

CITY OF DEQUINCY

ORDINANCE NO. 886

The City Council of the City of DeQuincy, State of Louisiana, met in regular session on the 13th day of January, 2014, and adopted the following Ordinance regarding the Registration of Sex Offenders and Child Predators.

WHEREAS, the City Council has determined that enactment of such an Ordinance would be in the best interests of the City and for other good cause shown,

THEREFORE, BE IT ORDAINED by the City Council that the City does hereby repeal Ordinance No. 838 and add Article VII to Chapter 2 of the Code of Ordinances of the City of DeQuincy as follows:

Article VII – REGISTRATION OF SEX OFFENDERS AND CHILD PREDATORS

Section 1. Registration of sex offenders and child predators.

- (a) All persons defined in R. S. 15:542 shall be required to register and provide notification as a sex offender or child predator in accordance with the provisions of this division.
- (b) All persons defined in subsection (a) of this section, who reside, work, or attend school within the boundaries of the City of DeQuincy, shall within three (3) business days of establishing residence in the City of DeQuincy, or if a current resident, within three (3) business days after conviction or adjudication if not immediately incarcerated or taken into custody after conviction or adjudication within three (3) business days after release from confinement, or within three (3) days after the effective date of this division, whichever is sooner, register in person with the DeQuincy Police Department, and shall provide all of the information required under the provisions of R.S. 15:542 (C), and shall also include a statement that adequately explains the factual basis of the crime.
- (c) Knowingly providing false information to the DeQuincy Police Department shall constitute a failure to register pursuant to section 8-18 of this Code of Ordinances.
- (d) The offender shall pay the city of DeQuincy, through the DeQuincy Police Department, an initial registration fee of six hundred dollars (\$600.00), which is inclusive of the state mandate fee of sixty dollars (\$60.00), to defray the cost of maintaining the record of the offender and shall be used for sex crime investigators, training and equipment. The offender shall pay a renewal fee of two hundred dollars (\$200.00) on each anniversary thereafter. Failure by the offender to pay the fee within thirty (30) days of initial registration, or renewals thereof, shall constitute a failure to register and subject the offender to provision of section 8-18 of this Code of Ordinance. The offender shall not be prevented from registering in accordance with this chapter for failure to pay the annual registration fee

Section 2. Notification.

Any person residing in the City of DeQuincy who is required to provide sex offender and/or child predator notification under the provisions of R. S. 15:542. 1, shall, in addition to the requirements set forth therein, provide such notice to the DeQuincy Police Department, and shall include in said notice, which must be published in the official newspaper of the city, a statement that adequately explains the factual basis of the crime, the age and sex of the victim, the number of prior convictions for sex offenses, and the number of years served for the current conviction. The person required to provide such notice shall submit the notice to the designated enforcement officer of the DeQuincy Police Department for approval, and the designated enforcement office shall have authority to waive certain notice requirements in order to protect victim privacy and confidentiality.

Section 3. Failure to register.

- (a) A person who fails to register, periodically renew and update registration, provide proof of residence or notification of change of address or other registration information, or provide community notification as required by the provisions of this division, and a person who knowingly provides false information to a law enforcement agency as provided herein this division, upon a first violation, be subject to a civil penalty of not more than one thousand dollars (\$1,000.00), and upon subsequent violations, the offender shall be subject to a civil penalty not to exceed three thousand dollars (\$3,000).

- (b) An offender who registers, but fails to pay the annual registration fee, or renewal thereof, in accordance with the provisions of this division shall be subject to a civil penalty of five hundred dollars (\$500.00) in addition to the registration fees owed.

Section 4. Duration of registration and notification period.

Any person required to register and provide notification pursuant to the provisions of this division shall comply with such requirements for the time periods set forth in R. S. 15:544.

Section 5. Prohibitions for convicted sex offenders.

- (a) All persons required to register under the provisions of this division, where the victim was a minor child, shall be prohibited from:
- (1) Going in, on, or within one thousand (1,000) feet of the school property of any public or private elementary or secondary school.
 - (2) Going in, on, or within one thousand feet of a day care center, group home, residential home, or child care facility, a family child day care home, playground, public or private youth center, public swimming pool, or freestanding video arcade facility, as defined herein, or as otherwise defined in applicable state law.
 - (3) Physically residing within one thousand (1,000) feet of any public or private elementary or secondary school, day care center, group home, residential home, or child care facility, a family child day care home, playground, public or private youth center, public swimming pool, or freestanding video arcade facility, as defined herein, or as otherwise defined in applicable state law.
 - (4) Physically residing within three hundred (300) feet of any designated bus stop, measured from the nearest point of the registered offender's front property line's intersection with roadway, excluding any designated school bus stop utilized children whose parent or guardian is a registered offender. Any existing residence within three hundred (300) feet of a school bus stop when this amended division is adopted shall be grandfathered as compliant. A letter from Calcasieu Parish School Board shall be presumptive evidence of compliance with this provision if an offender changes address to a new location which, at that time, is not within three hundred (300) feet of a designated school bus stop. That relocated address shall then be grandfathered as compliant concerning a future change of the designated school bus stop that places the existing residence within three (300) feet of a designated school bus stop.
 - (5) Communicating, either in written or oral form, with the victim or a family member of the victim, unless the victim consents to such communication in writing.
- (b) For purposes of this section, the following definitions shall apply:

Child means a person who has not reached the age of thirteen (13) years. The words "child" and children are used interchangeably in this section.

Day care center means any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven (7) or more children, not including those related to the caregiver, unaccompanied by parent or guardian, on a regular basis for at least twelve and one-half (12 ½) hours in a continuous seven-day week. A day care center that remains open for more than twelve and one-half (12 ½) hours in a continuous seven-day week, and in which no individual child remains for more than twenty-four hours (24) hours in one (1) continuous stay shall be known as a full-time day care center.

Family child day care home means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and/or guidance of seven (7), but not more than twelve (12), children, who are not related to the operators and whose parents or guardians are not residents of the same facility.

Group day care home means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group for the primary

purpose of providing care, supervision, and/or guidance of seven (7), but not more than twelve (12), children, who are not related to the operators and whose parents or guardians are not residents of the same facility.

Group home means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group which receives therein at least seven (7), but not more than fifteen (15), children who are not related to the operator and whose parents or guardians are not residents of the same facility for supervision, care, lodging, and maintenance, with or without transfer of custody.

Residential home means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group to provide full-time care for more than fifteen (15), children who are not related to the operators and whose parents or guardians are not residents of the same facility, with or without transfer of custody. A residential home as defined in this subsection includes facilities known as children's homes, halfway houses, residential treatment centers, training schools, and facilities for the mentally retarded, emotionally disturbed, socially maladjusted, or otherwise mentally or physically handicapped.

The restrictions and prohibitions set forth in this subsection shall not be applicable when said restrictions, and/or prohibitions are waived or excepted under the provisions of R. S. 15:538.

- (c) Any person who violates this subsection shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than \$250.00 nor more than \$500.00.

This Ordinance was declared duly adopted this 13th day of January, 2014.

Mark Peloquin
Chairman of the Council

I hereby certify that the foregoing Ordinance has been presented to the Mayor on this 13th day of January, 2014, at 7:00 o'clock p.m.

Pat Brummett, Secretary of the
Council and City Clerk

I have reviewed the above and foregoing Ordinance on this 13th day of January, 2014, and do hereby Approve same.

Lawrence Henagan, Mayor

I hereby certify that I have received from the Mayor at 7:00 o'clock p. m., on this 13th day of January, 2014, the foregoing Ordinance which has been Approved by the Mayor.

Pat Brummett, Secretary of the
Council and City Clerk

I certify that the above and foregoing constitutes a true and correct copy of an Ordinance duly adopted at a meeting of the City Council of the City of DeQuincy held on January 13, 2014, at which meeting a quorum was present and voted in favor of said Ordinance, and said Ordinance has never been modified or rescinded and is still in full force and effect.

Date: 1/13/2014

Pat Brummett, Secretary of the
Council and City Clerk

