

**POLICE MEMORANDUM**  
**#12-2022**

**DATE:** June 13, 2022

**TO:** Honorable Mayor Meredith Leighty and City Council Members

**THROUGH:** Heather Geyer, City Manager *Hmg*

**FROM:** James S. May, Jr., Chief of Police *JSM/217*  
Randall L. Darlin, Deputy Chief of Police

**SUBJECT:** Sex Offender Residency Restrictions

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**PURPOSE**

To provide further information on sex offender residency restrictions. This discussion item is being brought back based on direction from Council during the March 28, 2022 meeting. Council requested a broader review of distances as they relate to locations where children regularly congregate.

**BACKGROUND**

The State of Colorado enacted the Colorado Sex Offender Registration Act effective July 1, 2002. The act mandates that individuals convicted of an unlawful sexual offense as defined in the act register with the local law enforcement agency in each jurisdiction in which they reside. Local law enforcement agencies must accept the registration of a person who lacks a fixed residence but need not accept the individual's registration if it includes a residence or location that would violate a State law or local ordinance. In circumstances where the individual's location or residence violates State law or local ordinance, the law enforcement agency must provide the individual with the opportunity to secure an alternate location within five days.

The Police Department will use mapping software created by the Planning & Development Department to display areas within the City prohibiting residency by sex offenders at distances from 500 to 1,500 feet of any private or public school, Adams 12 School District bus stops, licensed daycare, and preschool facilities, parks, and public open spaces.

Each person who is required to register pursuant to Colorado's Sex Offender Registration Act shall initially register or confirm their initial registration within five business days after release from incarceration or within five business days after receiving notice of the duty to register if the person was not incarcerated. After a person's initial registration, each person shall re-register within five business days before or after the person's next birthday and annually thereafter.

Here are examples of offenses that upon conviction require an individual to register under the act:

- Enticement of a child
- Internet luring of a child
- Unlawful sexual behavior to include:
  - Sexual assault
  - Sexual assault of a child
  - Human trafficking
  - Indecent exposure
  - Sexual assault on a client by psychotherapist
  - Engaging in sexual conduct in a correctional institution
  - Promotion of obscenity to a minor
  - Invasion of privacy for sexual gratification

- Unlawful electronic sexual communication

Enacting a local ordinance that identifies restrictions on the location or residence of an individual who is required to register under the Colorado Sex Offender Registration Act could provide maximum protection of the health, safety, and welfare of children in the City. Sex offenders have a high rate of recidivism and removing such offenders from the proximity to places where children are located and limiting the frequency of contact between sex offenders and children is likely to reduce the risk of an offense.

Northglenn currently has 92 registered sex offenders residing in the City. Of those, four have identified a non-fixed location as their residence. The City has a compelling interest to promote, protect, and improve the public health, safety, and welfare by prohibiting certain sex offenders or sexual predators from establishing temporary or permanent residence around locations where children regularly congregate. Areas for consideration are:

- Parks
- Open spaces
- Schools
- Licensed daycare centers or preschools
- Properties located adjacent to Adams 12 School District bus stops

The safety of the community is paramount and may be placed before the needs of sex offenders. This type of legislation provides an extra protection to ensure children and youth remain safe and protected. Any proposed ordinance should consider establishing distance limitations for sex offender residency. Prohibiting sex offenders from residing within 1,000 feet of any school or daycare center or 500 feet of any park or designated school bus stop are the type of restrictions that have been established by similar local ordinances. Exceptions to the ordinance would likely be necessary. For example, established residency prior to the effective date of the ordinance, or sex offenders placed in residence by State foster care programs, may need to be allowed.

#### **BUDGET/TIME IMPLICATIONS**

There are no financial or time impacts to the City.

#### **STAFF RECOMMENDATION**

This is for informational purposes only.

#### **STAFF REFERENCE**

If Council members have any questions, they may contact:

- James S. May, Jr. at [jmay@northglenn.org](mailto:jmay@northglenn.org) or 303.450.8967
- Randall L. Darlin at [rdarlin@northglenn.org](mailto:rdarlin@northglenn.org) or 303.450.8964

#### **ATTACHMENT**

1. Proposed sex offender residency ordinance

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S BILL

ORDINANCE NO.

No. \_\_\_\_\_  
Series of 2022

\_\_\_\_\_ Series of 2022

A BILL FOR AN ORDINANCE AMENDING CHAPTER 4 OF THE NORTHGLENN MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE 3 ENTITLED "PROHIBITED RESIDENCY OF SEX OFFENDERS"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Chapter 4 of the Northglenn Municipal Code is amended by the addition of a new Article 3 entitled, "Prohibited Residency of Sex Offenders" to read as follows:

ARTICLE 3

PROHIBITED RESIDENCY OF SEX OFFENDERS

**Section 4-3-1. Findings and Intent.**

A. The City Council hereby finds that sexual predators and the specified sex offenders who use physical violence or who prey on children present an extreme threat to the public safety. Sexual predators and the specified sex offenders have a high rate of recidivism, making the cost of sex offender victimization to society at large extremely high. Removing such offenders from regular proximity to places where children are located and limiting the frequency of contact is likely to reduce the risk of an offense.

B. This Article is intended to serve the City's compelling interest to promote, protect and improve the public health, safety and welfare by creating areas, around locations where children regularly congregate in concentrated numbers, where sexual predators and specified sexual offenders are prohibited from establishing temporary or permanent residence.

**Section 4-3-2. Definitions.**

For purposes of this Article, the following terms shall have the following meanings:

A. Permanent Residence: A place where a person abides, lodges, or resides for five (5) or more consecutive days.

B. Registered Sex Offender: Any person who has been found to be a sexually violent predator pursuant to 18-3-414.5 C.R.S.; or any person required to register under the Colorado Sex Offender Registration Act, C.R.S. Section 16-22-101, et. seq. who has been: (i) convicted of a felony for an offense requiring registration, (ii) has multiple convictions for offenses requiring registration, or (iii) whose offense(s) requiring registration involved multiple victims.

C. Temporary Residence: A place where a person abides, lodges, or resides for a period of five (5) or more days in the aggregate during any calendar year and which is not the person's permanent residence, or a place where a person routinely abides, lodges, or resides for a period of five (5) or more consecutive or nonconsecutive days in any month and which is not the person's permanent address.

D. Walk-to-School Route: A route officially designated by the City for use by children walking to or from a public or private school, and shown on maps maintained by the City's Police Department and available for public inspection.

**Section 4-3-3. Prohibitions.**

A. It shall be unlawful for any Registered Sex Offender to establish a permanent residence or temporary residence within **seven hundred fifty (750) feet of any school, and five hundred (500) feet** of any park, playground, licensed day care center, recreation center or swimming pool (other than pools located at private, single-family residences), or any property located adjacent to any designated public or private school bus stop.

B. Persons otherwise subject to this Article who had established a residence which would be in violation of the distance requirements set forth in subsection (a) above on or before the effective date of the Ordinance from which this Section derives, are hereby exempted from the provisions set forth herein in relation to such residence.

C. It is unlawful to let or rent any portion of any property, place, structure, trailer or other vehicle with the knowledge that it will be used as a permanent or temporary residence by any person prohibited from establishing such permanent or temporary residence pursuant to this Article.

**Section 4-3-4. Exceptions.**

A person is not guilty of a violation of this Section if:

A. The person established the permanent or temporary residence prior to the effective date of this Article; provided, however, that this exception shall not apply if the person committed the offense, for which registration under the Colorado Sex Offender Registration Act is required, after the effective date of this Article;

B. The person is placed in the residence pursuant to a State of Colorado foster care program; or

C. The school, designated public or private school bus stop, walk-to-school route, licensed day care center, park, playground, swimming pool, recreational trail or recreation center was opened after the person established the permanent or temporary residence, and is not replacing an existing school, designated public or private school bus stop, walk-to-school route, licensed day care center, park, playground, swimming pool, recreational trail or recreation center.

**Section 4-3-5. Measurement.**

For purposes of determining the minimum distance separation required herein, the measurement shall be made by following a straight line from the outer property line of the property on which the school, licensed day care center, park, playground, swimming pool or recreation center is located to the nearest point on the outer property line of the property on which the permanent or temporary residence is located.

INTRODUCED, READ, AND ORDERED POSTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MEREDITH LEIGHTY  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_,  
2022.

\_\_\_\_\_  
MEREDITH LEIGHTY  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

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COREY Y. HOFFMANN  
City Attorney