

LOCAL

# Cities are rushing to restrict sex offenders

Efforts to limit housing spill over to State Capitol.

By Maya Rao (<http://www.startribune.com/maya-rao/137958973/>) Star Tribune |

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After a convicted child molester moved to town, Minnesota Lake passed a law effectively banning sex offenders from most of the small community.

Mahtomedi approved restrictions on where convicted rapists could live after hundreds of residents signed a petition demanding action.

And in Birchwood, the City Council held an emergency meeting in order to place stricter limits on sex offenders after learning that a pedophile was moving there.

Minnesota has seen a dramatic rise in municipal laws restricting where sex offenders can live after they have served their terms, setting up a fight at the State Capitol. Some legislators want to give local communities more control to enact new restrictions, but state corrections officials say that such ordinances can be ineffective and that they invite legal challenges.

A group of legislators has proposed a measure allowing cities and counties to enact tougher laws to keep Level 3 sex offenders — considered the most likely to reoffend — away from schools, parks and other places frequented by children.

The chief sponsor, Rep. Jim Newberger, R-Becker, says he hopes the bill will give the towns stronger legal standing to defend their sex-offender ordinances in court.

Communities are bracing for the release of more sex offenders from forced civil commitment in response to a federal ruling that declared the state's program unconstitutional.

U.S. District Judge Donovan Frank has ruled that the program is essentially permanent confinement with no clear path to release.

The issue is politically perilous for leaders of both parties, who must weigh the constitutional questions vs. the political blowback from releasing potentially dangerous offenders into the community.

Gov. Mark Dayton has ordered the state to fight Frank's ruling, saying it posed a risk to public safety.

The growing concerns have prompted more cities to adopt ordinances spelling out where convicted offenders are restricted from living.

"What they're worried about is that eventually someone will challenge it," said Newberger. "There's no statute to back it up right now."

## 'A testy situation'

Corrections Commissioner Tom Roy told legislators his agency is "very concerned" that the number of laws restricting sex offenders has doubled to 39 over the last year. He said studies showed that bans on where sex offenders live do not reduce the likelihood of them committing more crimes. They only create barriers to officers supervising them, he said, noting that Minnesota has seen the number of homeless offenders rise dramatically in the last decade.

"It is really a testy situation that we all face, and, intuitively, we would like to believe that drawing circles around cities will decrease recidivism ... but in actuality, it does not," Roy said.

Rep. Tony Cornish, R-Vernon Center, said during a hearing that people worried about their property values and children walking to the playground do not pay attention to statistics of recidivism. "You folks aren't doing a bang-up job right now of placing these people," he told Roy. And he criticized the move of a black rapist last year to Minnesota Lake, "a totally white, Anglo town. ... All of a sudden you've got all eyes on this poor person down there."

The city about 100 miles south of the Twin Cities swiftly passed an ordinance stating that it was unlawful for sex offenders to live within 2,000 feet of a school, child care center, public park, church, library or bus stop — a move that walled off much of the city's 2 square miles.

Sharon Grunzke, the city clerk, said residents were petrified about the first registered sex offender moving in. But the man has caused no problems after all, she said: "We hardly ever see him."

In December, Columbia Heights passed a one-year moratorium on any more sex offenders moving in while it studies whether to enact a permanent ordinance.

Mayor Gary Peterson said the city had no concerns about the measure's legalities. "You can't have sex offenders all over the place, and there are other communities that have none. ... We just wanted to stop it before it got to the point where it was really uncontrollable," he said.

### **Suburb fights back**

North Minneapolis has accumulated a high concentration of sex offenders, prompting pleas from its representatives to spread the burden around the metro area. Hennepin County stopped allowing offenders there a few years ago, a policy that Brooklyn Center has blamed for more convicted sexual predators spilling into its borders to the north.

Brooklyn Center officials testified in favor of the legislation the day after the city passed a law banning sex offenders from living within 2,000 feet of a school, playground or child care center.

"If the legislation passes, now we've got something we can point to and say, 'the state specifically says we can do that,'" said Brooklyn Center Mayor Tim Willson.

Rep. Joe Mullery, a DFLer who represents north Minneapolis, derided the legislation as "a very bad proposal. ... State law cannot override the U.S. Constitution." He said the protests by Brooklyn Center over having just six sex offenders is "ridiculous," and he called for more suburbs to take their fair share.

Last year, New York's appeals court determined that state laws overrode local prohibitions on where sex offenders could live.

Roy, the corrections commissioner, noted that courts in other states had been overturning residency restrictions on rapists and that Minnesota would have to address the matter soon.

"We can expect the courts to weigh in on this one, for sure," Roy told legislators.

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