

## CITY OF GOODHUE

### **PREDATORY OFFENDERS RESIDENCY – PROHIBITED CONDUCT**

**Subd. 1. Finding and Intent.** Repeat predatory offenders present an extreme threat to the 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 Section to serve the city’s compelling interest to promote, protect, and improve the health, safety, and general welfare of Goodhue 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.

**Subd. 2. Definitions.** The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this subdivision, except where the context clearly indicates a different meaning:

A. “Designated predatory offender” means any person who has been categorized as a Level II or III predatory offender under Minnesota Statutes Section 244, a successor statute, or a similar statute from another state in which that person’s risk assessment indicates a high risk of re-offense;

B. “Permanent residence” means a place where a person abides, lodges, or resides for 14 or more consecutive days;

C. “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;

D. “School” means a public or nonpublic elementary or second school;

E. “Public playground” means a city-owned, improved park or other outdoor area designed, equipped, and set aside primarily for children’s play.

### **Subd. 3. Prohibited Location of Residence**

A. It is unlawful for any designated predatory offender to establish a permanent or temporary residence within 350 feet of any school, 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 Section, 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 protected facility in subdivision 2.

C. Penalties. Any person who violates this Section shall be guilty of a misdemeanor and shall be punished by a fine of an amount not exceeding \$1,000.00 and/or imprisoned for a period not to exceed 90 days. Each day that a person maintains a permanent or temporary residence in violation of this Code shall constitute a separate offense.

#### **Subd. 4 Exceptions**

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

1. 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 June 1, 2015;

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

3. The person is a minor;

4. The school or public playground within 350 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; or

6. The residence is a property purchased, leased, or contracted with and licensed by the Minnesota department of corrections prior to June 1, 2015.

**VIOLATION A MISDEMEANOR.** Every person violates a section, subdivision, paragraph or provision of this Chapter when they perform an act thereby prohibited or declared unlawful, or fail to act when such failure is thereby prohibited or declared unlawful, or perform an act prohibited or declared unlawful or fail to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Adopted this 27th day of March 2019.

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Kerry D. Bien, Mayor

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Lori Agre, City Clerk