

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

Sex Offender Registration

**An Administrative Research Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

By

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Port Neches, Texas
June 2007**

ABSTRACT

Offenders have been required to register since the passage of Texas Sex Offender Registration Law in 1991. In most cases, this information is then duplicated by local law enforcement agencies. Research of the registration process for sex offenders was conducted through numerous articles and surveys taken by law enforcement officials. The findings showed a strain on some departments caused by the current sex offender registration process. Available officers are utilized to register sex offenders, taking them away from standard duties. Modifications in the sex offender registration process need to transpire in order to lessen the strain on law enforcement agencies and to accelerate the information supplied to the public.

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INTRODUCTION

Sex offenders have been required to register since the passage of Texas Sex Offender Registration Law in 1991. The law took effect on September 1, 1991 and has been amended six times, the last in 2003 by the Texas Legislature according to the *Sex Offender Registration Manual*. At this time, a sex offender released into the community is required to register with the local law enforcement agency where they plan to live for more than seven days (Fabelo, 1998). Once the agency receives the information, it is verified and then turned over to the Texas Department of Public Safety. The Department of Public Safety's Crime Record Services then posts the information to an established, secure website available to the public.

In recent years, the Texas Department of Public Safety (TDPS) has allowed law enforcement agencies direct access to this website to acquire and supply information in an expedited fashion to the public. Currently, the TDPS has compiled a list of approximately 43,000 sex offenders, which is maintained on their Internet website. According to the Associated Press (AP), the Houston Police Department registers approximately 4,000 offenders a year, which demands the attention of several officers. Smaller jurisdictions may only have one officer who is assigned to fulfill all of the requirements for numerous offenders. By law, the agencies are required to register an offender and publish the information in some form, which is usually the local newspaper with the largest circulation in the area. Initially, the funds to accomplish all of this are paid by the agency. Upon filing the necessary paperwork, those costs are refunded by the State of Texas. By the time this takes place, the courts, probation or parole, have all had contact with the offender and collected all of the basic information. In most cases, this information is then duplicated by the local law enforcement agency. There is a strain on some departments caused by the current sex offender registration process. Available officers are utilized to register sex offenders, taking them away from normal duties. This results in a reduction of useable manpower, and in some cases the reduction can be severe.

The purpose of this research is to examine the question: Is there another plausible form of registration which will allow officers to quickly return to their regular duties, and allow the information to be available to the public sooner? The intended method of inquiry will include: a review of written materials, interviews and survey(s). It is anticipated that this research will present that there are other avenues to accomplish the same goal as proposed by the State of Texas Sex Offender Law.

If the duty of registration was placed upon the state, it is plausible that the process would be much faster, and the financial burden would not be imposed on police department budgets. Most offenders report to their probation or parole officer once a month, which make them available to register in a timely manner. Any failure to register would allow the state to issue a warrant of arrest sooner due to the probation or parole violation. This would reduce the number of offenders registering at law enforcement agencies, thus allowing the manpower in each city to return to normal duties. Changes in the sex offender registration process need to occur in order to decrease the strain on law enforcement agencies and to expedite the information supplied to the public.

REVIEW OF LITERATURE

In 1991, the State of Texas enacted a Sex Offender Registration system. While the original version was confidential, in 1995 sex offender information became available not only to law enforcement, but also to the general public.

After being released to mandatory/community supervision, an offender has to register with the local law enforcement where residence is taken for more than seven days. Otherwise the offender must register with the county no later than the seventh day after arrival. Information must be provided to the Texas Department of Criminal Justice, Texas Youth Commission, Texas Juvenile Probation Commission and each local law enforcement authority, county jail and court. Information required, which is taken from probation/parole forms and local law enforcement

registration forms, includes but is not limited to the following: person's full name, each alias, date of birth, social security number, driver's license number, home address, height, weight, eye color, hair color, race, scars/tattoo, recent color photo, fingerprints, type of offense, age of victim, date of conviction, and punishment received. No longer than three days after registration, local law enforcement must send information to department. The offender has to report to applicable local law enforcement to verify information received, where the offender produces all proper identification before verification is permitted. If all information is correct, the offender signs the forms and is then appropriately registered.

Upon viewing the forms for registration of sex offenders by local law enforcement and information taken by probation/parole officers, one can clearly see that the information coincides. Local law enforcement manpower is being cut to do work that is already being done by other officials. During probation/parole the officer overseeing them can register offenders, which will also allow the officer to place offenders on the state's offender database website. Local law enforcement can then validate offenders' physical address, while also being able to better keep track of registering offenders who are no longer under supervision. Ideally, this will alleviate the growing strain on local law enforcement officials since the ratio between registering officers to offenders is widening. If these three agencies work together, offenders will be registered and posted on the state's website in a more efficient manner, without the double work.

Additionally, sex offenders tend to stay in an area for only a short period of time. Global Positioning System (GPS) devices would allow law enforcement, probation and parole to locate these offenders at any given time. A GPS device would enable parole and probation officers to keep track of offenders while they are still reporting to them. The device would notify law enforcement any time the offender entered a prohibited area. Probation or parole could also set up monitoring while the offenders are under supervision. Once an offender is no longer under supervision, law enforcement agencies would then monitor the offender. Other offenders, who no longer have to register, would no longer be monitored. This would allow law enforcement to

again validate the information supplied by the offender while monitoring only the offenders not under supervision by probation and parole. This process also allows for the reduction of work being done twice.

METHODOLOGY

The purpose of this research is to determine whether or not the police officers used to register sex offenders should be returned to normal duties and whether or not the offender registration should be turned over to probation and parole officers. A comparison of the number of officers used by several departments will be used to show the differential of officers used to depict this accurately.

Six departments in Jefferson County to be compared in this study include: Jefferson County Sheriff's Department, Beaumont Police Department, Port Arthur Police Department, Nederland Police Department, Groves Marshal's Office, and Port Neches Police Department. All of these departments register sex offenders and report them to the State of Texas. The Jefferson County Sheriff's Department currently has two sworn officers registering 30 sex offenders. Beaumont Police Department has one officer registering about 400 sex offenders. Port Arthur Police Department has one full time officer registering 120 offenders. These are the areas of largest population while the other departments are smaller by population. Groves City Marshal's Office, Nederland Police Department and the Port Neches Police Department have one officer doing this as well as his normal duties. Data was gained through interviews with each of the officers currently assigned to this job in each agency and the TDPS Website. The information obtained will be analyzed by comparing the number of officers assigned to this duty as well as the number of officers by population. Also analyzed will be whether or not the sex offender registration is working in Texas.

FINDINGS

At one time the responsibility of keeping track of offenders rested on the shoulders of the county. Before Texas established a website database, Jefferson County maintained a central database by having all offenders register with that office, which enabled local law enforcement to cross check each others offenders. In an interview with Deputy James Leblanc, of the Jefferson County Sheriff's Department, it was discovered there were quite a few fallacies in this method. Deputy Leblanc would forward the information given to the local police departments. The sheriff's office would also file any violation of the registration law. Local officers were used to validate the residence of the offenders and assist the deputies assigned to monitor sex offenders. Subsequently, due to a manpower shortage at the sheriff's office, this procedure was discontinued. The local police department was then required to handle the registration. This allowed the sheriff's office to reassign the manpower used, which were approximately four deputies. This action created the situation where only the local police departments know the sex offenders in their jurisdictions as opposed to having a database of all sex offenders in Jefferson County.

Most law enforcement agencies assign an officer to keep these registrations up to date and validate each offender. In the smaller towns, this may not be difficult due to the fact there are possibly a smaller number of offenders. Larger agencies, which have hundreds of sex offenders, still have one to two officers or civilian personnel maintaining these records. One effect of this situation is local communities passing ordinances limiting where a sex offender may live within the city. This shows that citizens do not feel safe with the current process. The following are examples of three cities that have felt the need to alter the current restrictions placed on sex offenders. Also included are the ratios of offenders to officers or personnel.

The City of Nederland, Texas has passed an ordinance which limits where a sex offender may live in that town. The current ordinance states, in part:

An ordinance amending chapter 74, of the code of ordinances, city of Nederland, Texas, by adding a new Article IV relating to definitions, restrictions on registered sex offenders residency, prohibiting registered sex offenders from residing within 1,000 feet of the real property comprising a school, day-care facility, or public park within the city limits; providing exceptions; providing penalties for violation of the ordinance; repealing conflicting ordinances; providing for severability; and providing an effective date. (Appendix 1)

They have grandfathered the current resident offenders, but will not allow a new offender to move into one of these locations. This makes it clear the citizens of Nederland do not feel safe with the current laws and have taken it upon themselves to make the laws more restrictive. In an interview with Chief Darrell Bush of the Nederland Police Department, he stated it was felt the Sex Offender Registration Law was not working, and the city council adopted the aforementioned ordinance. The Nederland Police Department currently uses one officer with civilian personnel to register the offenders. At the time the ordinance was passed, there were 14 offenders living in Nederland, Texas:

The City of Groves has adopted a similar ordinance. It states, in part:
an ordinance amending chapter 16 of the code of ordinance of the city of groves, Texas, by adding a new article v relating to definitions, restrictions on registered sex offenders residency, prohibiting registered sex offenders from reresiding within 1,000 feet of the real property comprising a school, day-care facility, or public park within the city limits; providing exceptions; providing penalties for violation of the ordinance; providing for severability; providing a repealer clause; providing for codification; providing for publication of the caption only and providing an effective date. (Appendix 2)

Deputy City Marshal Jeff Wilmore was interviewed about the new ordinance. He stated the Groves City Counsel felt the registration law was inadequate and adopted their ordinance to

strengthen the state law. The City of Groves currently has 24 registered offenders. The Marshal's office uses one officer and one civilian for registration.

The City of Port Neches has also recently adopted a new ordinance which states, in part: An ordinance amending chapter 78, of the Code of Ordinances, City of Port Neches, Texas, by adding a new article ____ relating to definitions, restrictions on registered sex offenders residency, prohibiting registered sex offenders from residing within 1,000 feet of the real property comprising a school, day-care facility, or public park within the city limits; providing exceptions; providing penalties for violation of the ordinance; repealing conflicting ordinances providing for severability; and providing for severability; and providing an effective date. (Appendix 3)

The City of Port Neches currently has 14 sex offenders with only one officer having the ability to register the offenders. In the Port Neches the population is approximately 14,000 with 14 offenders, which shows one offender per every 1,000 people.

These three towns are of similar size and have almost equal manpower. The use of the TDPS secured website has reduced the time needed to register the offenders by eliminating paperwork. The officers are still used to validate the information given by the offender and file cases involving offender violations. Now with the passage of these ordinances, the officers will have to verify that no offender violates the ordinance as well, thus requiring more time removed from regular law enforcement duties. Much of that time could be recovered by simply having the probation and parole offices register the offenders when they are required to report. The number of offenders to be registered by local law enforcement would be reduced. Once an offender is registered with one of the two state agencies, the information can be forwarded to local law enforcement for validation.

In larger cities, the ratio of officer to offender grows tremendously. Beaumont has half way houses with several hundreds of sex offenders. The Beaumont Police Department has only one officer, Shelia Barton, to register nearly four hundred offenders. Beaumont is also working on an

ordinance limiting the areas where a sex offender may live. Port Arthur has a similar problem with only one officer to nearly 120 sex offenders. It is evident cities are struggling with the way the current sex offender registration process is being handled.

A survey was conducted in class of LEMIT Module I at College Station, Texas. The survey was short and asked minor questions of the student in order to obtain police officer opinions of the currently sex offender law. There were 26 surveys returned. Due to the fact most of the officer were not involved directly with the sex offender registration the opinions were important. There were officers from several different jurisdictions including large and small departments as well as transit and ISD officers. Only seven questions were asked of the officers: 1) How many sex offenders are registered by your department? 2) How many officers are assigned to this process? 3) What is the population of your jurisdiction? 4) Do you believe the current sex offender law in Texas works? 5) Do you believe the officers currently assigned to this process should be returned to normal duties? 6) Who do you believe should register these offenders? 7) What type of agency are you employed by?

All statistics are estimates by the officer's personal knowledge and do not constitute actual numbers. There were a total of 2,472 sex offenders, while only 27 officers were assigned to register them. This would indicate each officer would be responsible for the registration and validation of approximately 92 sex offenders per officer. This is somewhat off due to the fact Transit Officers and ISD Officers had no responsibility for the registration of the offenders. The total population was approximately 5,420,000, which would indicate 1 sex offender per every 2,193 people.

When asked if the current law is working only 9 officers responded that it was while 17 stated it was not. When asked if the officers so assigned should be returned to normal duties the response was overwhelmingly negative with 15 officers responding no, 3 yes and 8 undecided. The last question of who should register the offenders when given the chose of Courts, Probation, Parole, or Law Enforcement most officers left the responsibility to Law Enforcement

with 12 responses while courts were 5, probation 3, parole 2. Added to the survey was the response all which 3 officers suggested. Only 1 officer returned an undecided vote.

States are currently looking at GPS devices to keep up the current position of offenders. With cities passing ordinances to better control the sex offenders, it would now be more difficult for probation and parole to stay informed of the locations of the schools and day cares in each city. The GPS device would allow probation and parole to track each offender's whereabouts. With the passage of City Ordinances, the Global Positioning System seems to be the correct step forward.

"Authorities use GPS and cell phone-size devices to track sex offenders. They may choose an "active" system, which gives them real-time information on an offender's whereabouts, or a "passive" one, which provides a daily report listing his locations. How an active system works: the offender is released on probation or parole. He wears an ankle bracelet and a pager-size receiver that can be strapped to a belt, three or more satellites confirm the receiver's location, updating the position about every two seconds, if the offender enters a restricted area, such as a playground, the receiver immediately alerts a data center, which notifies officials via cell phone, e-mail or fax. The offender is also notified" (Koch, 2006, p. 3).

It must be determined which sex offenders will have to wear these devices. The State of Texas has broken down risk levels. The first is Civil Commitment, which consists of "repeat sexually violent offenders who suffer from behavioral abnormality which make the person likely to engage in a predatory act of sexual violence. These offenders are committed for outpatient treatment and supervision. These offenders are monitored closely by the law enforcement community 24 hours a day." Then there is the Level 3 (High), which is "a designated range of points on the sex offender screening tool indicating that the person poses a serious danger to the community and will continue to engage in criminal sexual conduct." Moving on is Level 2 (Moderate), which is a "designated range of points on the sex offender screening tool indicating that the person poses a moderate danger to the community and may continue to engage in

criminal sexual conduct.” Last, there is Level 3 (Low), which is a “designated range of points on the sex offender screening tool indicating that the person poses a low danger to the community and will not continue to engage in criminal sexual conduct” (Sex Offender Registration Manual, n. p.).

Using these risk levels, all but the Low (Level 3) offenders would have to wear the devices. Since this is done in real time, monitoring will have to be set up and can be done by private industry or communications offices. All law enforcement agencies have communication offices or dispatchers, which could maintain the real time monitoring of the offenders. The device notifies law enforcement any time the offender entered a prohibited area. Probation or parole could also set up monitoring while the offenders are under supervision. Once an offender is no longer under supervision, law enforcement agencies would then assume responsibility for monitoring the offender. Offenders who have to register for life would be monitored for that period. Other offenders, who no longer have to register, would no longer be monitored. This would allow law enforcement to again validate the information supplied by the offender while monitoring only the offender not under supervision by probation and parole. By doing this, manpower could be reassigned because of the reduction of offenders. Probation and parole would add only the process of registration to their supervisory duties.

“GPS units can be programmed to have "exclusion zones" where offenders are not allowed and "inclusion zones" where they should be. States are spending \$5 to \$10 daily to track each sex offender. Some require offenders, unless indigent, to pay the tab. They can choose the costlier "active" tracking, which gives real-time reports, or "passive" monitoring, which sends one report daily that lists where the offender went that day” (Koch, 2006, p. 2).

“According to BOPP Executive Director, Bo Irvin, “The GPS tracking system will add an important tool to the resources available to our supervising Officers”. Mr. Irvin also states, “We do not want the public to be led to believe that GPS will prevent sex offenses but GPS experiences in the other states do lead us to feel that it will prove to be a strong deterrent to re-

offending and will lead to improved public safety, enhanced ability for probation and parole officers to manage sex offenders in the community, and to provide fast analysis and response to offender compliance. BOPP is pleased to be a part of this relatively new and innovative technological approach to monitoring sex offenders” (p. 2). (Board of Probation and Parole)

Even though this survey was not scientific in its process, the researcher learned that the average officer had his own idea on how sex offenders should be handled. They had little knowledge of the law and seemed to be satisfied with the process. It should be clear that one officer attempting to register and validate approximately 92 sex offenders would be an enormous task. Some of the large departments still use one officer to handle hundreds of offenders while the small departments have fewer offenders and one officer may be capable of handling the information.

The researcher focused much of the information on Jefferson County to use as an example. The first process was to establish a central database through the Jefferson County Sheriff's Department with each of the five other jurisdictions having computer access and communications with officers that handled the registration. This process seemed to work well with each agency supplying manpower to assist. Due to budgetary problems the Sheriff's Department could no longer continue this effort and the matter was turned over to each agency. This disrupted the flow of information as well as eliminating the central database. Each agency now attempts to use the TDPS secured Web page to register the offenders. The five jurisdictions are Beaumont, Port Arthur, Nederland, Port Neches, and Groves. Beaumont Police Department has one officer to my knowledge that registers sex offenders. There are currently several halfway houses in Beaumont which house sex offenders giving this officer several hundred offenders. This officer is assigned to this duty full time. The Port Arthur Police Department also has an officer assigned to this duty full time. The three smaller departments have an officer assigned but the officer also must carry out his normal duties as well.

CONCLUSIONS

Since the sex offender registration law was established in 1991, local law enforcement has been given the task of registering the offenders. Since then the law has change at least six different times. There is a strain placed on some of the law enforcement agencies due to the assignment of an officer for this purpose. It seems repetitive to conduct a pre-sentencing investigation by probation departments but fail to register the offender. He or she must then be sent to the jurisdiction where he or she intends to live to register. These offenders have to report to their probation officer once a month and could easily registered while reporting. The probation officer could then notify the law enforcement agency where he intends to live. This is similar to the notification provided by the Texas Department of Criminal Justice when a sex offender is release from prison. This offender must report to his or her parole officer only to be sent to the local agency to be registered. The offender must also report once a month to his or her parole officer, which would relieve the use of manpower at the local agencies. With the notification to local agencies an officer could then validate the offender. Any offenders not currently on probation or parole would have to register at the local agencies and validated as well. This would reduce the number of offenders registered by the agencies and allow the officers to return to duty. This research has shown evidence that limited amounts of manpower is used at agencies currently causing one officer to handle hundreds of sex offenders. By involving the probation and parole agencies more charges could be filed when the offender fails to comply with the law. The offender could be filed on for violating his probation or parole, which is issued in a timelier manner than attempting to file a criminal case.

It is hypothesized that the use of officers to register sex offenders is placing a strain on some agencies. Also, research has shown the sex offender registration law is not working. Sex offender registration has become a national problem and many states have made changes in the laws due to offenders committing another sexual offense. This has become more evident in

several cities, which are now passing ordinances limiting the place a sex offender may live. Using Jefferson County as an example, all five cities have now passed these ordinances.

The research indicates by making use of probation and parole for registration, officers would be returned to normal duties. This would also stop repetitive steps and cause the three agencies to communicate. There would not be any more hardship placed on probation and parole due to the fact the information that must be supplied is the same. With the use of the state web page the information could be forwarded to the local agencies upon reporting to probation and parole. This would allow the information to be kept up to date due to the fact the offender is reporting once a month and renewing any change of information. More officers would then be working to maintain control of the offenders. GPS would seem to be the new device to monitor sex offenders as well. Several states are experimenting with these devices, which can be monitored in real time to show the location of sex offenders. The cost in some cases has been charged to the offender and can be monitored by using dispatch or communication divisions with local law enforcement agencies. By using these devices as well as the changes indicated, sex offenders would be monitored twenty-four hours a day in real time allowing law enforcement to respond if the offender violates probation or parole. The devices also allow law enforcement to respond when an offender enters into an excluded or prohibited area as set by the rules of probation and parole or by city ordinance. With minor changes, law enforcement officers could reduce the strain placed on their respective agencies and return to their normal duties.

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APPENDIX 1**CITY OF NEDERLAND****ORDINANCE NO. 2006-**

AN ORDINANCE AMENDING CHAPTER 74, OF THE CODE OF ORDINANCES, CITY OF NEDERLAND, TEXAS, BY ADDING A NEW ARTICLE IV RELATING TO DEFINITIONS, RESTRICTIONS ON REGISTERED SEX OFFENDERS RESIDENCY, PROHIBITING REGISTERED SEX OFFENDERS FROM RESIDING WITHIN 1,000 FEET OF THE REAL PROPERTY COMPRISING A SCHOOL, DAY-CARE FACILITY, OR PUBLIC PARK WITHIN THE CITY LIMITS; PROVIDING EXCEPTIONS; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVING AN EFFECTIVE DATE.

WHEREAS, the Nederland Police Department currently has 20 registered sex offenders within the city limits; and

WHEREAS, a majority of these sex offenders are no longer on probation or parole; OR

WHEREAS, Article 42.12 (13B) of the Texas Code of Criminal Procedure provides a 1000 foot safety zone for children, as a condition of probation for those convicted of certain sexual offenses; and

WHEREAS, data exists which indicates that sex offenders re-offend after being released; and

WHEREAS, restrictions on the proximity of child sex offenders to schools, day-care facilities and public parks are one way to minimize the risk of re-offending; and

WHEREAS, several states and cities have enacted laws and ordinances which restrict where child sex offenders may reside; and

WHEREAS, the laws of the State of Texas, including those found in Chapter 51 of the Texas Local Government Code, provide the City authority to adopt ordinances for the good government, peace, order, and welfare of the municipality; and

WHEREAS, it is the intent of this Ordinance 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 locations where children regularly congregate in concentrated numbers wherein certain sexual offenders are prohibited from establishing residencies.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEDERLAND, TEXAS:

ARTICLE IV. RESIDENCE RESTRICTIONS ON REGISTERED SEX OFFENDERS Sec. 74-65.

Definitions

The following words, terms and phrases, when used in this Article, shall have the meaning described to them in this Article, except where the context clearly indicates a different meaning:

- (1) "Child" means an individual younger than seventeen (17) years of age.
- (2) "Day-Care Facility" includes a "child-care institution", a "day-care center" and/or a "group day-care home", as those terms are defined by Section 42.002, Human Resources Code.
- (3) "Park" means any land, including improvements to the land, that is administered, operated, or managed by the City of Nederland for the use of the general public as a recreational area.
- (4) "Residence" means a place where a person abides, lodges, or resides for a period of four (4) or more days in the aggregate, during any calendar year.
- (5) "Sex Offender" means an individual who has been convicted of or placed on deferred adjudication for a sexual offense involving a child for which the individual is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure.
- (6) "School" means a private or public elementary or secondary school.

Sec. 74-66. Offenses

- (1) It is an offense for a sex offender to intentionally, knowingly, recklessly, or with criminal negligence, to establish a residence within one thousand (1,000) feet of the real property comprising a school, day-care facility, or park.
- (2) The distance of one thousand (1,000) feet shall be measured on a straight line from the closest boundary line of the sex offender's residence to the closest boundary line of the school, day-care facility, or park.

Sec. 74-67. Exceptions

A person does not commit an offense under Section 74-66 if the person:

- (1) Is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution located within one thousand (1,000) feet of the real property comprising a school, day-care facility, or park;

- (2) Has established and continues to maintain the residence prior to the effective date.
- (3) Has been exempted by a court order from registration as a sex offender under Chapter 62, Texas Code of Criminal Procedure; or
- (4) Has had the offense for which the sex offender registration was required, reversed on appeal, or pardoned.

Sec. 74-68. Penalties

Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the provisions of Sec. 1-4, Code of Ordinance, City of Nederland.

SECTION H: REPEALING CLAUSE:

All ordinances or parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

SECTION HI: SEVERABILITY CLAUSE:

If any section, subsection, sentence, clause or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end, the various portions and provisions of this ordinance are declared to be severable.

SECTION IV: EFFECTIVE DATE AND PUBLICATION

This Ordinance shall become effective after its approval, adoption, and publication pursuant to law.

PASSED AND APPROVED by the City Council of the City of Nederland, Texas at a regular meeting this the ___ day of _____, A.D., 2006.

R. A. Nugent, Mayor
City of Nederland, Texas

APPENDIX 2

ORDINANCE NO. 2006-11

AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF GROVES, TEXAS, BY ADDING A NEW ARTICLE V RELATING TO DEFINITIONS, RESTRICTIONS ON REGISTERED SEX OFFENDERS RESIDENCY, PROHIBITING REGISTERED SEX OFFENDERS FROM RESIDING WITHIN 1,000 FEET OF THE REAL PROPERTY COMPRISING A SCHOOL, DAY-CARE FACILITY, OR PUBLIC PARK WITHIN THE CITY LIMITS; PROVIDING EXCEPTIONS; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION OF THE CAPTION ONLY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, there currently are 24 registered sex offenders within the city limits of the City of Groves; and

WHEREAS, a majority of these sex offenders are no longer on probation or parole; and

WHEREAS, Article 42.12(13B) of the Texas Code of Criminal Procedure provides a 1000 foot safety zone for children, as a condition of probation for those convicted of certain sexual offenses; and

WHEREAS, data exists which indicates that sex offenders re-offend after being released; and

WHEREAS, restrictions on the proximity of child sex offenders to schools, day-care facilities and public parks are a means of minimizing the risk of re-offending; and

WHEREAS, several states and cities have enacted laws and ordinances which restrict locations where child sex offenders may reside; and

WHEREAS, the laws of the State of Texas, including those found in Chapter 51 of the Texas Local Government Code, provide authority for the City to adopt ordinances for the good government, peace, order, and welfare of the municipality; and **WHEREAS**, it is the intent of this Ordinance 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 locations where children regularly congregate in concentrated numbers wherein certain sexual offenders are prohibited from establishing residencies;

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

SECTION 1: - That Chapter 16, "OFFENSES AND MISCELLANEOUS PROVISIONS", of the Code of Ordinances of the City of Groves, Texas, is hereby amended by adding a new Article V., "RESIDENCE RESTRICTIONS ON REGISTERED SEX OFFENDERS", which shall read as follows:

ARTICLE IV. RESIDENCE RESTRICITONS ON REGISTERED SEX OFFENDERS Sec. 16-80. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meaning ascribed to them in this Article, except where the context clearly indicates a different meaning:

1. "Child" means an individual younger than seventeen (17) years of age.
2. "Day-Care Facility" includes a "child-care institution", a "day-care center" and or a "group day-care home", as those terms are defined by Section 42.002, Human Resources Code.
3. "Park" means any land, including improvements to the land, that is administered, operated, or managed by the City of Groves for the use of the general public as a recreational area.
4. "Permanent residence" means a place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.
5. "Temporary residence" means a place where a person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate, during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, resides, or lodges for a period of four (4) or more consecutive or nonconsecutive days in any month, and which is not the person's permanent residence.
6. "Sex Offender" means an individual who has been convicted of or placed on deferred adjudication for a sexual offense involving a child for which the individual is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure.
7. "School" means a private or public elementary or secondary school.

Sec. 16-81. Offenses.

1. It is an offense for a sex offender to establish a permanent residence or a temporary residence within one thousand (1,000) feet of the real property comprising a school, day-care facility, or park.
2. The distance of one thousand (1,000) feet shall be measured on a straight line from the closest boundary line of the sex offender's residence to the closest boundary line of the school, day-care facility, or park.

Sec. 16-82. Exceptions.

A person does not commit an offense under **Section 16-81** if the person:

1. Is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution located within one thousand (1,000) feet of the real property comprising a school, day-care facility, or park;
2. Has established and continues to maintain the residence prior to the effective date of this Ordinance.

3. Has established and continues to maintain the residence prior to the effective date of this Ordinance and, subsequently, a school, day-care facility, or park, is constructed or located within one thousand (1,000) feet of the sex offender's residence.
4. Is under eighteen (18) years of age or a ward under a guardianship, who resides with a parent or guardian;
5. Has been exempted by a court order from registration as a sex offender under Chapter 62, Texas Code of Criminal Procedure; or
6. Has had the offense for which the sex offender registration was required, reversed on appeal, or pardoned.

Sec. 16-83. Penalties.

Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the provisions of Sec. 1-5, of the Code of Ordinances of the City of Groves.

SECTION 2: Repealing Clause. All ordinances or parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

SECTION 3: Severability clause. If any section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall not affect the . remaining portions of this Ordinance, and to such end, the various portions and provisions of this Ordinance are declared to be severable.

SECTION 4 It is the intention of the City Council ! that this Ordinance shall become a part of the Code of Ordinances | of the City of Groves and may be codified therein accordingly.

SECTION 5: Effective date and publication. This

Ordinance shall take effect from and after its passage by the City Council and publication, by publishing the caption hereof one time in a newspaper of general circulation in the City of Groves within ten (10) days after the passage hereof.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Groves at a regular meeting held on the 12th day of June, 2006.

Brad P. Bailey, Mayor

ATTEST:

Kimbra B. Caldwell, City Clerk

The foregoing ordinance, including all the provisions thereof, is hereby approved as to form and legality.

James M. Black, City Attorney

APPENDIX 3

CITY OF PORT NECHES

ORDINANCE NO. 2006-07

AN ORDINANCE AMENDING CHAPTER 78, OF THE CODE OF ORDINANCES, CITY OF PORT NECHES, TEXAS, BY ADDING A NEW ARTICLE ___ RELATING TO DEFINITIONS, RESTRICTIONS ON REGISTERED SEX OFFENDERS RESIDENCY, PROHIBITING REGISTERED SEX OFFENDERS FROM RESIDING WITHIN 1,000 FEET OF THE REAL PROPERTY COMPRISING A SCHOOL, DAY-CARE FACILITY, OR PUBLIC PARK WITHIN THE CITY LIMITS; PROVIDING EXCEPTIONS; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Port Neches Police Department currently has 14 registered sex offenders within the city limits; and

WHEREAS, a majority of these sex offenders are no longer on probation or parole; and

WHEREAS, Article 42.12 (13B) of the Texas Code of Criminal Procedure provides a 1000 foot safety zone for children, as a condition of probation for those convicted of certain sexual offenses; and

WHEREAS, data exists which indicates that sex offenders re-offend after being released; and

WHEREAS, restrictions on the proximity of child sex offenders to schools, day-care facilities and public parks are one way to minimize the risk of re-offending; and

WHEREAS, several states and cities have enacted laws and ordinances which restrict where child sex offenders may reside; and

WHEREAS, the laws of the State of Texas, including those found in Chapter 51 of the Texas Local Government Code, provide the City authority to adopt ordinances for the good government, peace, order, and welfare of the municipality; and

WHEREAS, it is the intent of this Ordinance 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 locations where children regularly congregate in concentrated numbers wherein certain sexual offenders are prohibited from establishing residencies.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT NECHES, TEXAS:

SECTION I: That the Code of Ordinances of the City of Port Neches, Chapter 78, is hereby amended by adding a new ARTICLE , RESIDENCE RESTRICTIONS ON REGISTERED SEX OFFENDERS, which shall read as follows:

ARTICLE ____ . RESIDENCE RESTRICTIONS ON REGISTERED SEX OFFENDERS

Sec. 78- . Definitions

The following words, terms and phrases, when used in this Article, shall have the meaning ascribed to them in this Article, except where the context clearly indicates a different meaning:

- (1) "Child" means an individual younger than seventeen (17) years of age.
- (2) "Day-Care Facility" includes a "child-care institution", a "day-care center" and/or a "group day-care home," as those terms are defined by Section 42.002, Texas Human Resources Code.
- (3) "Park" means any land, including improvements to the land, that is administered, owned, operated, or managed by the City of Port Neches for the use of the general public as a recreational area.
- (4) "Temporary Residence" means a place within the city limits of the City of Port Neches where a person abides, lodges, or resides for a period of fourteen (14) or more consecutive or nonconsecutive days during any calendar year, and which is not the person's permanent residence, or a place where the person routinely abides, resides, or lodges for a period of four (4) or more consecutive or nonconsecutive days in any month, and which is not the person's permanent residence.
- (5) "Permanent Residence" means a place where a person abides, lodges, or resides for a period of fourteen (14) or more consecutive days.

- (6) "Sex Offender" means an individual who has been convicted of or placed on deferred adjudication for a sexual offense involving a child for which the individual is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure.
- (7) "School" means a private or public elementary or secondary school.

Sec. 78- __. Offenses

- (1) It is an offense for a sex offender to intentionally, knowingly, recklessly, or with criminal negligence, establish a permanent residence or a temporary residence within one thousand (1,000) feet of the real property comprising a school, day-care facility, or park.
- (2) The distance of one thousand (1,000) feet shall be measured on a straight line from the closest boundary line of the sex offender's residence to the closest boundary line of the school, day-care facility, or park.

Sec. 78- __. Exceptions

A person does not commit an offense under Sec. if the person:

- (1) Is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution located within one thousand (1,000) feet of the real property comprising a school, day-care facility, or park;
- (2) Has established and continues to maintain the residence prior to the effective date of this Ordinance;
- (3) Has established and continues to maintain the residence prior to the effective date of this Ordinance and, subsequently, a school, day-care facility, or park, is constructed or located within one thousand (1,000) feet of the sexual offender's residence;
- (4) Is under eighteen (18) years of age or a ward under a guardianship, who resides with a parent or guardian;
- (5) Has been exempted by a court order from registration as a sex offender under Chapter 62, Texas Code of Criminal Procedure; or
- (6) Has had the offense for which the sex offender registration was required, reversed on final appeal, or pardoned.

Sec. 78-__ . Penalties

Any person who violates this Ordinance shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of up to \$500.00 each day and subject to the provisions of Sec. 1-7, Code of Ordinances, City of Port Neches.

SECTION II: REPEALING CLAUSE:

All ordinances or parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

SECTION III: SEVERABILITY CLAUSE:

If any section, subsection, sentence, clause or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end, the various portions and provisions of this ordinance are declared to be severable.

SECTION IV: EFFECTIVE DATE AND PUBLICATION

This Ordinance shall become effective after its approval, adoption, and publication pursuant to law.

PASSED AND APPROVED by the City Council of the City of Port Neches, Texas at a regular meeting this the ___ day of ___, A.D., 2006.



Glenn Johnson,
Mayor City of Port Neches, Texas

ATTEST:



Anne Latiolais, City Clerk
City of Port Neches, Texas

