



City of Racine

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

Meeting Minutes - Final

Sex Offender Residency Board

Dave Younk
Jessica Diaz
Sean Brown

Thursday, August 3, 2017

1:30 PM

City Hall Room 307

Call To Order

PRESENT: 2 - Dave Younk and Jessica Diaz

EXCUSED: 1 - Sean Brown

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 these sex offenders are more likely to re-offend when presented with opportunity and access to vulnerable victims. 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. This chapter is a regulatory measure aimed at protecting the health and safety of children in the City from the risk that convicted sex offenders may reoffend in locations close to their residences or commit opportunistic crimes.”

Part 2: To repeal and recreate subsection (a)(2) of Sec. 3-1. - Sexual

offender residency restrictions as follows:

“This chapter aims to protect the health and safety of children in the City from the risk that convicted sex offenders may reoffend in locations close to their residences or commit opportunistic crimes. It is the intent of this chapter not to impose a criminal penalty or punish the offender, but instead to serve the city's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the city by creating areas around the locations where children regularly congregate in concentrated numbers wherein certain sex offenders and sex predators are prohibited from loitering or residing.”

Part 3: To amend subsection (a) of Sec. 3-2. - Child safety zones, to replace the number “1000” in the first sentence to the number “750”.

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

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

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

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

Part 7: 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 after the word “public”.

Part 8: To repeal Sec. 3-2(b).

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

Part 10: To renumber subsection (d) of Sec. 3-2. - Prohibited location of residence for designated sex offenders to subsection (c) and delete the words “or 3-2(b)” and “of section 3-2” from the first sentence.

Part 11: 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 12: 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 13: To renumber the current Sec. 3-2(e) to Sec. 3-2(d).

Part 14: To repeal Sec. 3-3. - Child safety zones.

Part 15: To repeal subsection (1) of Sec. 3-4. - Child safety zone exceptions.

Part 17: To renumber the current Sec. 3-4(2) to “Sec. 3-4(a)”.

Part 18: To renumber the current Sec. 3-4(3) to “Sec. 3-4(b)”.

Part 19: To renumber the current Sec. 3-4(4) to “Sec. 3-4(c)”.

Part 20: To amend the current Sec. 3-4(4) to add the word “or probation” after the word “parole”.

Part 21: To amend Sec. 3-4. - Child safety zones exceptions by adding the following subsection:

“(d) The person is on the property for a specified permitted purpose, including but not limited to visits related to employment, education or vocational courses, health appointments, and any other purpose for which the property owner has given prior written permission for the offender to be present on the property during such times and dates.”

Part 22: 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” and replacing the number “1000” with “750”.

Part 23: 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 24: 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 this process. The board shall hold a hearing on each request 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, including relationship of offender and victim, and presence or use of enticement.
2. Proximity of proposed residence to victim or other similarly situated individuals.
3. Proximity of proposed residence to a child safety zone or other vulnerable populations.
4. Support network of offender at or near proposed residence.
5. Time out of incarceration.
6. History of compliance with probation or extended supervision, and current supervision status.
7. Criminal offenses or rule violations since original offense and/or release date.
8. Counseling and treatment history.
9. Alternative options for housing."

Part 25: 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 request at the hearing, unless deferred for good cause. An exemption may be unconditional or confined 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 as soon as possible thereafter. Any decision of the board may be appealed to circuit court within 30 days of the date of the decision."

Part 26: 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
3-5	Participation in holiday events	600.00
3-9	Renting to sex offenders	400.00

Part 27: 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.

Fiscal Note: N/A

City Attorney Scott Letteney discussed the proposed changes with the Board members, and the members indicated the proposed changes will simplify future actions.

A recommendation was made that the Public Safety and Licensing Committee Approve the July 27, 2017 version of the ordinance.

Adjournment