

El Dorado forced to alter sex offender law

By Kathryn Reed

El Dorado County Board of Supervisors on a 3-0 vote Tuesday repealed the sex offender ordinance that was created with Phillip Garrido in mind.

Garrido and his wife, Nancy, were sentenced in 2011 to spend the rest of their lives behind bars for the 1991 kidnapping of then 11-year-old Jaycee Lee Dugard from a bus stop in Meyers and then holding her captive 18 years in a shack and raping her at will.

A 48-year-old registered sex offender last year challenged the constitutionality of the ordinance in federal court, saying it was too restrictive. The 2012 ordinance limited sex offenders from being within 300 feet of a park, school, public pool, library or playground.



Phillip and Nancy Garrido's abduction of Jaycee Lee Dugard has changed sex offender laws.

El Dorado County District Attorney Vern Pierson said his office believes the judge was sympathetic to the plaintiff and

therefore he is willing to rewrite the ordinance to comply.

"We tried to put a buffer between certain sex offenders and parks and kids," Pierson told *Lake Tahoe News*.

One of the issues raised by the sex offender, who in court documents is called John Doe, is that he would not be allowed to go to a fast food establishment that has a playground because there would be children there.

"You are right. I don't want you in close proximity to children. I'm sorry that is an inconvenience for you," Pierson said in response to that challenge.

Before the county begins amending the ordinance it will wait for a decision out of Southern California related to where sex offenders are allowed to be. A decision is expected within a month. Pierson hopes to have something before the supervisors within 60 days.

At the Jan. 7 meeting Supervisor Norma Santiago was absent and Supervisor Ray Nutting did not participate in the vote. The ordinance will be void in 30 days.

South Lake Tahoe and Placerville have adopted similar ordinances that would be subject to the same challenge. However, the county ordinance only affects unincorporated areas of the county.

Pierson said he plans to talk to officials in both cities once the county ordinance is redrafted and the ruling from Southern California comes out. South Lake Tahoe hasn't bothered to start revising its ordinance even though it knows it will have to. City Attorney Tom Watson said he would review the federal case and present the City Council with options, but he didn't say when or what those options might be.

"Our law has the same issue that is present in the county's law. In my estimation, most of the time there are provisions

that allow the parts of the laws that are deemed unconstitutional to remain unenforced but the other parts remain in effect. I would support an update to the law as opposed to repealing," South Lake Tahoe Police Chief Brian Uhler told *Lake Tahoe News*.