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Board presses for local control over predator restrictions

A court ruling forced the Board of Supervisors on Tuesday to repeal a county ordinance that regulates where sex offenders can visit in unincorporated areas while also launching an effort that would allow the county to essentially reinstate the ordinance.

"The Board knows how to protect the most vulnerable people in our society," said Board of Supervisors Chair James Ramos. "We want to return control back to local jurisdictions."

In January 2014, the 4th District Court of Appeal ruled that California city and county sex offender ordinances cannot be more restrictive than the state's Jessica's Law, which prohibits registered sex offenders from living within 2,000 feet of any school, park or day-care center.

The county's ordinance extends that ban to 2,640 feet – a half-mile – for schools. That provision of the county code will remain intact. But it was with regret that the board was forced to repeal a provision that prohibits registered sex offenders from traveling within 300 feet of a school, park, public library, public museum, public swimming pool, day-care center, or arcade when children are present.

A county ordinance prohibiting registered sex offenders in unincorporated areas from decorating their homes for Halloween and leaving outdoor lights on during Halloween night was not affected by the court ruling and will also remain in effect.

In March 2014, an attorney from Santa Maria, working with a 35-year sex offender, began suing California cities and counties to overturn their local sex offender ordinances. In October 2014, the attorney filed a federal lawsuit seeking to overturn San Bernardino County's ordinance.

"Our only other choice was to spend money on a lawsuit the state court has already decided on," Chair Ramos said.

The county's efforts will now focus on getting legislation passed at the state level that would allow cities and counties throughout California to create local anti-predator ordinances that meet the needs of each community.

"Our hope is that the Legislature will give back the ability of local government to make our own decisions," said Supervisor Janice Rutherford. "Our hands were legally tied on this."

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