

WRITTEN TESTIMONY

RONALD McDANIEL

MAYOR OF MONTVILLE, CT

ON

S.B. No. 517 (RAISED) AN ACT CONCERNING SENIOR SAFETY ZONES

Dear Senator Ayala, Representative Serra and Distinguished Members of the Aging Committee,

Thank you for your leadership in raising Senate Bill 517 "An Act Concerning Senior Safety Zones". In our Town of Montville, the Town Council proposed a similar ordinance at the urging of our senior population who felt that they needed additional protections against sexual predators.

The Town Council approved the ordinance on October 10, 2012, after working closely with one of the staunchest advocates for seniors, your former colleague Senator Edith Prague, as well as our Senior Services Director and our Commission on Aging. Due to some technical issues with the ordinance, it was revisited and amended on December 10, 2012. Sen. Prague spoke at length at the public hearing that evening, as well as other senior leaders in the community who wished to have this ordinance in place. The amended ordinance passed that evening.

Subsequently, a member of the Town Council opposed to the ordinance petitioned for its repeal. The requisite number of signatures was obtained and the Council took up the issue of repeal on January 14, 2013. The debate centered on the statements made by Andrew Schneider of the Connecticut chapter of the ACLU that they would seriously consider taking on the case if a plaintiff approached them for representation as this would constitute an "unconstitutional punishment of banishment". The ACLU also took exception to the Town's belief that seniors are the target of sex crimes.

As a town that has had its share of unnecessary litigation, the Council voted to repeal the ordinance and continue to pursue a State policy that will, in fact, protect our seniors. Our ordinance had notification procedures to registered offenders so that there would not be a question of who was being barred from certain areas. Let me add here that we have a similar ordinance in place for the protection of our youth, yet despite the same call from the ACLU for its repeal, the detractors of the Senior Safety Zones did not petition for its repeal.

I believe that as leaders of our towns and of our State, it is incumbent upon us to protect all of our vulnerable citizens. As you struggle to deal with gun control and mental health issues, please consider this measure worthy of your support and passage as a mechanism to keep sexual offenders away from areas where seniors congregate and wish to feel safe.

Thank you for your time today and I wish you success in dealing with the multitude of issues facing you this session.

TOWN OF MONTVILLE

NOTICE OF ADOPTION OF ORDINANCE

Notice is hereby given that the Town Council of the Town of Montville, at a regular meeting held December 10, 2012, adopted the following Ordinance:

ORDINANCE NO. 2012-12

AN ORDINANCE TO AMEND ORDINANCE NO. 2012-008 "ORDINANCE TO ESTABLISH SENIOR SAFETY ZONES" ADOPTED OCTOBER 10, 2012

THE TOWN OF MONTVILLE HEREBY ORDAINS that the ordinance entitled "Ordinance to Establish Senior Safety Zones" adopted October 10, 2012 and more specifically designated as Ordinance No. 2012-008 is hereby amended as follows:

Purpose: Administration.

Since the Town of Montville has a compelling interest in protecting seniors from the threat of sexual abuse from sex offenders, it is hereby resolved that, to preserve and promote the health, safety and general welfare of the seniors of the Town, it is in the common interest to enact reasonable regulation restricting sex offenders from entering Senior Safety Zones.

Definitions:

When used in this Ordinance, the terms, phrases, words, and derivations shall have the meanings set forth thereafter. When not inconsistent with the context, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory. Terms not defined below shall have the meanings set forth in Section 54-250 of the Connecticut General Statutes, as amended.

Senior.

Any natural person who has reached the age of sixty (60) years.

Senior Safety Zone.

Any park, senior center, senior bus, elderly community, elderly housing, elderly event, elderly function, or other like facility, wherein seniors congregate, which is 1) under the jurisdiction of any department, agency, or authority of the Town, or 2) leased by the Town to another person for the purpose of operating a like facility; to include any and all buildings, land, parking areas or

other improvements located on the same parcel on which any of the aforementioned facilities are located, but does not include any public street or public sidewalk located on the outside boundary of Senior Safety Zones.

Sex Offender.

(a) A person who:

- 1) Has been convicted or found not guilty by reason of mental disease or defect of a “criminal offense against a victim who is a minor”; “nonviolent sexual offense”; “sexually violent offense”; or any felony that the Court finds was committed for a “sexual purpose” as those terms are defined in Subdivisions (2), (5), (11) and (12) of Section 54-250 of the Connecticut General Statutes as amended and who is required to register with the Commissioner of Public Safety pursuant to Sections 54-251, 54-252, 54-253 or 54-254 of the Connecticut General Statutes, as amended.
- 2) [a person who] Has been convicted or found not guilty by reason of mental disease or defect in any other State, in a Federal or Military Court or in any foreign jurisdiction of any crime the essential elements of which are substantially the same as any of the crimes specified in Subdivisions (2), (5), (11) of Section 54-250 of the Connecticut General Statutes, as amended, or which requires registration as a Sexual Offender in such other State or in the Federal or Military system, and who resides in this State on and after October 1, 1998.

Prohibition.

It shall be unlawful for a Sex Offender to be present in a Senior Safety Zone.

Exclusions.

This Prohibition shall not apply to the following:

- (1) To any person whose name has been removed from the Connecticut Department of Public Safety’s Sex Offender Registry or from the registry of any other State or in the Federal or Military system by act of a Court or by expiration of the term.
 - (2) To any person who is a lawful resident of housing for elderly persons pursuant to section 8-114a of the general statutes or congregate housing for the elderly pursuant to section 8-119h of the general statutes.
- [(2)] (3) To any person entering into a facility in a Senior Safety Zone for the sole purpose of voting in any Municipal, State [of] or Federal election or referendum, provided that the person leaves the facility immediately after voting.

- [(3)] (4) To the extent that the conduct prohibited by this Ordinance is in conflict with any sentence or order of probation or parole imposed upon a sex offender.
- [(4)] (5) To any person who enters a Senior Safety Zone for the purpose of dropping off or picking up his or her own parent, provided that the person leaves the Senior Safety Zone immediately after dropping off or picking up his or her parent.
- [(5)] (6) To any person who enters a Senior Safety Zone to meet with any official, agent, employee or representative of a facility to discuss his or her own parent's health or general welfare, provided that the person leaves the Senior Safety Zone immediately after completing the meeting or discussion.
- (7) To any person who has a relative in such housing or congregate housing described in subsection (2) of these exclusions, who is present at such housing or congregate housing to visit said relative. Said person may visit only at the discretion of such person's probation or parole officer, or if such person is not on probation or parole, at the discretion of the Chief of Police of the Town or its Resident State Trooper.
- (8) To any person who is lawfully employed in a position that might require providing services within such Senior Safety Zone, as defined herein, for the purpose of providing such employment services. Said person may provide services in the scope of employment only at the discretion of such person's probation or parole officer, or if such person is not on probation or parole, at the discretion of the Chief of Police of the Town or its Resident State Trooper.

Notice.

The Mayor acting as Chief of Police or Resident State Trooper or his/her designee shall make reasonable efforts to provide written notice of the enactment of this Ordinance [] (which notice shall contain a copy of the Ordinance) to all persons who are listed on the Sex Offender Registry as of the effective date of this Ordinance as well as those persons who are added to the Sex Offender Registry thereafter, which persons' addresses (as shown on the Sex Offender Registry) are within the Town. Such notice requirement may be satisfied by the mailing of such notice by Registered or Certified Mail, Return Receipt Requested to the last known address of such person as listed on the Sex Offender Registry or as otherwise known to the Mayor acting as Chief of Police or Resident State Trooper or his/her designee. The failure of any person to receive such actual written notice shall not be a defense to a violation of the Ordinance.

Enforcement.

- (a) If a Police Officer [reasonable believes] has a reasonable suspicion that a sex offender is in a Senior Safety Zone in violation of this Ordinance, the Officer shall require the suspected sex offender to provide [his/her name, address and telephone number] proper

identification. If it is established that the individual is a sex offender, then the Officer may issue an Infraction ticket to the offender and require the offender to leave the Senior Safety Zone.

- (b) Any person in violation of this Ordinance shall be fined in the amount of ninety-nine dollars (\$99.00) for each violation or the maximum imposed by State Statute.

Severability.

Any provision of this Ordinance held to be unconstitutional or superseded by State law or regulation shall not serve to invalidate the remaining unaffected provisions hereof. No provision of this Ordinance shall serve to validate any activity otherwise prohibited by State or local law or lawfully enacted zoning regulations.

Senior Safety Zone.

Each Senior Safety Zone may be identified by a sign conspicuously posted at the primary entrance to the Senior Safety Zone and any building within the Senior Safety Zone. In addition, the Town of Montville will make available a map outlining each Senior Safety Zone in Montville and a document listing each Senior Safety Zone at the Mayor's Office and the Montville Town Police Department. Any maps or similar documents showing or listing the designated Senior Safety Zones in Montville will be placed on the Town of Montville's website for viewing.

This ordinance shall become effective thirty (30) days from the date of its adoption.

Dated at Montville Connecticut this 11th day of December 2012.

Lisa Terry, Town Clerk