

**ORDINANCE NO. 564**

**AN ORDINANCE REQUIRING RESIDENTS OF THE CITY OF AUMSVILLE TO REGISTER WITH THE CHIEF OF THE AUMSVILLE POLICE DEPARTMENT IF THEY HAVE BEEN CONVICTED OF A SEX CRIME AS DEFINED BY STATE LAW; DEFINING CERTAIN ASPECTS OF THE ORDINANCE AND PRESCRIBING PENALTIES FOR THE FAILURE TO REGISTER.**

**RECITALS**

Whereas, It is an important function of the City to provide for the well being of its citizens; and

Whereas, It is determined that keeping a data base or registration of all Sex Offenders who reside within the corporate limits in the City of Aumsville will help law enforcement in its protection of the City's residents and help law enforcement prevent future sex crimes from occurring; and

Whereas, it is the intent of the City that this Ordinance only supplements current State law regarding Sex Offender registration as it relates directly to the registration of convicted Sex Offenders that reside within the corporate limits of the City of Aumsville; now therefore,

The city of Aumsville ordains as follows:

**Section 1. Recitals.**

- 1.1 The recitals set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2. Definitions.**

- 2.1 City. City of Aumsville, including all residences and the like within the corporate limits of the City as defined by current City Ordinances and State Law.
- 2.2 Resident or Resides. A person over the age of 18 who lives or resides within the corporate limits of the City of Aumsville. A person staying with a friend, relative, or the like within the corporate limits of the City of Aumsville for a period of less than 30 days is not considered a resident of the City of Aumsville.

- 2.2.1 Public Indecency. A person commits the crime of Public Indecency if while in, or in view of, a public place the person performs:
- (a) An act of sexual intercourse;
  - (b) An act of deviate sexual intercourse;
  - (c) An act of exposing the genitals of the person with the intent of arousing a sexual desire of the person or another person.
- 2.2.2 Private Indecency. A person commits a crime of Private Indecency if the person exposes the genitals of the person with the intent of arousing the sexual desire of the person or another person, and:
- (a) The person is in a place where another person has a reasonable expectation of privacy;
  - (b) The person is in view of the other person;
  - (c) The exposure reasonably would be expected to alarm or annoy the other person;
  - (d) The person knows that the other person did not consent to the exposure.
- This section does not apply to a person who commits the act described herein, if the person co-habitates as, and is involved in a sexually intimate relationship with the other person.
- A place where another person has a reasonable expectation of privacy includes, but is not limited to residence, yards of residents, working areas, and offices.
- 2.3 Sex Crime. Sex Crime means rape in any degree; Sodomy in any degree; Unlawful sexual penetration in any degree; Sexual abuse in any degree; Incest with a child victim; Using a child in a display of sexually explicit conduct; Encouraging child sexual abuse in any degree; Transporting child pornography into the State; Paying for viewing a child's sexually explicit conduct; Compelling prostitution; Promoting prostitution; Kidnapping in the first degree if the victim was under 18 years of age; Contributing to the sexual delinquency of a minor; Sexual misconduct if the offender is at least 18 years of age; Possession of materials depicting sexually explicit conduct of a child in the first degree; Kidnapping in the second degree if the victim is under 18 years of age, except by a parent or by a person found to be within the jurisdiction of the Juvenile Court; Any attempt to commit any of the crimes set forth above; Burglary, when committed with the intent to commit any of the crimes set forth above; Public indecency or private indecency, if the person has a prior conviction for a crime listed above.

- 2.4 **Sex Offender.** Sex Offender means a person who has been convicted of a sex crime or has been found guilty, except for insanity of a sex crime. For the purposes of this ordinance, a sex offender must be at least 18 years of age or older at the time the person was convicted of the sex crime, or at the time he was found guilty except for insanity of a sex crime.
- 2.5 **Registration.** Registration means to actually register with the Aumsville Chief of Police, by filling out a form as set forth in this Ordinance below. Setting forth the person's name, date of birth, and residence, along with the name of any probation officer if applicable; The name of the Court of Conviction of the sex crime, and any other information deemed appropriate by the Chief of Police to help and able them to monitor and protect the citizens of Aumsville.

**Section 3. Registration.** All sexual offenders as defined above who reside within the City of Aumsville must, within 30 days of taking up residency within the corporate limits of the City of Aumsville, register with the Aumsville Chief of Police, by doing the following:

- 3.1 Filling out a form to be determined by the Chief of Police, which sets forth the following information:
- (a) The name of the sex offender
  - (b) The address of the sex offender
  - (c) The telephone number of the sex offender
  - (d) The crime for which the sex offender was convicted of, including the date of conviction and the Court that the sex offender was convicted in.
  - (e) A designation that the person is either on or off supervised parole or probation, and if applicable, the name of the sex offender's parole or probation officer.

**Section 4. Release of Information.** The Chief of Police of the City of Aumsville shall not release any information to the public in regards to the Sexual Offender's registration, except for the name and address of the Sexual Offender. All other information shall be deemed confidential and shall not be released.

**Section 5. Ordinance Inapplicable to Person who has Obtained Relief From State Sexual Offender Reporting.** This Ordinance is not applicable to any person who has obtained relief from the Sexual Offender Reporting Requirements as set forth by the State of Oregon, pursuant to ORS 181.600.

**Section 6. Penalties.** Any person violating this order by failing to register as a Sex Offender with the City of Aumsville upon being found guilty shall be fined an amount not to exceed \$250.00 for the first offense. Any person who is found guilty of failure to register as a Sex Offender pursuant to this Ordinance a second time within a five year period shall be deemed guilty of a misdemeanor and be sentenced to a fine not to exceed \$6,250.00 and one year in the County Jail.

**Section 7. Effective Date.** This ordinance shall take effect on the thirtieth day after its enactment.

PASSED by the council April 24, 2006 and signed by the mayor April 27, 2006.