

Chapter 12 - MISCELLANEOUS OFFENSES AND PROVISIONS ARTICLE XXI. REGISTERED SEX OFFENDERS

Sec. 12-225. Definitions. [permanent link to this piece of content](#)

For the purposes of this article, the following terms, words, and the derivations thereof shall have the meanings given herein:

Minor means a person younger than 17 years of age.

Permanent residence means a place where a person abides, lodges, or resides for 14 or more consecutive days.

Temporary residence means a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent residence, or a place where a person routinely abides, resides, or lodges for a period of four or more consecutive days or nonconsecutive days in any month and which is not the person's permanent residence.

(Ord. No. 1988, § 1, 6-20-06)

Sec. 12-226. Offenses. [permanent link to this piece of content](#)

For each person required to register on the Texas Department of Public Safety's Sex Offender Database (the "database") because of a violation involving a victim who was a minor, it is unlawful for that person to establish a permanent residence or temporary residence in the city within 1,000 feet of any premises where children commonly gather, including a public or private school, day-care facility, public park, playground, public or private youth center, public swimming pool, or video arcade facility. For the purposes of this article, planted street medians shall not be considered public parks.

(Ord. No. 1988, § 1, 6-20-06)

Sec. 12-227. Evidentiary matters; measurements. [permanent link to this piece of content](#)

(a) It shall be prima facie evidence that this article applies to a person if that person's record, or records pertaining to that person, appears on the database and the database indicates that the victim was a minor.

(b) For the purposes of determining the minimum distance separation, the 1,000-foot requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather, or, in the case of multiple residences on one property, measuring from the nearest property line of the property where the multiple residences are situated to the nearest property line of the premises where children commonly gather.

(c) A map depicting the prohibited areas shall be maintained by the City of Duncanville. The city shall review the map at least annually for changes. The map will be available to the public at the Duncanville Police Department.

(Ord. No. 1988, § 1, 6-20-06)

Sec. 12-228. Culpable mental state not required.[permanent link to this piece of content](#)

Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this article, and any offense shall be considered a strict liability offense.

(Ord. No. 1988, § 1, 6-20-06)

Sec. 12-229. Affirmative defenses.[permanent link to this piece of content](#)

It is an affirmative defense to the prosecution of an offense under this article that any of the following conditions apply:

- (1) The person required to register on the database established his/her permanent or temporary residence in the city prior to the effective date of this article, and has complied with all sex offender registration laws of the State of Texas.
- (2) The person required to register on the database is a minor, or was a minor when he/she committed the offense requiring such registration and was not convicted as an adult.
- (3) The premises where children commonly gather was opened or began to be used as such after the person established the permanent or temporary residence, and the person has complied with all sex offender registration laws of the State of Texas.
- (4) The information in the database pertaining to that person is incorrect and, if corrected, this article would not apply to that person.

(Ord. No. 1988, § 1, 6-20-06)

Sec. 12-230. Penalty. [permanent link to this piece of content](#)

Any person violating the provisions of this article shall, upon conviction, be punished by a fine not to exceed the sum of \$500.00 for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

(Ord. No. 1988, § 1, 6-20-06)

Secs. 12-231—12-249. Reserved.