

## Chapter 10 – OFFENSES AND MISCELLANEOUS PROVISIONS

### Sec. 10-6. – Sex Offenders

- (a) *Purpose.* The Town of New Fairfield (the “Town”) has a compelling interest in protecting children from the threat of sexual abuse from child sex offenders. Therefore, it is hereby resolved that, to preserve and promote the health, safety and general welfare of the children of the Town, it is in the common interest to enact reasonable regulations restricting child sex offenders from entering Child Safety Zones.
- (b) *Definitions.* When used in this chapter, the terms, phrases, words and derivations shall have the meanings set forth thereafter. When not inconsistent with the context, words in the plural number include the singular and words in the singular number include the plural. The word “shall” is always mandatory and not merely directory. Terms not defined below shall have the meanings set forth in Section 54-250 of the Connecticut General Statutes, as amended.

CHILD SAFETY ZONE – Any park, school, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, sports facility, or **library**, which is: 1) under the jurisdiction of any department, agency, or authority of the Town, including, but not limited to, the Board of Education of the Town of New Fairfield; or 2) leased by the town to another person or entity for the purpose of operating a park, school, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, or sports facility. “Child Safety Zone” also includes any and all buildings, land, parking areas or other improvements located on the same parcel on which each of the aforementioned facilities is located, but does not include any public street, and also does not include any public sidewalk which is located on the outside boundary of a Child Safety Zone.

#### **CHILD-SEX OFFENDER-**

- A. A person who:
- (1) Has been convicted or found not guilty by reason of mental disease or defect of any one or more of the following offenses as defined in Section 54-250 of the Connecticut General Statutes, as amended:
    - (a) A “criminal offense against a victim who is a minor”;
    - (b) A “nonviolent sexual offense”;
    - (c) A “sexually violent offense”; or
    - (d) Any felony that the court finds was committed for a “sexual purpose”; and

- (2) Is required to register with the Commissioner of Public Safety pursuant to Section 54-251, 54-252, 54-253 or 54-254 of the Connecticut General Statutes, as amended; or
- B. A person who has been convicted or found not guilty by reason of mental disease or defect in any other state, in a federal or military court or in any foreign jurisdiction, of any crime, the essential elements of which are substantially the same as any of the crimes specified in Subdivisions (2), (5) and (11) of Section 54-250 of the Connecticut General Statutes, as amended, and which requires registration as a sexual offender in such other state or in the federal or military system, and who resides in this state on and after October 1, 1998.
- (c) *Prohibition.* It shall be unlawful for a ~~child~~-sex offender to be present in a Child Safety Zone.
- (d) *Exclusions.* This chapter shall not apply:
- A. To any person whose name has been removed from the Connecticut Department of Public Safety's Sex Offender Registry ("Sex Offender Registry") or from the registry of any other state or in the federal or military system by act of a court or by expiration of the term such person is required to remain on such registry.
- B. To any ~~child~~-sex offender who enters into a facility in a Child Safety Zone for the sole purpose of voting in any municipal, state or federal election or referendum, provided that the person leaves the facility immediately after voting.
- C. To any ~~child~~-sex offender who enters a Child Safety Zone for the purpose of dropping off or picking up his or her own child, provided that the ~~child~~-sex offender leaves the zone immediately after dropping off or picking up his or her child.
- D. To any ~~child~~-sex offender who enters a Child Safety Zone for the purpose of meeting with an adult, such as a teacher, administrator or nurse, to discuss his or her own child's medical or educational issues, provided that the ~~child~~-sex offender leaves the zone immediately after completing the meeting or discussion.
- E. To the extent that the conduct prohibited by this chapter is in conflict with any sentence or order of probation or parole imposed upon a sex offender.
- (e) *Notice.*
- A. The ~~First Selectman acting as Chief of Police or the Resident State Trooper, - Chief of Police or his designee - or his/her designee~~ shall make reasonable efforts to provide prompt, actual written notice of the enactment of this chapter (which notice shall contain a copy of the chapter) to all persons who are listed on the Sex Offender Registry as of the effective date of this chapter, as well as those persons

who are added to the Sex Offender Registry thereafter, which persons' addresses (as shown on the Sex Offender Registry) are within the Town. Such notice requirement may be satisfied by mailing of such notice by registered or certified mail, return receipt requested, to the last known address of such person as listed on the Sex Offender Registry or as otherwise known to the First Selectman acting as Chief of Police or the Resident State trooper or his/her designee. ~~Chief of Police.~~ The failure of any person to receive such actual written notice shall not be a defense to a violation of this chapter.

- B. Each Child Safety Zone shall be identified by a sign conspicuously posted at the primary entrance to the zone and any building within the zone. The Town of New Fairfield will prepare and make available a document listing each child safety zone.

(f) *Enforcement, penalties for offenses.*

- A. If a police officer reasonably believes that a ~~child~~-sex offender is in a Child Safety Zone in violation of this chapter, the officer shall require the suspected ~~child~~-sex offender to provide his/her name, address, and telephone number. If it is established that the individual is a ~~child~~-sex offender, then the officer may issue a citation to the offender and shall require the offender to leave the Child Safety Zone.
- B. Any person in violation of this chapter shall be fined in the amount of \$250 ~~for~~ each violation, or the maximum amount permitted by law.

(g) *Severability.* Any provision of this chapter held to be unconstitutional or superseded by state law or regulation shall not serve to invalidate the remaining unaffected provisions hereof. No provision of this chapter shall serve to validate any activity otherwise prohibited by state or local law or lawfully enacted zoning regulations.