ANALYSIS

This ordinance amends Title 13 – Public Peace, Morals and Welfare of the Los Angeles County Code to add Chapter 13.59 to impose residency and loitering restrictions on registered sex offenders in the unincorporated areas of the County of Los Angeles.

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LH:sh

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ORDINANCE NO. _____

An ordinance amending Title 13 – Public Peace, Morals and Welfare of the Los Angeles County Code, to add Chapter 13.59, to impose residency and loitering restrictions on registered sex offenders in the unincorporated areas of the County of Los Angeles.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 13.59 is hereby added to Title 13 – Public Peace, Morals and Welfare as follows:

Chapter 13.59

REGISTERED SEX OFFENDERS

SECTIONS:

13.59.010 Legislative findings.

13.59.020 Definitions.

13.59.030 Registered sex offender prohibition/child safety zone.

13.59.040 Registered sex offender prohibition/residential exclusion zone.

13.59.050 Registered sex offender prohibition/single-family and multi-family dwellings.

13.59.060 Registered sex offender prohibition/hotels.

13.59.070 Responsible party prohibition/single-family and multi-family dwellings.

13.59.080 Responsible party prohibitions/hotels.

13.59.090 Eviction requirements.

13.59.100 Penalty/enforcement.

13.59.110 Applicability.

Section 13.59.010 Legislative findings.

A. On November 7, 2006, the voters of the State of California overwhelmingly approved Proposition 83, the Sexual Predator Punishment and Control Act, commonly referred to as Jessica's Law, so as to better protect Californians, and in particular, to protect the children of California from sex offenders;

B. Proposition 83, as codified in subsection (b) of California Penal Code section 3003.5, prohibits any person who is required to register as a sex offender under Penal Code section 290 (hereinafter referred to as a "registered sex offender") from residing within 2,000 feet of any public or private school, or any park where children regularly gather;

C. Proposition 83, as codified in subsection (c) of Penal Code section 3003.5, authorizes local governments to enact ordinances that further restrict the residency of any registered sex offender;

D. Subsection (a) of Penal Code section 3003.5, enacted in 1998 prior to Proposition 83, prohibits registered sex offenders who are on parole from residing in a "single-family dwelling" with another registered sex offender during the parole period, unless those persons are legally related by blood, marriage, or adoption. For purposes of this state statute, "single-family dwelling" does not include a residential facility such as a group home that serves six or fewer persons;

E. There are approximately 1438 registered sex offenders in the unincorporated areas of the County of Los Angeles ("County") and approximately 397 of these registered sex offenders are on parole;

F. The County is concerned with recent occurrences within the County and elsewhere in California where multiple registered sex offenders have been residing together in violation of Penal Code section 3003.5;

G. By enacting Chapter 13.59, the County intends to eliminate any potential conflict of land uses in residential neighborhoods and to reduce the potential dangers associated with multiple registered sex offenders living near families with children and places where children frequently gather. Chapter 13.59 also regulates the number of registered sex offenders permitted to reside in multiple family dwellings;

H. In addition to public and private schools and local parks, the County further finds that other public places that children frequently gather, such as child care centers, should also be protected from registered sex offenders;

I. In order to foster compliance with the intent of this ordinance, Chapter 13.59 also establishes regulations for property owners who rent residential facilities to registered sex offenders;

J. Based on County data, once this ordinance becomes effective, there will be 120 remaining square miles within the County's residential zones where registered sex offenders can still reside; and

K. This ordinance is required for the preservation of the public peace, health, and safety of the citizens of the County.

Section 13.59.020 Definitions.

For purposes of this Chapter, the following definitions shall apply:

A. "Child" or "children" shall mean any person(s) under the age of eighteen (18) years of age.

B. "Child care center" shall mean any licensed facility of the State of California, Department of Social Services, that provides non-medical care to children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of children on less than a twenty-four (24) hour basis, including, but not limited to, a family day care home, infant center, preschool, extended-day care facility, or school-age child care center.

C. "Child safety zone" shall include any area located within three hundred (300) feet from the nearest property line of a child care center, public or private school (grades K through 12), park, public library, commercial establishment that provides a child's playground either in or adjacent to the establishment, a location that holds classes or group activities for children, and/or any school bus stop.

D. "Hotel" shall mean a commercial establishment that rents guest rooms or suites to the public on a nightly, weekly, or monthly basis, and shall include a motel and an inn that operates in such capacity.

E. "Loiter" shall mean to delay, linger, or idle about a child safety zone with the intent to commit a sex offense for which registration is required under Penal Code section 290.

F. "Multi-family dwelling" shall mean a residential structure designed for the permanent residency of two (2) or more individuals, groups of individuals, or families living independently. This definition shall include a duplex, apartment house, and a condominium complex, but shall not include a hotel.

G "Owner's authorized agent" shall mean any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, limited liability company, corporation, business trust, manager, lessee, servant, officer, or employee, authorized to act for the property owner.

H. "Park" shall include any areas owned, leased, controlled, maintained, or managed by a public entity which are open to the public where children regularly gather and which provide recreational, cultural, and/or community service activities including, but not limited to, playgrounds, playfields, and athletic courts.

I. "Permanent resident" shall mean any person who, on a given date, has obtained a legal right to occupy or reside in, or has already, as of that date, occupied or resided in, a single-family or multi-family dwelling or a hotel, for more than thirty (30) consecutive days.

J. "Property owner" shall include the owner of record of real property, as recorded in the office of the county registrar-recorder/county clerk, as well as any partial owner, joint owner, tenant, tenant-in-common, or joint tenant, of such real property.

K. "Registered sex offender" shall mean any person who is required to register under section 290 of the California Penal Code, regardless of whether or not that person is on parole or probation.

L. "Residential exclusion zone" shall mean any area located within two thousand (2,000) feet from the nearest property line of the subject property to the nearest property line of a child care center, public or private school (grades K through 12), park, or public library.

M. "Responsible party" shall mean a property owner and/or a property owner's authorized agent.

N. "Single-family dwelling" shall mean one permanent residential dwelling located on a single lot. For purposes of this Chapter, single-family dwelling shall not include any state-licensed residential facility which serves six or fewer persons.

O. "Temporary resident" shall mean any person who, on a given date, has obtained a legal right to occupy or reside in, or has already, as of that date, occupied or resided in, a single-family or multi-family dwelling or a hotel, for a period of thirty (30) consecutive days or less.

Section 13.59.030 Registered sex offender prohibition/child safety zone. A registered sex offender shall be prohibited from loitering in a child safety zone.

Section 13.59.040 Registered sex offender prohibition/residential exclusion zone. A registered sex offender shall be prohibited from becoming a permanent or temporary resident in any residential exclusion zone.

Section 13.59.050 Registered sex offender prohibition/single-family and multi-family dwellings.

A. Same dwelling. A registered sex offender shall be prohibited from renting or otherwise occupying a single-family dwelling or a unit in a multi-family dwelling with

another registered sex offender, regardless of the permanent or temporary residential status of either registered sex offender, unless those persons are legally related by blood, marriage, or adoption.

B. Multiple dwellings. A registered sex offender shall be prohibited from renting or otherwise occupying a unit in a multi-family dwelling as a permanent resident if there is another unit in that multi-family dwelling that is already rented or otherwise occupied by a registered sex offender as a permanent resident, unless those persons are legally related by blood, marriage, or adoption.

C. Temporary residency. A registered sex offender shall be prohibited from renting or otherwise occupying any single-family dwelling or any unit in a multi-family dwelling as a temporary resident.

Section 13.59.060 Registered sex offender prohibition/hotels.

A. Same hotel room. A registered sex offender shall be prohibited from renting or otherwise occupying the same guest room in a hotel with another registered sex offender, regardless of the permanent or temporary residential status of either registered sex offender, unless those persons are legally related by blood, marriage, or adoption.

B. Separate hotel rooms. A registered sex offender shall be prohibited from renting or otherwise occupying a guest room in a hotel as a permanent resident if there is another guest room in that hotel that is already rented or otherwise occupied by a registered sex offender as a permanent resident, unless those persons are legally related by blood, marriage, or adoption.

Section 13.59.070 Responsible party prohibition/single-family and multi-family dwellings.

A. Same dwelling. A responsible party shall be prohibited from knowingly allowing a single-family dwelling or a unit in a multi-family dwelling to be rented or otherwise occupied by more than one registered sex offender, regardless of the permanent or temporary residential status of either registered sex offender, unless those persons are legally related by blood, marriage, or adoption.

B. Multiple dwellings. A responsible party shall be prohibited from knowingly allowing more than one unit in a multi-family dwelling to be rented or otherwise occupied by a registered sex offender as a permanent resident, unless those persons are legally related by blood, marriage, or adoption.

C. Temporary residency. A responsible party shall be prohibited from knowingly allowing a single-family dwelling or any unit in a multi-family dwelling to be rented or otherwise occupied by a registered sex offender as a temporary resident.

Section 13.59.080 Responsible party prohibition/hotels.

A. Same hotel room. A responsible party shall be prohibited from knowingly allowing a guest room in a hotel to be rented or otherwise occupied by more than one registered sex offender, regardless of the permanent or temporary residential status of either registered sex offender, unless those persons are legally related by blood, marriage, or adoption.

B. Separate hotel rooms. A responsible party shall be prohibited from knowingly allowing a guest room in a hotel to be rented or otherwise occupied by a registered sex offender as a permanent resident if there is already a registered sex offender renting or otherwise occupying another guest room in that hotel as a permanent resident, unless those persons are legally related by blood, marriage, or adoption.

Section 13.59.090 Eviction requirements. If, in order to comply with Section 13.59.070 or Section 13.59.080, a responsible party is required to terminate a registered sex offender's tenancy or other occupancy, the responsible party shall comply with all applicable state law procedures and requirements governing the eviction of tenants of real property. If, in accordance with these procedures and requirements, a court determines that such termination is improper, the responsible party shall not be in violation of this Chapter 13.59 by allowing the registered sex offender to remain as a tenant or other occupant.

Section 13.59.100 Penalty/enforcement. Notwithstanding any other penalty provided by this Code or otherwise by law, any person who violates this Chapter 13.59 shall be guilty of a misdemeanor and, in addition, the County may enforce the violation by means of a civil enforcement process through a restraining order, a preliminary or permanent injunction, or by any other means available by law.

Section 13.59.110 Applicability. The provisions of this chapter shall not apply to:

A. Tenancies or other occupancies which commenced prior to the effective date of this ordinance, or to the renewals of any such tenancies or occupancies; or

B. A registered sex offender who committed the offense resulting in such registration prior to the effective date of this ordinance.

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