

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-370.5 of the Code of Virginia, relating to sex offenses; prohibiting*
3 *entry onto school property; penalty.*

4 [S 1318]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-370.5 of the Code of Virginia is amended and reenacted as follows:**

8 § 18.2-370.5. Sex offenses; prohibiting entry onto school property; penalty.

9 A. Every adult who is convicted of a sexually violent offense, as defined in § 9.1-902, shall be
10 prohibited from entering ~~and~~ or being present, during school hours, and *shall be prohibited from*
11 *entering or being present* during school-related ~~and~~ or school-sponsored activities, upon any property he
12 knows or has reason to know is a public or private elementary or secondary school or child day center
13 property, unless (i) he is a lawfully registered and qualified voter, and is coming upon such property
14 solely for purposes of casting his vote; (ii) he is a student enrolled at the school; or (iii) he has obtained
15 a court order allowing him to enter and be present upon such property, has obtained the permission of
16 the school board or of the owner of the private school or child day center or their designee for entry
17 within all or part of the scope of the lifted ban, and is in compliance with such school board's, school's
18 or center's terms and conditions and those of the court order. A violation of this section is punishable as
19 a Class 6 felony.

20 B. Every adult who is prohibited from entering upon school or child day center property pursuant to
21 subsection A may after notice to the attorney for the Commonwealth and either (i) the proprietor of the
22 child day center, (ii) the superintendent of public instruction of the school division in which the school
23 is located, or (iii) the chief administrator of the school if such school is not a public school, petition the
24 circuit court in the county or city where the school or child day center is located for permission to enter
25 such property. For good cause shown, the court may issue an order permitting the petitioner to enter and
26 be present on such property, subject to whatever restrictions of area, reasons for being present, or time
27 limits the court deems appropriate.

28 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
29 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0**
30 **for periods of imprisonment in state adult correctional facilities and is \$0 for periods of**
31 **commitment to the custody of the Department of Juvenile Justice.**

ENROLLED

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