

## **Article 8: Minors**

### **Division 6: Child Protection Act**

*(“Child Protection Act” added 3/14/2008 by O-19724 N.S.; effective 4/13/2008.)*

#### **§58.0601 Purpose**

It is the purpose and intent of this Division 6, Child Protection Act (CPA), to protect children from registered sex offenders by limiting their access to locations where children gather. The CPA 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 the CPA to provide additional restrictions beyond those provided for in Proposition 83, Jessica’s Law (effective November 8, 2006) by adding locations to the residence restrictions imposed by Jessica’s Law, by supporting probation and parole conditions that restrict sex offenders from certain locations where children gather, and by allowing for both criminal and civil remedies, pursuant to sections 12.0201-12.0205. It is not the intent of the CPA to allow conduct otherwise prohibited by state law, or to contradict state law.

*(Added 3/14/2008 by O-19724 N.S.; effective 4/13/2008.)*

*(Amended 7-19-2011 by O-20069 N.S.; effective 8-18-2011.)*

#### **§58.0602 Definitions**

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

*“Amusement center”* means any establishment open to the public who provides entertainment directed at *minors*, or whose play equipment is primarily used by *minors*. It includes places like Chuck E. Cheese, Sea World, the San Diego Zoo and children’s museums. It includes but is not limited to establishments that provide activities like gymnastics, laser tag, art classes, so long as the primary users of the establishment are *minors*. It does not include restaurants, movie theaters or shopping malls. It does not include businesses whose primary business is to sell toys or games or other similar products primarily used by *minors*.

*“Arcade”* has the same meaning as in San Diego Municipal Code section 33.1635.

*“Child day care facility”* means any facility licensed as such pursuant to California Health and Safety Code section 1596.750, except it does not include a small family day care home as defined in California Health and Safety Code section 1596.78(c).

*“Library”* means any public library operated by the City of San Diego.

*“Minor”* means any person less than eighteen (18) years of age.

“*Offense*” means any criminal offense requiring registration under California Penal Code section 290.

“*Park*” has the same meaning as in California Penal Code section 3003.5(b).

“*Playground*” means any outdoor premises or grounds owned or operated by the City of San Diego that contains any play or athletic equipment used or intended to be used by *minors*.

“*Registered sex offender*” and “*sex offender*” means any person required to register pursuant to California Penal Code section 290.

“*Reside*” or “*Residence*” has the same meaning as in California Penal Code section 3003.5(b).

“*School*” means any public or state licensed private elementary or secondary school, attendance at which satisfies the compulsory education laws of the State of California. It does not include a residence where parents or guardians provide home schooling. This definition shall be interpreted to be consistent with California Penal Code section 3003.5(b).

(Added 3/14/2008 by O-19724 N.S.; effective 4/13/2008.)

(Amended 7-19-2011 by O-20069 N.S.; effective 8-18-2011.)

## **§58.0603      Restricted Areas for Sex Offenders-Residency**

It is unlawful for any *registered sex offender* to *reside* within 2000 feet of any of the following places:

- (a)    *Amusement center*
- (b)    *Arcade*
- (c)    *Child day care facility*
- (d)    *Library*
- (e)    *Playground*
- (f)    *Park*
- (g)    *School*

(Added 3/14/2008 by O-19724 N.S.; effective 4/13/2008.)

(Renumbered from former Section 58.0604, and amended 7-19-2011 by O-20069 N.S.; effective 8-18-2011. Former Section 58.0603 repealed.)

**§58.0604 Measure of Distance**

The 2000-foot buffer zone is measured in a straight line, in all directions, without regard to intervening structures, from the property line of the places listed in section 58.0603 (a) through (g).

*(Added 3/14/2008 by O-19724 N.S.; effective 4/13/2008.)*

*(Renumbered from former Section 58.0605, and amended 7-19-2011 by O-20069 N.S.; effective 8-18-2011.)*

**§58.0605 Exemptions**

- (a) Any particular subsection of section 58.0603 does not apply to any *registered sex offender* who is currently on probation or parole for an *offense* for which registration is required, and whose conditions of probation or parole would otherwise violate that subsection.
- (b) Any *registered sex offender* who *resides* outside 2000 feet of any of the places listed in section 58.0603 on April 13, 2008, is not required to move if one of the entities listed in section 58.0603 moves within 2000 feet of the *sex offender's residence* after April 13, 2008.

*(Added 3/14/2008 by O-19724 N.S.; effective 4/13/2008.)*

*(Renumbered from former Section 58.0607, and amended 7-19-2011 by O-20069 N.S.; effective 8-18-2011.)*

**§58.0606 Effective Date for Residency Requirements**

The residency restriction contained in section 58.0603 applies to any person who is required to register as a *sex offender* based on a crime committed on or after April 13, 2008.

*(Added 3/14/2008 by O-19724 N.S.; effective 4/13/2008.)*

*(Renumbered from former Section 58.0609, and amended 7-19-2011 by O-20069 N.S.; effective 8-18-2011. Former Section 58.0606 repealed.)*

**§58.0607      Sentencing, Probation, and Parole**

- (a) The City of San Diego finds that appropriately tailored stay away orders and similar specific restrictions on *sex offenders* will advance public safety and are necessary for the public health, safety, and welfare.
- (b) The City of San Diego desires the inclusion of specific restrictions placed upon *sex offenders* as a condition of probation or parole, including restricting *sex offenders'* presence at *amusement centers, arcades, child day care facilities, libraries, playgrounds, parks, and schools*, as appropriate.

Judges and the California Department of Corrections and Rehabilitation are well justified in imposing such restrictions on probationers and parolees living within the City of San Diego.

*(Added 3/14/2008 by O-19724 N.S.; effective 4/13/2008.)*

*(“Sentencing, Probation, and Parole” added 7-19-2011 by O-20069 N.S.; effective 8-18-2011. Former Section 58.0607 “Exemptions” renumbered to Section 58.0605.)*