

AN ORDINANCE

AN ORDINANCE ESTABLISHING LIMITATIONS ON PLACES OF RESIDENCE IN GREENVILLE COUNTY FOR CERTAIN SEX OFFENDERS CONVICTED IN ANOTHER JURISDICTION.

WHEREAS, Greenville County Council is authorized to enact regulations that provide for the general health, safety, and welfare of its citizens; and

WHEREAS, Greenville County Council recognizes that state law imposes limitations on places of residence for sex offenders convicted under South Carolina law; and

WHEREAS, Greenville County Council find that there is a need to place the same limitations on places of residences for sex offenders convicted in another jurisdiction.

NOW THEREFORE, BE IT ORDAINED by the Greenville County Council:

Section 1. Definitions.

(A) "Children's recreational facility" means a facility owned and operated by a city, county, or special purpose district used for the purpose of recreational activity for children under the age of eighteen.

(B) "Daycare center" means an arrangement where, at any one time, there are three or more preschool-age children, or nine or more school-age children receiving child care.

(C) "School" does not include a home school or an institution of higher education.

(D) "Within one thousand feet" means a measurement made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property on which the sex offender resides to the nearest property line of the premises of a school, daycare center, children's recreational facility, park, or public playground, whichever is closer.

Section 2. Prohibition.

(A) After the notification required by S.C. Code §23-3-535(D) has been made, it shall be unlawful for a sex offender who has been convicted of any of the following offenses or a similar offense, if the conviction occurred in any comparable court in the United States or a foreign country, to reside within one thousand feet of a school, daycare center, children's recreational facility, park, or public playground:

(1) criminal sexual conduct with a minor, first degree;

- (2) criminal sexual conduct with a minor, second degree;
- (3) assault with intent to commit criminal sexual conduct with a minor;
- (4) kidnapping a person under eighteen years of age; or
- (5) trafficking in persons or a person under eighteen years of age except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense.

Section 3. Penalties. Any person who shall violate the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed or continued.

Section 4. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Effective Date. This Ordinance shall take effect upon the date of its adoption and applies to any sex offender covered by Section 2 of this ordinance who attempts to reside, or ceases to reside, within one thousand feet of a school, daycare center, children's recreational facility, park, or public playground after the date of adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2022.

Regina McCaskill
Clerk to Council

Willis H. Meadows, Chairman
Greenville County Council

Joseph M. Kernell
County Administrator