

TOWN OF SCOTLAND

CHILD PROTECTION ORDINANCE

CGS 7-148(b) and 7-148 (c)(7)(H)(xiii) and 7-148 (10)

ARTICLE I:

Section 1 Legislative Determination; Municipal Interest:

The Connecticut Legislature has determined that persons convicted, or found not guilty by reason of mental disease or defect (as defined in Connecticut General Statutes section 54-250 (6) as amended), of certain criminal and sexual offenses against minors and sexual offenses against others, present a continuing and persistent danger to the health and safety of the public such that registration of those individuals is required with the Connecticut Commissioner of Public Safety ("Registry"). According to the Registry, certain of these registered individuals ("Registrant") reside within Scotland. The Town of Scotland's parks, playgrounds, educational, library, recreational and sports facilities are provided and furnished for the use of children and families, and The Town of Scotland has compelling interest in protecting children from the threat of sexual abuse and predation.

Section 2 Purpose:

The public health, safety and welfare of the children of the Town of Scotland in particular and the people of the community at large will be best served by keeping persons required to register with the Registry pursuant to Connecticut General Statutes 54-251, 54-252, 54-253 or 54-254 away from children on and in municipal property, Bowers Park, and facilities used for education, library, recreation, sports and youth activities. The purpose of this ordinance is to protect children by defining such child safety zones and by prohibiting Sex Offenders from entering into those places.

Section 3 Definitions:

A) "Child Safety Zone" and "Zone" mean a public park, playground, recreation and/or teen center, sports facility, youth sports field, youth garden, youth farm enterprise, school or educational facility, library, Bowers Park, including land on which such facilities are located (including such facilities' parking area) which is used for educational, recreational, sports, youth activities or child care purposes, and which is owned or under the control of any municipal agency including, without limitation, the Scotland Board of Education or any regional or inter-local education provider in which the Town of Scotland is a participant; and a horizontal distance of 1000 feet from the property line of any such facility. Child Safety zone does not include any public street or highway, nor does it include a public sidewalk that is located inside the boundaries of a Child Safety Zone.

B) “Sex Offender” and “Registrant” mean any person who has been convicted or found not guilty by reason of mental disease or defect in this or any other state, jurisdiction or federal or military court of a ‘criminal offense against a victim who is a minor’ or “nonviolent sexual offense”, a “sexually violent offense” or any felony that the court has found “was committed for a sexual purpose” as those terms are defined in Connecticut General Statutes sections 52-250 subsections (2), (5), (11) and (12) and who is required to register with the Registry as a result of such criminal activity pursuant to any provision of the Connecticut General Statutes as amended. In the case of any other state, jurisdiction or federal or military court, such person shall be considered a sex offender if the conviction or acquittal by reason of mental disease or defect is for any crime the essential elements of which are substantially the same as the crimes and offenses described in Connecticut General Statutes section 52-250 (2), (5) and (11).

Section 4 Prohibition and Applicability:

A) It shall be unlawful for a Sex Offender to be present in any Child Safety Zone.

B) This ordinance shall not apply to any person whose name has been removed from the Registry or from the registry of any other state, jurisdiction or federal or military registration system as a result of court order or expiration of the term of such person’s registration requirement. This ordinance shall not apply to a Registrant if such person is, on the effective date hereof, or upon the creation or expansion of any new Child Safety Zone, a resident of a dwelling located within the Child Safety Zone, and if such person's activities within the Zone consist of normal travel to and from such dwelling and customary activities on the property of such dwelling.

C) No Registrant shall be considered in violation of this ordinance if such person enters a Child Safety Zone that is being used as a polling place in any governmental election or referendum, provided such Registrant leaves the facility and Zone immediately after voting. No Registrant shall be considered in violation of this ordinance if such person is a custodial parent or legal guardian of a child and enters a Zone for the purpose of dropping off or picking up his or her child provided the Registrant leaves the Zone immediately after dropping the child off or picking the child up. Similarly, no Registrant shall be considered in violation of this ordinance if such person is a custodial parent or legal guardian of a child and enters a Zone for the sole purpose of meeting with an adult to discuss such child’s medical care or condition or educational program, provided such Registrant leaves the facility immediately upon completion of such meeting. No Registrant shall be considered in violation of this ordinance if such person enters the Library for the purpose of conducting normal business provided such Registrant leaves the facility upon completion.

D) This ordinance shall not apply to the extent that the conduct which is prohibited by this ordinance is in conflict with the terms of a judicially imposed sentence, order of probation or condition of parole which has been imposed upon a specific individual who is a Sex Offender.

Section 5 Notice: Signs:

A) By the effective date of this ordinance, the Scotland First Selectman or his designee shall promptly make reasonable efforts to provide actual written notice of the passage of this ordinance (which notice shall contain a copy of the ordinance) to all Registrants who, according to Registry records, reside in Scotland as well as those persons who are thereafter added to the Registry and reside in Scotland Registrants or who move to Scotland. Such notice requirement may be satisfied by the mailing of such notice by certified mail; return receipt requested to the last known address of such person as listed on the Registry or as otherwise known to the First Selectman. The failure of any person to receive such actual written notice shall not be a defense to a violation of this ordinance.

B) Each Child Safety Zone shall be identified as such by a sign conspicuously posted at the primary entrance of or within the zone. The sign shall provide a warning that the area is a Child Safety Zone and that the presence therein or thereon by a registered Sex Offender is a violation of a municipal ordinance punishable by a fine.

Section 6 Enforcement:

Any police officer having powers of arrest within the Town of Scotland is authorized to enforce this Ordinance. If a police officer reasonably believes that a Sex Offender is in a Child Safety Zone in violation of this Ordinance, the officer shall require that such person provide his or her name, address and telephone number. If it is established that the individual is a Sex Offender, the officer shall then issue a written warning that such person is in violation of this Ordinance and require the person to leave the Zone. If the person refuses to leave or is later found to be in the same or any other Child Safety Zone, the officer may issue a citation and the penalties set forth in subsection (7) of this Ordinance shall apply.

Section 7 Penalty:

Any person in violation of this section shall be fined in the amount of two hundred fifty dollars (\$250) for each violation. Fines under this Ordinance shall abate in the event the prohibited conduct results in a conviction for a new criminal offense under any applicable state or federal law or when the prohibited conduct is the basis for and results in the revocation of any condition of parole or probation. Any such citation may be appealed to a hearing officer(s) appointed by the Board of Selectmen in accordance with Connecticut General Statutes Section 7-152c.

Section 8 Severability:

If any provision of this Ordinance is determined to be invalid by a court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect. If any provision of this Ordinance is judicially determined to be in conflict or inconsistent with state law, state law shall prevail.

Effective date of this Ordinance shall take effect 15 days after approval at Town Meeting

Scotland Town Meeting: Passed on _____

Daniel D. Syme
First Selectman

Clare D. D'Appollonio
Selectman

Rodney E. Perry
Selectman

Zayne R. Ring
Town Clerk

