



Legislation Text

File #: 151571, **Version:** 1

151571
SUBSTITUTE 1

ALD. DONOVAN

A substitute ordinance relating to residency restrictions for sex offenders.

106-51-2-c rc
106-51-2-d rp
106-51-3-a am
106-51-3-b-1 am
106-51-4-a am
106-51-4-c am

Currently, code provisions relating to sex offender residency restrictions define permanent and temporary residences. A permanent residence means a place where a designated offender resides for 14 or more consecutive days. A temporary residence means a place where a designated offender resides for a period of 14 or more days in any calendar year and which is not the person's permanent address or a place where the person routinely resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

This ordinance revises the definition of residence to mean the place where a person sleeps, which may include more than one location, and may be mobile or transitory.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 106-51-2-c of the code is repealed and recreated to read:

106-51. Residency Restrictions for Sex Offenders.

2. DEFINITIONS.

c. "Residence" ("Reside") means the place where a person sleeps, which may include more than one location, and may be mobile or transitory.

Part 2. Section 106-51-2-d of the code is repealed.

Part 3. Section 106-51-3-a of the code is amended to read:

3. RESIDENCY RESTRICTION. a. Restriction. A designated offender shall not establish a ~~[[permanent residence or temporary]]~~ residence within 2,000 feet of any school, licensed day care center, park, recreational trail, playground or any other place designated by the city as a place where children are known to congregate.

Part 4. Section 106-51-3-b-1 of the code is amended to read:

b-1. The distance shall be measured by following a straight line from the outer property line of the ~~[[permanent or temporary]]~~ residence to the nearest outer property line of a school, licensed day care center, park, recreational trail, playground or any other place designated by the city as a place where children are known to congregate.

Part 5. Section 106-51-4-a of the code is amended to read:

4. RESIDENCY RESTRICTION EXCEPTIONS.

a. The person established a ~~[[permanent residence or temporary]]~~ residence and reported and registered the residence as provided in s. 301.45 Wis. Stats., before the effective day of this section.

Part 6. Section 106-51-4-c of the code is amended to read:

c. The school, licensed day care center, park, recreational trail, playground or any other place designated by the city as a place where children are known to congregate within 2,000 feet of the person's ~~[[permanent or temporary]]~~ residence was opened after the person established the ~~[[permanent or temporary]]~~ residence and reported and registered the residence as provided in s. 301.45, Wis. Stats.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Drafter
LRB162974-2
Amy E. Hefter
2/15/2016