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HOUSE BILL NO. 622

Offered January 10, 2018
Prefiled January 8, 2018

A BILL to amend and reenact § 18.2-370.5 of the Code of Virginia, relating to sex offenses prohibiting entry onto school property; penalty.

Patron—Bell, Robert B.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-370.5 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-370.5. Sex offenses prohibiting entry onto school or other property; penalty.

A. Every adult who is convicted of *(i)* a sexually violent offense, as defined in § 9.1-902, *or (ii) any felony offense set forth in subsection B of § 9.1-902 requiring registration where the victim of the offense was a minor* shall be prohibited from entering or being present ~~(i)~~ *(a)* during school hours, and during school-related or school-sponsored activities upon any property he knows or has reason to know is a public or private elementary or secondary school or child day center property; ~~(ii)~~ *(b)* on any school bus as defined in § 46.2-100; or ~~(iii)~~ *(c)* upon any property, public or private, during hours when such property is solely being used by a public or private elementary or secondary school for a school-related or school-sponsored activity.

B. The provisions of clauses ~~(i)~~ *(a)* and ~~(iii)~~ *(c)* of subsection A shall not apply to such adult if (i) he is a lawfully registered and qualified voter, and is coming upon such property solely for purposes of casting his vote; (ii) he is a student enrolled at the school; or (iii) he has obtained a court order pursuant to subsection C allowing him to enter and be present upon such property, has obtained the permission of the school board or of the owner of the private school or child day center or their designee for entry within all or part of the scope of the lifted ban, and is in compliance with such school board's, school's or center's terms and conditions and those of the court order.

C. Every adult who is prohibited from entering upon school or child day center property pursuant to subsection A may after notice to the attorney for the Commonwealth and either (i) the proprietor of the child day center, (ii) the Superintendent of Public Instruction and the chairman of the school board of the school division in which the school is located, or (iii) the chief administrator of the school if such school is not a public school, petition the circuit court in the county or city where the school or child day center is located for permission to enter such property. The court shall direct that the petitioner shall cause notice of the time and place of the hearing on his petition to be published once a week for two successive weeks in a newspaper meeting the requirements of § 8.01-324. The newspaper notice shall contain a provision stating that written comments regarding the petition may be submitted to the clerk of court at least five days prior to the hearing. For good cause shown, the court may issue an order permitting the petitioner to enter and be present on such property, subject to whatever restrictions of area, reasons for being present, or time limits the court deems appropriate.

D. A violation of this section is punishable as a Class 6 felony.

INTRODUCED

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