



City of San Antonio

Agenda Memorandum

File Number: 13-1180

Agenda Item Number: 25.

Agenda Date: 12/5/2013

In Control: City Council A Session

DEPARTMENT: Police

DEPARTMENT HEAD: William McManus

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Public Safety Zones

SUMMARY:

An Ordinance amending Chapter 22, creating Article XI of the City Code of San Antonio by prohibiting registered sex offenders from entering a City park, establishing residence within 1,000 feet of a City park, or loitering within 300 ft of a City park.

BACKGROUND INFORMATION:

Currently, Texas law allows parole boards and judges to impose restrictions of this nature on parolees or individuals on probation but does not grant them the same authority once the individual has completed the term of their parole or probation.

If an officer encounters an individual suspected of violating a City Ordinance or other law, the officer conducts a background check on that individual. If the person is a registered offender but not on probation/parole, the sex offender's presence in the park is not a violation of any law or condition imposed on the sex offender. If the sex offender is on probation or parole, the officer will attempt to contact their parole or probation officer, and if the individual is in violation of the terms of their probation or parole but no law has been violated, the officer must release the individual to allow the probation or parole department to later file a motion to revoke. The judge or parole board will then determine if there is a basis to believe terms were indeed violated, and if so, instruct the probation or parole officer to bring the individual in to face the consequences.

The proposed ordinance, based on other Texas cities, will prohibit all registered sex offenders from a) entering any

City park (with certain limited exceptions), b) loitering within 300 feet of a City park, or c) establishing a residence within 1,000 feet of a City park. These areas are called "Park Safety Zones."

Enacting an ordinance of this nature would extend the prohibition from entering City parks to all registered sex offenders, and after their probation and parole restrictions have expired. This will give law enforcement officers in San Antonio another tool to help keep all residents, including children who tend to congregate in parks, safe from registered sex offenders.

Penalties

- Offenses are a class C misdemeanor with a fine of up to \$500 per offense.

Exemptions

- Registered offenders have established permanent residence in restricted zones prior to the implementation of this ordinance.
- The sex offender was a minor when the offense was committed, and does not qualify as a sex offender under this ordinance as an adult.
- The sex offender is under an order of a court of pre-eminent jurisdiction in the State of Texas or of the Texas Department of Criminal Justice Parole Board, permitting the person to be within the park safety zone.
- The Chief of Police can grant special exemptions.
- Excluded from this restriction are: City golf courses; cemeteries; official meetings and polling places located in parks; and, the section of the Riverwalk, that is South of Lexington Avenue and North of South Alamo Street.

ISSUE:

This ordinance continues City Council's policy of enhancing public safety by reducing the likelihood of recidivism by sex offenders if the same are allowed in the proximity of places where others congregate. If City Council approves this Ordinance, the Ordinance will go into effect on March 1, 2014.

ALTERNATIVES:

City Council could reduce or increase the width of the buffer zone or limiting the ordinance sex offenders who committed sex crimes against minors.

FISCAL IMPACT:

No fiscal impact.

RECOMMENDATION:

Staff recommends that the City Council adopt the ordinance.