

2014 -- H 7764 SUBSTITUTE A

LC004489/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO CRIMINAL OFFENSES-CHILD SAFE ZONES

Introduced By: Representatives Ackerman, Johnston, O'Brien, Casey, and McNamara

Date Introduced: February 27, 2014

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws "CRIMINAL OFFENSES" is hereby amended
2 by adding the following chapter:

3 CHAPTER 11-37.3

4 CHILD SAFE ZONES

5 **11-37.3-1. Definitions. --** As used in this chapter:

6 (1) "Employee" means an individual hired directly by the entity, a contractual employee
7 of the entity; an individual hired by a third party who has contracted with the entity; an
8 independent contractor of the entity or a volunteer of the entity.

9 (2) "Child Safe Zone" means the following entities:

10 (i) Any private, municipal, county, or state fair or carnival;

11 (ii) Any children's arcade, amusement center having coin or token operated devices for
12 entertainment, movie theatre, or facilities providing programs or services intended primarily for
13 minors;

14 (iii) A public or nonpublic elementary or secondary school, child care facility, or public
15 library;

16 (iv) Any place intended primarily for use by minors including, but not limited to, a
17 playground, a children's play area, recreational or sport-related activity area, a swimming or
18 wading pool, or a beach; and

19 (v) Any health care facility intended primarily for minors.

1 (3) "Minor" means a person under the age of eighteen (18) years old.

2 (4) "Offender" means a person who is or is required to be registered as a sex offender in
3 this state or any other jurisdiction and whose victim was a minor.

4 **11-37.3-2. Prohibition from Employment. --** (a) Any entity that is a child safe zone is
5 prohibited from employing a person who is an offender.

6 (b) The individual who made the final hiring decision for an entity that is a child safe
7 zone that knowingly employs an offender as prohibited in § 11-37.3-3(b) shall be subject to a fine
8 of one thousand dollars (\$1,000) for each day the offender is employed.

9 (c) Any offender who knowingly misrepresents or omits his or her sex offender
10 registration status to obtain employment in a child safe zone shall be guilty of a felony and, upon
11 conviction, be subject to imprisonment for not more than five (5) years, a fine of not more than
12 five thousand dollars (\$5,000), or both.

13 **11-37.3-3. Prohibition from ownership or operation. --** (a) Any offender is prohibited
14 from owning or operating an entity that is a child safe zone. This prohibition shall not apply to
15 any offender who owned or operated an entity that is a child safe zone prior to August 1, 2014.

16 (b) Any offender who knowingly owns or operates an entity that is a child safe zone shall
17 be guilty of a felony and, upon conviction, be subject to imprisonment for not more than five (5)
18 years, a fine of not more than five thousand dollars (\$5,000), or both.

19 **11-37.3-4. Immunity from liability. --** An entity that is a child safe zone that declines to
20 hire or declines to continue an offender's employment on the basis of the employment prohibition
21 in § 11-37.3-2(a) shall not be liable for civil damages or subject to any claim, demand, cause of
22 action, or proceeding of any nature as a result of the prohibition.

23 SECTION 2. This act shall take effect on August 1, 2014.

=====
LC004489/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO CRIMINAL OFFENSES-CHILD SAFE ZONES

1 This act would create child safe zones where sex offenders whose victim was a minor are
2 prohibited from being employed. This act also prohibits a sex offender whose victim was a minor
3 from owning or operating a entity that is a child safe zone.

4 This act would take effect on August 1, 2014.

=====
LC004489/SUB A
=====