

**Orange County
District Attorney**

Tony Rackauckas
401 Civic Center Drive W.
Santa Ana, CA 92701



**Orange County
Board of Supervisors**

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333 W. Santa Ana Blvd., Santa Ana, CA 92701

April 15, 2011

Tom Hatch
City of Costa Mesa
P.O. Box 1200
Costa Mesa, CA 92628

Dear City Manager Tom Hatch:

Protecting the public from dangerous sex offenders is one of the highest duties of government. Now Orange County has become a leader by passing a law creating safety zones for children in parks, beaches and harbors, because public areas belong to children and families, not to registered sex offenders.

On April 5, 2011, the Orange County Board of Supervisors unanimously passed an Ordinance (3-18-1 to 6) creating a child safety zone prohibiting registered sex offenders from entering County parks without written permission from the Orange County Sheriff. Violators could be punished with up to six months in jail and/or a \$500 fine.

The law's purpose and intent is clear – to protect children from registered sex offenders by restricting sex offenders' access to locations where children regularly gather and to reduce the risk of harm to children by restricting the ability of sex offenders' to have contact with children. The Ordinance specifically names 26 County parks. This Ordinance does not apply to any city parks.

We urge your city council to enact similar laws to protect the parks in your city. The Office of the District Attorney and the Board of Supervisors will provide the legislative and technical support you may need to pass a city ordinance.

Thank you for your commitment to fight for the protection of children and public safety.

Sincerely yours,

A handwritten signature in black ink that reads "Tony Rackauckas".

Tony Rackauckas
Orange County District Attorney

ORDINANCE NO. 03-18-1 to 6

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA
ADDING DIVISION 18, ARTICLE 1 TO TITLE 3
OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE
PROHIBITING REGISTERED SEX OFFENDERS FROM ENTERING COUNTY PARKS

The Board of Supervisors of the County of Orange, California ordains as follows:

SECTION 1. Division 18, Article 1 is hereby added to Title 3 of the Codified Ordinances of the County of Orange, to read as follows:

ARTICLE 1. PROHIBITION OF REGISTERED SEX OFFENDERS FROM
ENTERING COUNTY PARKS

Sec. 3-18-1. Purpose and intent.

It is the purpose and intent of this ordinance to protect children from registered sex offenders by restricting sex offenders' access to locations where children regularly gather. It is intended to reduce the risk of harm to children by impacting the ability of sex offenders to be in contact with children. It is further the intent of this ordinance to provide additional restrictions beyond those provided for in state law by restricting sex offenders from certain limited locations, and by allowing for criminal penalties for violations of this ordinance. It is not the intent of this ordinance to allow conduct otherwise prohibited by state law, or to contradict state law. Orange County Parks are recognized by the County of Orange Board of Supervisors as locations where children regularly gather.

Sec. 3-18-2. Definitions.

Orange County Park. For purposes of this ordinance, an Orange County Park is defined as any county-owned, leased, operated or maintained land before or after the effective date of this ordinance by the County of Orange held as a harbor, beach, park or recreation area, including but not limited to, Arroyo Trabuco Park, Carbon Canyon Regional Park, Clark Regional Park, Craig Regional Park, Featherly Regional Park, Irvine Regional Park, Laguna Niguel Regional Park, Mason Regional Park, Mile Square Regional Park, O'Neill Regional Park, Orange County Zoo, Peters Canyon Regional Park, Santiago Regional Park, Harriett M. Wieder Regional Park, Yorba Park, Aliso and Wood Canyons Wilderness Park, Caspers Wilderness Park, Laguna Coast Wilderness Park, Thomas F. Riley Wilderness Park, Talbert Nature Preserve, Aliso Beach Park, Capistrano Beach Park, Newport Harbor, Salt Creek Beach Park, Sunset Beach Park, Dana Point Harbor, and Sunset Harbour.

Sec. 3-18-3. Prohibitions.

Any person required to register pursuant to California Penal Code sections 290, *et seq.* who enters into or upon any Orange County Park where children regularly gather without written permission from the Orange County Sheriff or Sheriff's designee is guilty of a misdemeanor. Each entry into any such area, regardless of the time period between entries, shall constitute a separate offense under this ordinance.

Sec. 3-18-4. Penalties for violation.

Punishment for a violation of this section shall be as follows:

(1) Upon a first conviction, by imprisonment in a county jail for a period of not more than six months, or by a fine not exceeding five hundred dollars (\$500), or by both imprisonment and a fine.

(2) Upon a second conviction, by imprisonment in a county jail for a period of not less than ten (10) days and not more than six months, or by both imprisonment and a fine not exceeding five hundred dollars (\$500). Upon a second conviction, however, the person shall not be released on probation, parole, or any other basis until he or she has served not less than ten (10) days.

(3) Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than ninety (90) days and not more than six months, or by both imprisonment and a fine not exceeding five hundred dollars (\$500). Upon a third or subsequent conviction, however, the person shall not be released on probation, parole, or any other basis until he or she has served not less than ninety (90) days.

Sec. 3-18-5. Other prosecution authorized.

Nothing in this ordinance shall preclude or prohibit prosecution under any other provision of law.

Sec. 3-18-6. Severability.

If any section, paragraph, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.