

ORDINANCE NO. 2026-11

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING CHAPTER 8, ARTICLE 8.06 OF THE CITY OF BASTROP CODE OF ORDINANCES, RELATING TO REGISTERED SEX OFFENDERS, TO ADD CERTAIN EMPLOYMENT-LOCATION RESTRICTIONS APPLICABLE TO COVERED SEX OFFENDERS AS DEFINED HEREIN, A GRANDFATHER PROVISION, AND CONFORMING PROVISIONS; MAKING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

A. Authority and Purpose.

WHEREAS, the City of Bastrop is a home rule municipality organized and existing under the laws of the State of Texas, including without limitation article XI, section 5 of the Texas Constitution, and possesses the full power of self-government and the police power to enact ordinances reasonably necessary for the public health, safety, and welfare of its inhabitants, subject only to such limitations as may be imposed by the Constitution and general laws of the State of Texas; and

WHEREAS, the Texas Legislature, by enactment of section 341.906 of the Texas Local Government Code and Chapter 62 of the Texas Code of Criminal Procedure, has recognized that registered sex offenders, particularly those whose offenses involved victims under seventeen years of age, present a continuing risk to children, and has provided general-law municipalities with express authority to adopt child-safety-zone ordinances restricting the proximity of such offenders to premises where children commonly gather; and

WHEREAS, the Office of the Attorney General of Texas, in Opinion No. GA-0526 (2007), concluded that the authority of a home rule municipality to enact a sex-offender child-safety-zone ordinance derives from its inherent police power under article XI, section 5 of the Texas Constitution; that such an ordinance is “complementary to”, rather than inconsistent with, the state child-safety-zone statutes; and that such an ordinance is not preempted by state law; and

WHEREAS, the Fifth Circuit Court of Appeals, in *Duarte v. City of Lewisville*, 858 F.3d 348 (5th Cir. 2017), upheld a home rule municipality’s sex-offender residency ordinance against constitutional challenge, affirming the regulatory (rather than punitive) character of such ordinances and the rationality of the public-safety rationale supporting them; and

WHEREAS, the City of Bastrop has, since July 2024, maintained Article 8.06 of Chapter 8 of the City Code of Ordinances, which establishes residency restrictions on registered

sex offenders within one thousand (1,000) feet of premises where children commonly gather, and which has operated as a regulatory measure protective of the City's children; and

B. Public-Safety Rationale, Risk of Recidivism, and Risk-Tier Coverage.

WHEREAS, the United States Supreme Court has recognized that “[t]he risk of recidivism posed by sex offenders is ‘frightening and high,’” *McKune v. Lile*, 536 U.S. 24, 34 (2002), and has further recognized that conviction-based sex-offender regulation serves the legitimate, non-punitive purpose of protecting the public, *Smith v. Doe*, 538 U.S. 84, 102–103 (2003); and

WHEREAS, the Fifth Circuit Court of Appeals has consistently characterized Chapter 62 of the Texas Code of Criminal Procedure as a civil, regulatory scheme rather than a punitive one, most recently in *Does 1–7 v. Abbott*, 945 F.3d 307 (5th Cir. 2019); and

WHEREAS, the regulatory purpose served by an employment-location restriction is qualitatively distinct from, and not duplicative of, the criminal sanction imposed by the underlying conviction; the ordinance amendments adopted herein are not intended to, and do not, impose additional punishment for past offenses, but rather to reduce the prospective risk that contact with children may occur in the course of a Covered Sex Offender's employment within the City; and

WHEREAS, the City Council finds that registered sex offenders who present the highest documented risk of recidivism, namely, those classified at risk level three (high) under Chapter 62, and those classified at risk level two (moderate) whose offense requiring registration involved a victim who was, at the time of the offense, a minor, present a sufficient ongoing risk of recidivism, including offense-cycle behaviors that may be facilitated by routine, recurring presence near places where children congregate, to justify a narrowly tailored municipal regulatory response; and

WHEREAS, the City Council has expressly considered, and rejected, the alternative of applying the employment-location restriction to all registered sex offenders without regard to risk level, on the ground that such an undifferentiated application would (i) sweep within the regulation a population of low-risk registrants for whom the regulatory purpose is not commensurately served, and (ii) move the ordinance further from, rather than closer to, the conviction-based risk-stratified framework of Chapter 62 that the Fifth Circuit has characterized as nonpunitive; and

C. Local Public-Safety Problem.

WHEREAS, as of May 27th, 2026, there are approximately fifteen persons subject to the registration requirements of Chapter 62 of the Texas Code of Criminal Procedure whose registered address is located within the corporate limits of the City of Bastrop; of these,

approximately none are classified at risk level three (high); approximately seven are classified at risk level two (moderate); and approximately three of the risk level two (low) registrants are registrants whose offense requiring registration involved a victim who was, at the time of the offense, a minor; and

WHEREAS, the population of registrants who fall within the definition of Covered Sex Offender adopted herein (and to whom the employment-location restriction will apply) thus comprises approximately ten persons within the corporate limits of the City, a substantially smaller and more carefully targeted population than the population of all registrants; and

WHEREAS, the Bastrop Police Department has reported that, since May 2025, the Department has documented ninety-one (91) incidents of combined indecent exposure and sexual offense-related crimes within the City; and

WHEREAS, among the Registered Sex Offenders currently residing or working within the City, two (2) have criminal charges presently pending against them; and

WHEREAS, one such registrant, a lifetime registrant assessed at a moderate risk level, has re-offended in violation of his registration requirements, is employed in a position working with juveniles at a restaurant located within one thousand (1,000) feet of the child advocacy center, and resides within one thousand (1,000) feet of a school; and

WHEREAS, a second registrant, who carries three (3) counts of child sexual assault and whose risk classification is presently "unknown" as an out-of-state transfer, failed to report his employment; and

WHEREAS, these documented circumstances demonstrate a continuing local concern regarding employment-based proximity by Covered Sex Offenders to locations frequented by children, supporting the need for a regulatory mechanism to address such proximity; and

WHEREAS, the City Council has considered alternatives less restrictive than the employment-location regulation adopted herein, including reliance on existing state-law mechanisms in Chapter 62 of the Texas Code of Criminal Procedure and Articles 42A.453 and 62.063 thereof, and has determined that those mechanisms, while important and complementary, do not adequately address the specific local risk presented by recurring employment-based proximity to premises where children commonly gather by Covered Sex Offenders specifically; and

D. Narrow Tailoring and Distinguishing Features.

WHEREAS, the ordinance amendments adopted herein are narrowly tailored to the local public-safety problem identified above, in that they:

(1) apply only to a defined and limited subset of registered sex offenders, namely, Covered Sex Offenders, comprising registrants classified at risk level three (high) and registrants classified at risk level two (moderate) whose offense requiring registration involved a victim who was, at the time of the offense, a minor, and expressly exclude from the employment-location restriction registrants classified at risk level one (low), thereby tracking the risk-stratified framework of Texas Code of Criminal Procedure articles 62.007 and 62.008 rather than imposing an undifferentiated categorical exclusion;

(2) incorporate a buffer distance of one thousand (1,000) feet, parallel to, and no greater than, the buffer authorized by section 341.906 of the Texas Local Government Code for general-law municipalities;

(3) apply only to a defined and limited universe of premises where children commonly gather, drawing on the same categories employed by the Texas Legislature in section 341.906 and Chapter 481 of the Texas Health & Safety Code;

(4) define "Employment" to exclude transitory presence at a place of business in the course of duties of a transient or intermittent character, including the delivery of goods, the pickup or transport of goods or persons, the provision of repair, installation, inspection, maintenance, or utility services, the making of sales calls or service calls, and similar duties, so that the regulation reaches only meaningful and recurring employment relationships and not the incidental passage of workers whose principal place of duty is elsewhere;

(5) provide an express grandfather provision in section 8.06.003 itself, so that a Covered Sex Offender who, on the effective date of this ordinance, was employed at the place of business in question and has thereafter remained continuously so employed is not subject to the employment-location restriction at all, in addition to the affirmative defense of grandfathering available under section 8.06.005(b)(1) for circumstances in which the offender's employment otherwise predates the ordinance or the protected premises;

(6) preserve, for the new employment offense, the existing affirmative defenses available under section 8.06.005(b) of the Code of Ordinances, including grandfathering for offenders who established their employment before the protected premises came into existence, and including the deferential reduction or waiver of the buffer by a sentencing court or parole panel;

(7) require, with respect to the new employment offense only, that the Covered Sex Offender knew or reasonably should have known that the place of business was located within the buffer, thereby supplying a culpable mental state to the new offense and avoiding the imposition of strict criminal liability on the basis of facts that may have been beyond the offender's control at the time of hire;

(8) provide a thirty (30) day cure period within which a Covered Sex Offender who learns of a new violation post-hire may terminate the employment or apply for a hardship exemption under section 8.06.006 without exposure to prosecution;

(9) preserve the hardship-exemption procedure of section 8.06.006, including the express recognition that an offender's ability to hold a job is a ground for the granting of an exemption; and

(10) do not impose any internet-disclosure requirement, public-shaming feature, retroactive lifetime registration, or comprehensive prohibition on living, working, or loitering within a school zone, but rather adopt a single, defined, employment-location restriction tied to specific identified premises and applicable only to a risk-stratified subset of registrants, and subject to defined defenses, exemptions, a grandfather provision, and a transitory carve-out; and

WHEREAS, the City Council further finds that the ordinance amendments adopted herein are materially distinguishable, on the foregoing grounds, from the Michigan Sex Offender Registry Act provisions held to be punitive in violation of the Ex Post Facto Clause of the United States Constitution in *Does #1–5 v. Snyder*, 834 F.3d 696 (6th Cir. 2016); in particular, the risk-tier limitation, the transitory carve-out, the express grandfather provision, the knowledge mens rea, and the cure period collectively distinguish the regulatory mechanism adopted herein from the comprehensive and undifferentiated live/work/loiter prohibition condemned in *Snyder*; and

WHEREAS, the City Council expressly intends that the amendments adopted herein be construed and applied in a manner consistent with the regulatory, non-punitive character of the existing Article 8.06 and Chapter 62 of the Texas Code of Criminal Procedure, as those provisions have been characterized by the Fifth Circuit Court of Appeals in *Duarte v. City of Lewisville* and *Does 1–7 v. Abbott*; and

E. Procedure and Effect.

WHEREAS, the City Council has carefully considered the input of City staff, the City Attorney, members of the public, and other interested persons; and

WHEREAS, the City Council finds that the ordinance amendments adopted herein are necessary for the protection of the public health, safety, and welfare of the inhabitants of the City of Bastrop, are within the inherent police power of the City as a home rule municipality, and are not preempted by any provision of state or federal law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:

SECTION 1. FINDINGS INCORPORATED

The foregoing recitals are hereby adopted as the legislative findings of the City Council in support of this ordinance and are incorporated herein by reference for all purposes.

SECTION 2. AMENDMENT OF ARTICLE 8.06.

Article 8.06 of Chapter 8 of the Code of Ordinances of the City of Bastrop, Texas, is hereby amended in the form attached hereto, with underlines being additions to the code and ~~strikethroughs~~ being deletions from the code, as **Exhibit A** and incorporated herein by reference.

SECTION 3. REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. PENALTY

Penalties for violation of Article 8.06, as amended, shall be as set forth in existing section 8.06.005, as amended herein.

SECTION 6. PUBLICATION

This ordinance shall be published as required by law.

SECTION 7. EFFECTIVE DATE

This ordinance shall take effect immediately upon its adoption and publication as required by law.


DULY PASSED AND APPROVED ON FIRST READING this 9th day of June, 2026.

DULY PASSED AND APPROVED ON SECOND READING this 23rd day of June, 2026.

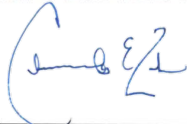
APPROVED:

by: 
Ishmael Harris, Mayor

ATTEST:


Michael Muscarello, TRMC, CMC, CPM
City Secretary

APPROVED AS TO FORM:


City Attorney
Denton Navarro Rocha Bernal & Zech, P.C.



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3
4 **CHAPTER 8. GENERAL HEALTH, SAFETY, AND SANITATION REGULATIONS**
5

6 **ARTICLE 8.06 - SEX OFFENDER ORDINANCE**
7

8 **Sec. 8.06.001 - Definitions**

9 (a) For the purposes of this article, the following words, terms and phrases when used in this
10 article, shall have the meanings ascribed to them in this section, except where the context
11 clearly indicates a different meaning:

12 *Sex Offender.* An individual who, because of one or more violations, is required to
13 register as a sex offender under: Chapter 62 of the Texas Code of Criminal Procedure; the
14 laws of another state; federal law; the laws of a foreign country; or the Uniform Code of
15 Military Justice.

16 *City Park.* Land located within the city limits is owned or controlled by a unit of
17 local government which is designated by the unit of local government for use as a park,
18 which includes regular use for children’s recreation.

19 *City Recreation Center.* City recreational areas, including but not limited to city
20 recreational parks or other recreational facilities, as well as the soccer fields and baseball
21 fields under the jurisdiction of a unit of local government.

22 ~~*Employment. As defined in the Texas labor Code Section 201.041—General*~~
23 ~~*definition of Employment. Means a service, including service in interstate commerce,*~~
24 ~~*performed by an individual for wages or under an express or implied contract of hire,*~~
25 ~~*unless it is shown to the satisfaction of the commission that the individual’s performance*~~
26 ~~*of the service has been and will continue to be free from control or direction under the*~~
27 ~~*contract and in fact. Employment. Any service performed within the City for wages or*~~
28 ~~*under an express or implied contract for hire, performed on a regular or recurring basis,*~~
29 ~~*including service performed at the same place of business on three (3) or more occasions*~~
30 ~~*in any thirty (30) day period. The term “Employment” does not include the transitory*~~
31 ~~*presence of a sex offender at a place of business in the course of duties of a transient or*~~
32 ~~*intermittent character, including without limitation the delivery of goods, the pickup or*~~
33 ~~*transport of goods or persons, the provision of repair, installation, inspection, maintenance,*~~
34 ~~*or utility services, the making of sales calls or service calls, or other duties the performance*~~
35 ~~*of which requires the sex offender’s presence at the place of business only briefly and only*~~
36 ~~*as incident to a route, assignment, or scope of duties not principally located at that place of*~~
37 ~~*business.*~~

38 *Covered Sex Offender.* A sex offender who has been assigned, by the Texas
39 *Department of Public Safety or by a court of competent jurisdiction in accordance with*

40 Texas Code of Criminal Procedure articles 62.007 and 62.008, a risk level of: (i) three
41 (high); or (ii) two (moderate), where the offense requiring registration involved a victim
42 who was, at the time of the offense, a minor. The term does not include a sex offender
43 assigned a risk level of one (low). For purposes of this article, in the case of a sex offender
44 to whom no numeric risk level has been assigned, the sex offender shall be treated as a
45 Covered Sex Offender if the offense requiring registration is a sexually violent offense as
46 defined in Texas Code of Criminal Procedure article 62.001(6), classified as a Sexually
47 Violent Predator, a Predicate Sex Offender, or a Sexual Predator.

48 *Minor.* A person who is under the age of seventeen (17) years of age.

49 *Permanent Residence.* A place where a person abides, lodges, or resides for seven
50 (7) or more consecutive days.

51 *Premises where children commonly gather.* Any city park, city recreational center,
52 private or public youth center, video arcade, public or private school, child-care facility,
53 daycare center, or child safety zone, as those terms are defined in Texas Local Government
54 Code Section 341.906, Texas Health and Safety Code, sections 341.064 and 481.134, and
55 Texas Human Resources Code, section 42.002. The term does not include a church, as
56 defined by Texas Insurance Code Section 544.251.

57 *Property Owner.* Any owner of record, person who has contractual responsibility
58 for managing leases of the property, or person who has the legal right of possession of the
59 property.

60 *Temporary Residence.* A place where a person abides, lodges, or resides in the City
61 during any month in which the person on at least three (3) occasions spends more than
62 forty-eight (48) consecutive hours in the City, and which is not the person's Permanent
63 Residence.

64 **Sec. 8.06.002 - Programs Involving Minors**

65 (a) *Generally.* A sex offender shall not participate in any program or event that includes minors
66 as participants and regularly provides athletic, civic, or cultural activities.

67 (b) *Halloween.* A sex offender shall not on each October 31st leave an exterior porch light on
68 or otherwise invite trick-or-treaters who are minors to the premises.

69 **Sec. 8.06.003 - Offender Registration, Reporting, and Residency and Employment**
70 **Prohibitions**

71 (a) A sex offender shall register with the City of Bastrop Police Department when establishing
72 either a permanent or temporary residence in the City, consistent with the requirements of
73 Chapter 62 of the Texas Code of Criminal Procedure.

74 (b) A sex offender for whom the City of Bastrop Police Department is designated as that
75 person's primary registration authority by the Texas Department of Public Safety shall

76 report to the City of Bastrop Police Department to verify the information in the person's
77 registration form maintained by the City of Bastrop Police Department either:

78 (1) At least once in each ninety (90) day period following the date the person first
79 registered with the City of Bastrop Police Department, if the sex offender is subject
80 to such a ninety (90) day reporting requirement under Article 62.058, Texas Code
81 of Criminal Procedure, because the sex offender has been convicted two or more
82 times for a sexually violent offense, received an order of deferred adjudication two
83 or more times, or been convicted and received an order of deferred adjudication; or

84 (2) At least once each year, not earlier than the thirtieth (30th) day before and not later
85 than the thirtieth (30th) day after the anniversary of the sex offender's date of birth,
86 if the sex offender is subject to such annual reporting under Article 62.058, Texas
87 Code of Criminal Procedure; or

88 (3) If the sex offender is subject to Article 62.202, Texas Code of Criminal Procedure,
89 regarding persons civilly committed as a sexually violent predator, either:

90 a. If the person resides at a civil commitment center, at least once each year;
91 or

92 b. If the person does not reside at a civil commitment center, at least once in
93 each thirty (30) day period following either the date the person first
94 registered with the City of Bastrop Police Department, or, if applicable, the
95 date the person moved from a civil commitment center.

96 (c) It is unlawful for a sex offender, regardless of risk level assigned under Chapter 62 of the
97 Texas Code of Criminal Procedure, to establish a permanent or temporary residence within
98 one thousand (1,000) feet of any premises where children commonly gather.

99 (d) It is unlawful for a Covered sex offender to be employed at a place of business located
100 within one thousand (1,000) feet of any premises where children commonly gather;
101 provided, however, that this subsection shall not apply to a Covered Sex Offender who, on
102 the effective date of the ordinance adopting this subsection, was employed at the place of
103 business in question and has thereafter remained continuously so employed, and provided
104 further that the Covered Sex Offender was, on the effective date of the ordinance adopting
105 this subsection, and has at all times thereafter remained, in full compliance with all sex
106 offender registration, reporting, verification, and other requirements imposed by Chapter
107 62 of the Texas Code of Criminal Procedure, by any applicable order of a court of
108 competent jurisdiction, and by any applicable condition of community supervision or
109 parole. For purposes of this section, a Covered Sex Offender is not in full compliance if,
110 on the effective date of the ordinance or at any time thereafter, the Covered Sex Offender
111 (i) has been charged with a violation of any such requirement which charge has not been
112 dismissed or otherwise finally resolved in the Covered Sex Offender's favor, (ii) has been
113 the subject of a finding by the Texas Department of Public Safety or by any other

114 registration authority that the Covered Sex Offender has failed to satisfy any such
115 requirement, or (iii) is subject to an unexecuted warrant or capias relating to any such
116 requirement.

117 **Sec. 8.06.004 - Property Owners Prohibited from Renting Real Property to Sexual**
118 **Offenders**

119 (a) It is unlawful for a property owner to let or rent any place, structure or part thereof,
120 manufactured home or trailer, with the knowledge that it will be used as a permanent
121 residence or temporary residence by any sex offender prohibited from establishing such
122 permanent residence or temporary residence pursuant to the terms of this article, if such
123 place, structure or part thereof, manufactured home, trailer, or other conveyance, is located
124 within one thousand (1,000) feet of any premises where children commonly gather.

125 **Sec. 8.06.005 – Enforcement: Penalty; Affirmative Defenses; Evidentiary Matters**

126 (a) *Penalty.* Any firm, corporation or person who violates any provision contained in the
127 provisions of this article is guilty of a misdemeanor, and upon conviction, shall be fined in
128 an amount not to exceed five hundred dollars (\$500.00) for each offense. Each day that a
129 violation is permitted to exist shall constitute a separate offense.

130 (b) *Affirmative defenses.* It is an affirmative defense to prosecution that any of the following
131 conditions apply:

132 (1) The sex offender established the permanent or temporary residence or employment
133 and has complied with all the sex offender registration laws of the state, prior to the
134 date of the adoption of this article;

135 (2) The person was a minor when he/she committed the offense and was not convicted
136 as an adult;

137 (3) The person is a minor;

138 (4) The premises where children commonly gather, as specified herein, within one
139 thousand feet (1,000) of the permanent or temporary residence or place of
140 employment of the sex offender was opened, established or created after the date
141 the sex offender had established the permanent or temporary residence or
142 commenced employment at the place of business and complied with all sex offender
143 registration laws of the state;

144 (5) The information on the state’s sex offender registry database is incorrect, and if
145 corrected, this article would not apply to the person; or

146 (6) At the time of the violation, the person was subject to community services
147 supervision pursuant to Article 42A of the Texas Code of Criminal Procedure or a
148 period of supervision as a condition of parole pursuant to Chapter 508 of the Texas

149 Government Code, and the court or parole board reduced or waived the 1,000-foot
150 restriction as it pertains to the person’s residence or employment.

151 (7) For a violation of Section 8.06.002, the person posted a sign at the entrance to the
152 person’s residence on October 31st stating “No Trick-or-Treating”, or substantially
153 similar language expressly discouraging trick-or-treating at the residence, and such
154 sign was posted by or before 3:00pm and remained posted through 11:59pm on
155 October 31st.

156 (8) The person applied for and was approved for an exemption under Section 8.06.006
157 specific to the violation.

158 (c) *Evidentiary Matters.*

159
160 (1) Neither allegation, nor evidence, of a culpable mental state is required for the proof
161 of an offense defined by this article, except for a violation under Section 8.06.004,
162 which requires knowledge on the part of the property owner, and except for a
163 violation of the employment prohibition under Section 8.06.003, which requires
164 that the sex offender knew or reasonably should have known that the place of
165 business was located within one thousand (1,000) feet of any premises where
166 children commonly gather. It is an affirmative defense to prosecution under the
167 employment prohibition of Section 8.06.003 that the sex offender, within thirty (30)
168 days after commencing the employment or learning that the place of business is
169 within one thousand (1,000) feet of a premises where children commonly gather,
170 whichever is later, either terminated the employment or filed a written request for
171 exemption under Section 8.06.006.

172 a. For purposes of Section 8.06.004, a property owner has knowledge that the
173 property will be used as a permanent residence or temporary residence by a sex
174 offender if either the sex offender’s status on the state’s sex offender registry
175 database is disclosed to the property owner in an application to lease the
176 property or through a related background check of the prospective tenant, or if
177 the property owner is made aware of the sex offender’s status on the state’s sex
178 offender registry database by any other means.

179 (2) It shall be prima facie evidence that this article applies to such a person if that
180 person’s record appears on the state’s sex offender registry database.

181 (3) *Measurements.* For the purposes of determining the minimum distance separation,
182 the requirement shall be measured by following a straight line from the outer
183 property line of the permanent or temporary residence or, in the case of an alleged
184 violation of the employment prohibition under Section 8.06.003, from the outer
185 property line of the place of business at which the sex offender is employed, to the
186 nearest property line of the premises where children commonly gather, as described
187 hereinabove.

- 188 a. In the case of multiple residences on one (1) property, measurement is from the
189 nearest wall of the building or occupied structure or the parking/driveway,
190 whichever is closer to the nearest property line of the premises to the nearest
191 property line of the premises where children commonly gather, as described
192 herein.
- 193 b. The city will maintain a map depicting the prohibited areas. The city shall
194 annually review the map for changes. Said map will be available to the public,
195 at the city police department.
- 196 c. In cases of a dispute over measured distances, it shall be incumbent upon the
197 person(s) challenging the measurement to prove otherwise.
- 198 (4) Nothing in this section is intended to modify or reduce a “child safety zone”
199 implemented by a court or parole panel under other law.

200 **Sec. 8.06.006 – Exemptions**

- 201 (a) Exemptions from the terms of this article shall not be contrary to the laws of this State or
202 the public interest, but may be granted on an event-by-event basis where or when, owing
203 to special conditions, a literal enforcement of the provisions of this article (1) will result
204 in unnecessary hardship, such as interfering with the person’s ability to attend school ~~or to~~
205 ~~hold a job~~, and (2) is broader than necessary to protect the public, given the nature and
206 circumstances of the special conditions.
- 207 (b) A sex offender shall have the right to make an appeal for an exemption from a provision
208 of this article by making a request to the chief of police, in writing, stating the provision
209 from which an exemption is sought, the event for which an exemption is sought, the
210 special conditions which would cause a literal enforcement of the provision to result in
211 unnecessary hardship, and any other relevant factors showing that granting an exemption
212 would be in the public interest.
- 213 (c) Special conditions and factors that may be considered by the chief of police on whether
214 to grant an exemption include, but are not limited to, the following:
- 215 (1) Whether a literal enforcement of the provisions of this article in the event-specific
216 instance will result in unnecessary hardship, such as interfering with the person’s
217 ability to attend school ~~or to hold a job~~;
- 218 (2) Whether a literal enforcement of the provisions of this article in the event-specific
219 instance is broader than necessary to protect the public, given the nature and
220 circumstances of the special conditions;
- 221 (3) If the person is subject to a period of community supervision under Texas Code of
222 Criminal Procedure Article 42A, or a period of supervision as part of parole under
223 Texas Government Code Chapter 508, whether the person has served at least two
224 years of such period of supervision;

- 225 (4) If the person was subject to community services supervision pursuant to article 42.12,
226 section 13B Article 42A of the Texas Code of Criminal Procedure or a period of
227 supervision as a condition of parole pursuant to Chapter 508 of the Texas Government
228 Code, the court or parole board reduced or waived the 1,000-foot restriction as it
229 pertains to the person's residence or employment, or otherwise established conditions
230 less restrictive than those of set forth in this article.
- 231 (5) Whether the person is seeking the exemption as part of a program to reunite with the
232 person's family; and
- 233 (6) Whether the person's written request seeking the exemption has specified how the
234 person intends to cope with any stressful situations that occur.
- 235 (d) The decision of the chief of police, which may be made based solely on the written
236 appeal without further hearing, The decision of the chief of police may be appealed to
237 the city manager by filing a written notice of appeal with the city secretary within ten
238 (10) days after the date of the chief of police's decision. The decision of the city manager
239 shall be final.