2014 -- H 7764 SUBSTITUTE A AS AMENDED

LC004489/SUB A

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

AN ACT

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)

SECTION 1. Title 11 of the General Laws "CRIMINAL OFFENSES" is hereby amended

It is enacted by the General Assembly as follows:

2	by adding the following chapter:
3	<u>CHAPTER 11-37.3</u>
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	<u>library:</u>
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(a) 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
21	prohibition in § 11-37.3-2(a) shall not be liable for civil damages or subject to any claim,
22	demand, cause of action, or proceeding of any nature as a result of the prohibition.
23	SECTION 2. This act shall take effect on August 1, 2014.
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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO CRIMINAL OFFENSES-CHILD SAFE ZONES

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

This act would take effect on August 1, 2014.

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