

Short Title: Offenders against children restrictions.

Number:

In order to protect the children of Derry from those convicted of crimes against children, and recognizing the high rate of recidivism among those convicted of crimes against children, but not as further punishment or punitive measures against those convicted of such crimes, the Town of Derry ORDAINS AS FOLLOWS:

Definitions:

1. Offender against Children- a person who has been convicted of any violation or attempted violation of:
 - a. Any of the following offenses, where the victim was under the age of 18 at the time of the offense, RSA 632-A:2, RSA 632-A:3, RSA 633:1, RSA 633:2, RSA 633:3, RSA 639:2, RSA 645:2, RSA 630:1, RSA 630:1-a, RSA 630:1-b, RSA 169-B:41 II, RSA 639:3 III, RSA 649-B:3, RSA 649-B:4, or RSA 650:2 II; OR
 - b. A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a) above.
2. Registered Sex Offender – This Ordinance shall also apply to offenders who have been convicted of the crime against a person under the age of 18 and as a result, is required to register for life pursuant to RSA 651:B.
3. School/Daycare- Any public or private educational facility that provides services to children in grades K-12 or a licensed day care facility that is clearly marked.
4. Playground/Park or a facility providing programs or services for children- Any public playground or park where children congregate as recognized as such by the Derry Parks and Recreation Department, and any facility providing programs for children including, but not limited to, the Boy's and Girl's Club, Children's Metamorphosis Museum. [Others?]
5. Premises- Shall mean the building structure or curtilage surrounding the building, playground area or playing field, or courts.
6. Radius- Distance shall be measured from the outer property lines.

Restrictions:

1. Any person who is an offender against children, as defined in this ordinance, shall not reside within a 2000-foot radius of a school or daycare center.
2. Any person who is an offender against children, as defined in this ordinance, is prohibited from entering upon the premises of a school or daycare center, unless specifically authorized by the school administration or daycare center owner.
3. Any person who is an offender against children, as defined in this ordinance, is prohibited from entering upon a playground, park, or a facility providing programs or services for children, nor shall such a person reside within a 500 yard radius of a playground, park, or a facility providing programs or services for children.
4. Exception: A registered sex offender, or offender against children residing within 2000 feet of a school, daycare center, playground, park, or a facility providing programs or services for children, is not in violation if the residency was established prior to the date of passage, or if a school, daycare center, or a facility providing programs or services for children locates within 2000 feet of an offender's home after he or she has established his or her residency.

Penalties:

Any person violating the provisions of this chapter shall be subject to a fine of not less than \$500.00 for a first offense, and \$1000.00 for any subsequent offense.

Severability:

The provisions of this ordinance are severable. If any court, having jurisdiction to do so, decides that any section, clause, sentence, part, or provision of this Ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the Ordinance.