

CHAPTER 11

PREDATORY OFFENDERS

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5-11-1: FINDINGS AND INTENT

Repeat predatory offenders present an extreme threat to public safety. Predatory offenders are likely to use physical violence and to repeat their offenses, and most predatory offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of predatory offender victimization to society at large, while incalculable, unmistakably steep.

It is the intent of this chapter to serve the city's compelling interest to promote, protect, and improve the health, safety, and general welfare of Lauderdale citizens by creating areas around locations where children are known to regularly congregate in concentrated numbers wherein certain predatory offenders are prohibited from establishing temporary or permanent residence.

5-11-2: DEFINITIONS

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

DESIGNATED PREDATORY OFFENDER: means any person who has been categorized as a Level III predatory offender under Minnesota Statutes Section 244.052, a successor statute, or a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.

PERMANENT RESIDENCE: means a place where a person abides, lodges, or resides for 14 or more consecutive days.

TEMPORARY RESIDENCE: means a place where a person abides, lodges, or resides for a period of 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, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

SCHOOL: means a public or nonpublic elementary or secondary school.

LICENSED CHILD CARE CENTER: means a group child care center currently licensed by Ramsey County or the State of Minnesota.

PUBLIC PLAYGROUND: means a city-owned, improved park or other outdoor area designed, equipped, and set aside primarily for children's play.

5-11-3: PROHIBITED LOCATION OF RESIDENCE

A. It is unlawful for any designated predatory offender to establish a permanent or temporary residence within 2,000 feet of any school, licensed child-care facility, public playground, or any other place where children are commonly known to regularly congregate.

B. Measurement of Distance. For purposes of determining the minimum distance separation required by this chapter, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence of the designated predatory offender to the nearest outer property line of the school, licensed child-care facility, public playground, or any other place where children are commonly known to regularly congregate.

5-11-4: EXCEPTIONS

A designated predatory offender residing within a prohibited area as described in 5-11-3 does not commit a violation of this chapter if any of the following apply:

A. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes Sections 243.166 and 243.167 or a successor statute, prior to March 15, 2016;

B. The person was a minor when they committed the offense and they were convicted as an adult;

C. The person is a minor;

D. The school, licensed child care center, or public playground within 2,000 feet of the person's permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes Sections 243.166 and 243.167, or a successor statute;

E. The residence is also the primary residence of the person's parents, grandparents, siblings, or spouse; or

F. The residence is a property purchased, leased, or contracted with and licensed by the Minnesota department of corrections prior to March 15, 2016.

5-11-5: PENALTIES

Any person who violates this chapter shall be guilty of a misdemeanor. Each day that a person maintains a permanent or temporary residence in violation of this Code shall constitute a separate offense.

Adopted by the Lauderdale City Council the 26th day of April, 2016.