

# TEXAS MUNICIPAL LAW Bulletin™

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## SEX OFFENDER RESIDENCY RESTRICTION ORDINANCES

During the past legislative session the Governor signed HB 1111 amending the Local Government Code to specifically allow a general-law municipality to restrict, by ordinance, a registered sex offender from going in, on, or within a specified distance of a child safety zone in the City. The following is a summary of the new law that went into effect on September 1, 2017.

Tex. H.B. 1111, 85th Leg., R.S. (2017) (to be codified at TEX. LOC. GOV'T CODE § 341.906) provides that:



- 1) the city council of a general law city may, by ordinance, restrict a registered sex offender from going in, on, or within a specified distance of a “child safety zone” in the city;
- 2) the specified distance in the ordinance may be no more than 1,000 feet;
- 3) a “child safety zone” is defined as premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children, but excluding a church;
- 4) it is an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender is in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes;
- 5) the ordinance must provide procedures for a registered sex offender to apply for an exemption from the ordinance; and
- 6) the ordinance must exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted.

It was widely believed that general law cities had the authority to enact SORROs before the passage of this explicit authority. Accordingly, many cities may already have a SORRO in effect. These cities should be sure to review and update their ordinances in order to comply with this new law.

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