

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

530 A



**FROM:** County Counsel

**SUBMITTAL DATE:**  
March 26, 2015

**SUBJECT:** Adoption of Ordinance No. 902.3, An Ordinance Repealing Ordinance No. 902 Establishing Sex Offender Residency Prohibitions – All Districts [\$0]


**RECOMMENDED MOTION:** That the Board of Supervisors adopt Ordinance No. 902.3, An Ordinance Repealing Ordinance No. 902, due to a recent decision by the California Supreme Court finding a blanket or uniform application of sex offender residency restrictions in Penal Code section 3003.5(b) to be unconstitutional.

**BACKGROUND:**

On March 24, 2015, in agenda item 3-8, the Board of Supervisors introduced Ordinance No. 902.3 as the first step in repealing Ordinance No. 902 in its entirety due to the California Supreme Court's recent decision in *In re William Taylor*. The Board's action on this agenda item will finalize the repeal which will be effective thirty days after adoption.

Departmental Concurrence

(continued on page 2)

  
GREGORY P. PRIAMOS,  
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (Per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	
<b>SOURCE OF FUNDS:</b> N/A				<b>Budget Adjustment:</b> No	
				<b>For Fiscal Year:</b> N/A	

**C.E.O. RECOMMENDATION:**

APPROVE

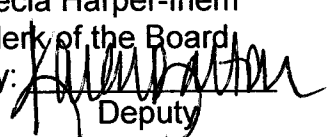
BY:   
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Benoit, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended and that Ordinance 902.3 is adopted with waiver of the reading.

Ayes: Jeffries, Washington, Benoit and Ashley  
Nays: None  
Absent: Tavaglione  
Date: April 7, 2015  
xc: Co.Co., MC, COB

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Prev. Agn. Ref.: 3-10 7/1/14; 3-16 7/15/14; 3-4 8/5/14; 3-8 3/24/15

District: All

Agenda Number:

3-8

- A-30
- Positions Added
- 4/5 Vote
- Change Order

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FORM 11:** Adoption of Ordinance No. 902.3, An Ordinance Repealing Ordinance No. 902 Establishing Sex Offender Residency Prohibitions

**DATE:** March 26, 2015

**PAGE:** 2 of 3

**BACKGROUND:**

As stated in the March 24<sup>th</sup> agenda item, the California Supreme Court recently issued its opinion in *In re William Taylor* finding the blanket residency restrictions in Penal Code section 3003.5(b) to be unconstitutional. The Supreme Court concluded, "the evidentiary record below establishes that blanket enforcement of Jessica's Law's mandatory residency restrictions against registered sex offenders on parole in San Diego County impedes those basic, albeit limited, constitutional rights. Furthermore, section 3003.5(b), as applied and enforced in that county, cannot survive rational basis scrutiny because it has hampered efforts to monitor, supervise, and rehabilitate such parolees in the interests of public safety, and as such, bears no rational relationship to advancing the state's legitimate goal of protecting children from sexual predators." The Supreme Court went further to state that the California Department of Corrections and Rehabilitation "retains the statutory authority, under provisions in the Penal Code separate from those found in section 3003.5(b), to impose special restrictions on registered sex offenders in the form of discretionary parole conditions, including residency restrictions that may be more or less restrictive than those found in section 3003.5(b), as long as they are based on, and supported by, the particularized circumstances of each individual parolee."

The California Supreme Court's reasoning makes it clear that the County cannot enforce a uniform or blanket approach to residency restrictions for registered sex offenders. For that reason, repeal of Ordinance No. 902 in its entirety is appropriate. As a result of the Supreme Court decision, the residency restrictions for registered sex offenders must now be considered on a case-by-case basis as discretionary parole conditions placed on the sex offender by the state, not local ordinance restrictions.

As previously advised, there are several Penal Code sections still in place regarding sex offenders. Such Penal Code provisions include:

- a lifetime duty to register with local law enforcement for each city or county in which the offender resides and to update that registration 1180 annually or upon any relevant change (§§ 290-290.024);
- a state-maintained website that discloses information about the offender to the public (§§ 290.4, 290.45, 290.46);
- a sex offender's duty to submit to monitoring with a global positioning device while on parole and potentially for the remainder of the offender's life if the underlying sex offense was one of several identified felonies (§§ 3000.07, 3004, subd. (b));
- a prohibition against the offender "enter[ing] any park where children regularly gather without the express permission of his or her parole agent" if the victim of the underlying sex offense was under 14 years of age (§ 3053.8, subd. (a));
- a prohibition against the offender entering any school without "lawful business" and written permission from the school (§ 626.81);
- enhanced penalties for the offender remaining at or returning to "any school or public place at or near which children attend or normally congregate" after a school or law enforcement official has asked the offender to leave (§ 653b);
- a prohibition against the offender entering a day care or residential facility for elders or dependent adults without registering with the facility if the victim of the underlying sex offense was an elder or dependent adult (§ 653c);
- a duty to disclose the offender's status as a sex offender when applying for or accepting a job or volunteer position involving direct and unaccompanied contact with minor children (§ 290.95, subds. (a) & (b));
- a prohibition against the offender working or volunteering with children if the victim of the underlying sex offense was under 16 years of age (§ 290.95, subd. (c)); and
- a prohibition against the offender receiving publicly funded prescription drugs or other therapies to treat erectile dysfunction (§ 290.02).

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11: Adoption of Ordinance No. 902.3, An Ordinance Repealing Ordinance No. 902 Establishing Sex Offender Residency Prohibitions**

**DATE:** March 26, 2015

**PAGE:** 3 of 3

County Counsel will continue to keep the Board apprised of legal developments in this area of the law.

**Impact on Residents and Businesses**

As stated above, even with repeal of Ordinance No. 902 due to the California Supreme Court's decision, there are numerous Penal Code sections regulating the daily activities of sex offenders to safeguard residents from sex offenders, particularly those that prey on children.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

N/A

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS:**

1. Ordinance No. 902.3

1 ORDINANCE NO. 902.3

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 REPEALING ORDINANCE NO. 902

4  
5 The Board of Supervisors of the County of Riverside ordains as follows:

6 Section 1. Ordinance No. 902 entitled "An Ordinance of the County of Riverside  
7 Establishing Sex Offender Residency Prohibitions" is repealed in its entirety due to the California  
8 Supreme Court's March 2, 2015 decision in *In re William Taylor*.

9 Section 2. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after  
10 its adoption.

11  
12 BOARD OF SUPERVISORS OF THE COUNTY  
13 OF RIVERSIDE, STATE OF CALIFORNIA

14 By: Marion Ashley  
15 Chairman **MARION ASHLEY**

16 ATTEST: **KECIA HARPER-IHEM**  
17 CLERK OF THE BOARD

18 By: Kecia Harper-Ihem  
19 Deputy

20 (SEAL)

21 APPROVED AS TO FORM

22 March 25, 2015

23 By: Tiffany N. North  
24 **TIFFANY N. NORTH**  
25 Deputy County Counsel

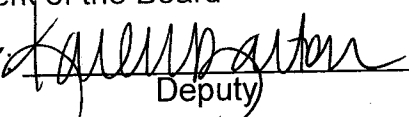
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STATE OF CALIFORNIA        )  
  )  
COUNTY OF RIVERSIDE        )        SS

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on April 7, 2015, the foregoing ordinance consisting of 2 Sections was adopted by the following vote:

AYES:                   Jeffries, Washington, Benoit and Ashley  
NAYS:                   None  
ABSENT:                 Tavaglione

DATE:        April 7, 2015

KECIA HARPER-IHEM  
Clerk of the Board  
BY:   
Deputy

SEAL



OFFICE OF  
CLERK OF THE BOARD OF SUPERVISORS  
1st FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
PHONE: (951) 955-1060  
FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

April 8, 2015

THE PRESS ENTERPRISE  
ATTN: LEGALS  
P.O. BOX 792  
RIVERSIDE, CA 92501

FAX: (951) 368-9018  
E-MAIL: [legals@pe.com](mailto:legals@pe.com)

RE: ADOPTION OF ORDINANCE NO. 902.3

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Sunday, April 12, 2015**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, WITH TWO CLIPPINGS OF THE PUBLICATION.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

*Cecilia Gil*

Board Assistant to:  
KECIA HARPER-IHEM, CLERK OF THE BOARD

**Gil, Cecilia**

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**From:** PEC Legals Master <legalsmaster@pe.com>  
**Sent:** Tuesday, April 07, 2015 4:57 PM  
**To:** Gil, Cecilia  
**Subject:** Re: FOR PUBLICATION: Adoption of Ord. No. 902.3

Received for publication on April 12. Proof with cost to follow.

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A Freedom News Group Company

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**From:** Gil, Cecilia <[CCGIL@rcbos.org](mailto:CCGIL@rcbos.org)>  
**Sent:** Tuesday, April 7, 2015 4:56 PM  
**To:** PEC Legals Master  
**Subject:** FOR PUBLICATION: Adoption of Ord. No. 902.3

Hello,

Attached is an Adoption of Ordinance, for publication on Sunday, April 12, 2015. Please confirm. THANK YOU!

*Cecilia Gil*  
Board Assistant  
Clerk of the Board  
951-955-8464  
MS# 1010



OFFICE OF  
CLERK OF THE BOARD OF SUPERVISORS  
1st FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
PHONE: (951) 955-1060  
FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

April 8, 2015

THE DESERT SUN  
ATTN: LEGALS  
P.O. BOX 2734  
PALM SPRINGS, CA 92263

FAX: (760) 778-4578  
E-MAIL: [legals@thedesertsun.com](mailto:legals@thedesertsun.com)

RE: ADOPTION OF ORDINANCE NO. 902.3

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Thank you in advance for your assistance and expertise.

Sincerely,

*Cecilia Gil*

Board Assistant to:  
KECIA HARPER-IHEM, CLERK OF THE BOARD



## Gil, Cecilia

---

**From:** Moeller, Charlene <CMOELLER@palmspri.gannett.com>  
**Sent:** Wednesday, April 08, 2015 8:51 AM  
**To:** Gil, Cecilia  
**Subject:** RE: FOR PUBLICATION: Adoption of Ord. No. 902.3

Good Morning ☺

Ad received and will publish on date(s) requested.

**Charlene Moeller** | Customer Care Representative / Legals

The Desert Sun Media Group  
750 N. Gene Autry Trail, Palm Springs, CA 92262  
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[legals@thedesertsun.com](mailto:legals@thedesertsun.com) / [dpwlegals@thedesertsun.com](mailto:dpwlegals@thedesertsun.com)

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**Sent:** Tuesday, April 07, 2015 4:56 PM  
**To:** Email, TDS-Legals  
**Subject:** FOR PUBLICATION: Adoption of Ord. No. 902.3

Hello,

Attached is an Adoption of Ordinance, for publication on Sunday, April 12, 2015. Please confirm. THANK YOU!

*Cecilia Gil*  
Board Assistant  
Clerk of the Board  
951-955-8464  
MS# 1010

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

**ORDINANCE NO. 902.3**

**AN ORDINANCE OF THE COUNTY OF RIVERSIDE**  
**REPEALING ORDINANCE NO. 902**

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Ordinance No. 902 entitled "An Ordinance of the County of Riverside Establishing Sex Offender Residency Prohibitions" is repealed in its entirety due to the California Supreme Court's March 2, 2015 decision in *In re William Taylor*.

Section 2. **EFFECTIVE DATE.** This ordinance shall take effect thirty (30) days after its adoption.

Marion Ashley, Vice-Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **April 7, 2015**, the foregoing Ordinance consisting of two (2) sections was adopted by said Board by the following vote:

AYES: Jeffries, Washington, Benoit and Ashley  
NAYS: None  
ABSENT: Tavaglione

Kecia Harper-Ihem, Clerk of the Board

By: Cecilia Gil, Board Assistant

Date	Reference Number	Description	Product/Zone	Size	Billed Units	Times Run	Rate	Gross Amount	Net Amount
4/12/2015	10035977	ADOPTION OF ORDINANCE NO. 902.3	Press-Enterprise	2 x 33 Li	66	1	1.45	95.70	95.70
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<b>Legal Advertising Invoice</b>									<b>Balance</b> <b>\$95.70</b>
<b>Sales Contact Information</b>		<b>Advertiser Information</b>							
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3-8 of 04/07/15*

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Placed By: Cecilia Gil

Fax #:

### Ad Copy:

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

#### **ORDINANCE NO. 902.3**

AN ORDINANCE OF THE COUNTY OF RIVERSIDE REPEALING ORDINANCE NO. 902

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Section 2. **EFFECTIVE DATE.** This ordinance shall take effect thirty (30) days after its adoption.

Marion Ashley, Vice-Chairman of the Board

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AYES: Jeffries, Washington, Benoit and Ashley

NAYS: None

ABSENT: Tavaglione

Kecia Harper-Ihem, Clerk of the Board

By: Cecilia Gil, Board Assistant

4/12

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