal Sec. 3-2(b).

Part 8: To renumber subsection (c) of Sec. 3-2. - Prohibited location of residence for designated sex offenders to subsection (b).

Part 9: To renumber subsection (d) of Sec. 3-2. - Prohibited location of residence for designated sex offenders to subsection (c).

Part 10: To repeal and recreate the new Sec. 3-2(c)(2) to read as follows:

“The person had not attained the age of 19 at the time of the offense, was determined by the court to meet the criteria under Wis. Stat. § 301.45(1m)(a) and is not required to register pursuant to Wis. Stats. § 301.45 or § 301.46.”

Part 11: To amend the new Sec. 3-2(c) by adding subsection (5) to read as follows:

“(5) The person has been released from sex offender registration requirements pursuant to Wis. Stat. §§ 301.45(5) or (5m).”

Part 12: To renumber the current Sec. 3-2(e) to Sec. 3-2(d).

Part 13: To repeal and recreate Sec. 3-3. - Child safety zones to read as follows:

“No designated sex offender shall loiter upon any real property designated as a child safety zone, unless otherwise permitted under sec. 3-4. For purposes of this section, “loiter” means to stand idly around or remain in the area without a legitimate purpose as defined in Section 3-4(e), or to remain in the area in a manner not usual for law

abiding individuals and under circumstances that warrant alarm for the safety of persons or property in the vicinity.”

Part 14: To repeal subsection (1) of Sec. 3-4. - Child safety zone exceptions.

Part 15: To renumber the current Sec. 3-4(2) to “Sec. 3-4(a)”.

Part 16: To renumber the current Sec. 3-4(3) to “Sec. 3-4(b)”.

Part 17: To renumber the current Sec. 3-4(4) to “Sec. 3-4(c)”.

Part 18: To amend the current Sec. 3-4(4) to add the word “or probation” after the word “parole”.

Part 19: To amend Sec. 3-4. - Child safety zones exceptions by adding the following subsection:

“(d) The person is on the property for a legitimate purpose, including but not limited to visits for employment, education, or health purposes, and the property owner has given prior written permission for the offender to be present on the property during such times and dates.”

Part 20: To amend Sec. 3-9. - Property owners prohibited from renting real property to sexual offenders by removing the second instance of the words “by any person prohibited from establishing such permanent residence”.

Part 21: To repeal and recreate subsection (c) of Sec. 3-11. - Appeal for an exemption as follows:

“(c) The board shall approve an official appeal form. An offender shall fill in the official form and submit it to the city clerk, who shall forward it to the board. Notice in the form of an agenda shall be provided to the aldermen of each district and published on the City’s website at least seven days prior to the hearing date.”

Part 22: To repeal and recreate the current subsection (d) of Sec. 3-11. - Appeal for an exemption to read as follows:

“(d) The city elects not to be bound by Wis. Stats. ch. 68 with respect to administrative procedure in the appeals process. The board shall hold a hearing on each appeal to conduct an individual risk assessment in each case, during which the board may review any pertinent information and may accept oral and written statements from any person. The board shall consider the public interest as well as the affected party’s presentation and concerns, giving the applicant a reasonable opportunity to be heard. The board shall consider the specific facts and circumstances of each applicant and determine whether the applicant presents a threat to public safety if he or she resides at that proposed

location. The board shall consider factors which may include but are not limited to:

1. Circumstances surrounding the offense.
2. Relationship of offender and victim.
3. Presence of use of force.
4. Presence of enticement.
5. Need to protect victim or similarly situated individuals.
6. Current dangerousness of the offender.
7. Proximity in time from original offense.
8. Any criminal offenses or rule violations committed since original offense.
9. Time out of incarceration.
10. Current supervision status by the Department of Corrections.
11. Counseling and treatment history.
12. Credibility of offender.
13. Remorse.
14. Proximity of proposed residence to a child safety zone.
15. Support network of offender near proposed residence.
16. Alternative options for housing.”

Part 23: To renumber the old subsection (d) of Sec. 3-11 to subsection (e) and recreate and repeal it to read as follows:

“(e) The board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or to a certain address or time. In the case of a denial, the board shall provide a written copy of the decision containing the reasons therein for its decision to the police department for their information and to the affected party. Any decision of the board may be appealed to circuit court.”

Part 24: To amend the table in subsection (b) of Sec. 3-12. - Forfeitures paid in lieu of court appearance by repealing the lines for section number 3-2(b) and 3-3; and recreating it as follows:

Section number	Violation	Forfeiture
3-2(a)	Residency in child safety zone	\$200.00
3-3	Loiter in child safety zones	500.00
3-5	Participation in holiday events	600.00
3-9	Renting to sex offenders	400.00

Part 25: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Recommendation of the Public Safety and Licensing committee on 07-11-17: That the Ordinance to repeal and recreate Chapter 3 of the Code of Ordinances - SEXUAL OFFENDERS RESIDENCY

RESTRICTIONS be deferred until the Sex Offender Residency Appeal Board can meet and make recommendations to the committee.

Fiscal Note: N/A

Adjournment

If you are disabled and have accessibility needs or need information interpreted for you, please contact the City Attorney at 262-636-9115 at least two (2) business days prior to this meeting.