

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CARROLLTON, TEXAS, AMENDING ARTICLE XIII, CHAPTER 130 OF THE CARROLLTON CITY CODE, SECTION 130.24 REGARDING THE REGULATION OF SEX OFFENDER RESIDENCY, BY ADDING AND AMENDING THE OFFENSES THAT REQUIRE REGISTRATION FOR ALL SEX OFFENDERS TO INCLUDE ANY OFFENSE A PERSON IS REQUIRED TO REGISTER ON THE TEXAS DEPARTMENT OF PUBLIC SAFETY'S SEX OFFENDER REGISTRY UNDER ARTICLE 62.001 OF THE TEXAS CODE OF CRIMINAL PROCEDURE; REVISING DEFINITIONS TO BE CONSISTENT WITH THE LANGUAGE IN ARTICLE 42A.453 OF THE CODE OF CRIMINAL PROCEDURE; PROVIDING THAT A CULPABLE MENTAL STATE IS NOT REQUIRED FOR COMMITTING AN OFFENSE; REVISING AFFIRMATIVE DEFENSES; PROVIDING FOR SEVERABILITY, SAVINGS, AND REPEALER CLAUSES; A PENALTY OF \$500; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Carrollton, Texas ("City Council") has previously determined and declared that sex offenders are a serious threat to public safety; and

WHEREAS, the City Council has further determined that the recidivism rate for released sex offenders is alarmingly high, especially for those who commit their crimes against children; and

WHEREAS, the City Council believes that updating a policy to restrict the property available for residence of sex offenders will provide better protection for children gathering in the City; and

WHEREAS, Article 42A.453 of the Texas Code of Criminal Procedure provides for a 1,000-foot child safety zone for children for offenses listed in Article 62.001 of the Texas Code of Criminal Procedure that require registration for sex offenders on the Texas Department of Public Safety Public Sex Offender Registry; and

WHEREAS, the City Council finds that it is in the best interest of the health and safety of the citizens of the City of Carrollton to revise the regulations previously established relating to sex offenders residing within a specified distance of what are hereby established a child safety zones.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

SECTION 1

All the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.

The Code of Ordinances, City of Carrollton, Texas is hereby revised by amending Section 130.24 "Regulation of sex offender residency", in Article XIII, Chapter 130 to read as follows:
"Sec. 130.24. Regulation of Sex Offender Residency.

(A) *Definitions.*

For the purposes of this Section, the following terms, words, and the derivations thereof shall have the meanings given herein.

- 1) *Child Safety Zone.* Premises where children commonly gather, including but not limited to: a childcare center; public or private school; public park; playground; public or private youth center; public swimming pool; video arcade facility; or general residential operation operating as a residential treatment center. For purposes of this Ordinance, planted street medians are not public parks.
- 2) *Child or Minor.* A person younger than (17) years of age.
- 3) *Permanent Residence.* A place where a person abides, lodges. or resides for fourteen (14) or more consecutive days.
- 4) *Temporary Residence.* A place where a person abides, lodges. or resides for fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where a person routinely abides, resides, or lodges for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.
- 5) *Reportable conviction or adjudication.* Offense and disposition as defined in Article 62.001 of the Texas Code of Criminal Procedure, as amended
- 6) *Registry or Register.* Texas Public Sex Offender Registry maintained by the Texas Department of Public Safety, pursuant to Chapter 62 of the Texas Code of Criminal Procedure

(B) *Offenses.*

- 1) It is unlawful for a person to establish a permanent residence or temporary residence within 1,000 feet of a child safety zone if the person is required to register on the Registry because of a reportable conviction or adjudication.
- 2) *Evidentiary matters; measurements.*
 - a) It shall be prima facie evidence that this Section applies to such a person if that person's reportable conviction or adjudication appears on the Registry.
 - b) For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer

property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather, as described herein above, or, in the case of multiple residences on one property, measuring from the nearest property line of the premises to the nearest property line of the premises where children commonly gather, as described herein.

- c) A map depicting the prohibited areas shall be maintained by the City of Carrollton. The City shall review the map at least annually for changes. Said map will be available to the public at the Carrollton Police Department.

3) *Culpable, mental state not required.*

Neither allegation nor evidence of a culpable mental state is required for the proof of any offense defined by this Chapter.

4) *Affirmative defenses.*

It is an affirmative defense to prosecution that any of the following conditions apply:

- a) The person required to register established the residence prior to the date of arrest for a reportable conviction or adjudication and prior to the date of the adoption of this ordinance.
- b) The person required to register was a Minor at the time the offense requiring such registration and was not certified as an adult for criminal prosecution.
- c) The premises of the child safety zone was opened after the person required to register established the residence, and the person has maintained compliance with all sex offender registration laws of the State of Texas.
- d) The information on the Registry is incorrect, and, if corrected, this section would not apply to the person who was erroneously listed on the Registry.”

SECTION 3.

A violation of any of the provisions of this Ordinance shall be deemed to be a misdemeanor and, upon conviction of such violation, such violation shall be punished by a penalty of fines as set forth in 10.99 for each offense.

SECTION 4.

All other provisions of the Carrollton Code of Ordinances not expressly amended as stated herein shall remain in full force and effect.

SECTION 5.

The provisions of this Ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Carrollton, Texas, except where the provisions of this Ordinance are in direct conflict with provisions of such ordinances and such codes, in which event the conflicting provisions of such ordinances and such codes are hereby repealed.

SECTION 7.

This Ordinance shall become effective from and after its passage and publication.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this ____ day of ____, 2025.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

Chloe Sawatsky, City Secretary

APPROVED AS TO FORM:

Meredith Ladd, City Attorney

APPROVED AS TO CONTENT:

Roberto Arredondo, Chief of Police