

## 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 or other property; hearing.*

[H 1366]

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 or other 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 or being present (i) during school hours, and during school-related or  
11 school-sponsored activities upon any property he knows or has reason to know is a public or private  
12 elementary or secondary school or child day center property; (ii) on any school bus as defined in  
13 § 46.2-100; or (iii) upon any property, public or private, during hours when such property is solely  
14 being used by a public or private elementary or secondary school for a school-related or  
15 school-sponsored activity.

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

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

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

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