

2007 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 2404

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 2, 2007)

(Patron Prior to Substitute—Delegate Athey)

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-370.5, and to repeal § 18.2-370.3 of the Code of Virginia, relating to sex offenses prohibiting residing in proximity to children; penalty.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-370.5 as follows:

§ 18.2-370.5. Sex offenses prohibiting residing in proximity to children; penalty.

A. Every adult who is convicted of an offense requiring registration under the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.) where the victim of one of the offenses requiring registration was a minor, shall be forever prohibited from residing within 1000 feet of the premises of any place he knows or has reason to know is a child day center as defined in § 63.2-100, a public, private, or parochial, primary, secondary, or high school. A violation of this section is a Class 6 felony.

B. An adult who is convicted of an offense as specified in subsection A and has established a lawful residence shall not be in violation of this section if a child day center, a public, private or parochial, primary, secondary, or high school, is established within 1000 feet of his residence subsequent to his conviction.

2. That § 18.2-370.3 of the Code of Virginia is repealed.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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