

Allegheny County Council

*County of Allegheny
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Committee Meeting Minutes

Thursday, October 18, 2007

5:00 PM

Conference Room 1

Committee on Public Safety

*Jim Burn, Chair; John DeFazio, Matt Drozd, Vince Gastgeb, William E. Lestitian,
Chuck Martoni, and William Robinson - Members*

I. Call to Order

Summary: *The meeting was called to order at 5:00 PM*

Invited Guests:

Jim Flynn, County Manager or Designee

Mike Wojcik, County Solicitor or Designee

George Janocsko, First Assistant Solicitor

Jack Cambest, Council's Legal Advisor or Designee

Summary: *Invited guests in attendance: Mr. Flynn*

Council staff in attendance: John Mascio, Joe Catanese, and Jared Barker

II. Roll Call

Roll Call: Present: Matt Drozd, Vince Gastgeb, Jim Burn, Council Member Joan Cleary, Council Member Bob Macey, and Council Member Rich Fitzgerald
Absent: John DeFazio, William Lestitian, Chuck Martoni, and William Robinson
Phone: Council Member Susan Caldwell

III. Approval of Minutes

3475-07 Motion to approve the minutes of the September 26 and September 27, 2007 Public Safety Committee Meetings.

Action: **A motion was made by Gastgeb, seconded by Drozd, that this matter be Passed. The motion carried unanimously.**

IV. Agenda Items**Ordinance**

3281-07 An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 2, entitled "County Government Operations," by the addition of a new Chapter 275, entitled "Residence Requirements; Registered Sex Offenders," in order to augment the provisions of Pennsylvania's Megan's Law and better provide for the safety of the County's residents.

Sponsors: Vince Gastgeb, Jim Burn, Joan Cleary, Matt Drozd, Michael Finnerty, Bob Macey, Chuck Martoni, Susan Caldwell, Jan Rea and William Russell Robinson

Summary: *The Chair deferred to Mr. Gastgeb, one of the prime sponsors of the bill. Mr. Gastgeb provided the committee with a summary of the bill. He said that the bill would function to restrict where individuals who are required to register under Pennsylvania's Megan's Law may live in relation to daycare facilities, community centers, schools, common use parks, and similar facilities. He said that the general rule established by the ordinance would be that no registered individual would be permitted to live within 2,500 feet of such a facility. He said that they incorporated various amendments to the bill which he believes is stronger than the original and would withstand legal scrutiny. He said that*

the County Law Department and Council's Legal Advisor Jack Cambest agreed with that assessment.

He asked Mr. Barker, Council's Director of Legislative Services, to provide the committee with a summary of the amendments.

Mr. Barker said that the recitations/whereases were amended to more clearly state the factual foundations for the County's decision to enact the bill. He said that the definitions were amended to make it easier to establish what sorts of areas are off limits to Megan's Law registrants.

He also said that the exemptions now allow for people in drug rehab or other similar settings pursuant to a court order to stay there without violating the ordinance. Other law enforcement entities can now be designated to enforce some of the ordinance's provisions. He said that the penalties have been backed off and the effective date has been adjusted to allow for publication of a list of what parts of the County are off-limits to Megan's Law registrants. He summarized that the ordinance should be easier to enforce, can be enforced by more agencies, has less harsh penalties, provides for advance notice of what areas of the County will be off-limits, and has a more clearly defined factual basis.

The Chair asked whether the bill would withstand constitutional scrutiny. Mr. Barker said that he believes it would.

Mr. Macey asked the Chair if he thought the bill would be challenged. The Chair said that while there is no guarantee that it will not be, if it were it would be on constitutional grounds, and he believes that the amendments were drafted with that in mind so that the bill would survive those challenges.

Ms. Cleary said her concern is that it may so restricted that the registered offenders may not be able to live anywhere in Allegheny County.

The Chair asked Mr. Flynn for his observations and opinions of the bill. He said that the County Law Department still has some concerns with constitutional issues. He said that he would have the County's GIS Department develop a map based on the restrictions in order to provide the committee with a visual blueprint of the restricted areas. Mr. Fitzgerald and Mr. Macey welcomed that offer.

Mr. Flynn also said that another fear he has is that all liability would fall on the county because the county would have to enforce it, and he wanted the committee to be aware of that. He said that if someone slips through the cracks and commits a violent crime, the county would be liable for that. The victim would be the person to file the suit if the perpetrator was living within a restricted areas

Mr. Drozd asked Mr. Flynn to further discuss that issue with the Law Department. The Chair said that he believes that the bill still needs to be fine tuned, and decided to hold the bill in committee until such time.

Action:

Held in Committee

V. **Adjournment**

Summary: *The meeting adjourned at 5:40 PM*