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HOUSE BILL NO. 1026

Offered January 10, 2024

Prefiled January 10, 2024

A BILL to amend and reenact § 18.2-370.4 of the Code of Virginia, relating to sex offenses prohibiting working on school property; penalty.

Patron—Wilt

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-370.4 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-370.4. Sex offenses prohibiting working on school property; penalty.**

A. Every adult who has been convicted of an offense occurring on or after July 1, 2006, where the offender is more than three years older than the victim, of one of the following qualifying offenses: (i) clause (iii) of subsection A of § 18.2-61, (ii) subdivision A 1 of § 18.2-67.1, (iii) subdivision A 1 of § 18.2-67.2, or (iv) any similar offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof, shall be forever prohibited from working or engaging in any volunteer activity on property he knows or has reason to know is a public or private elementary or secondary school or child day center property. ~~A violation of this section is punishable as a Class 6 felony.~~ The provisions of this section ~~subsection~~ shall ~~only~~ apply only if the qualifying offense was done in the commission of, or as a part of the same course of conduct of, or as part of a common scheme or plan as a violation of (a) subsection A of § 18.2-47 or 18.2-48; (b) § 18.2-89, 18.2-90, or 18.2-91; (c) § 18.2-51.2; or (d) any similar offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof.

B. ~~Notwithstanding the provisions of subsection A, every adult who has been convicted of an offense or an attempt thereof occurring on or after July 1, 2024, of one of the following qualifying offenses: (i) subsection A of § 18.2-47, clause (ii) or (iii) of § 18.2-48, § 18.2-348, subsection B of § 18.2-361, or subsection B of § 18.2-366, where the victim of any of the foregoing offenses was a minor; (ii) clause (iii) of subsection A of § 18.2-61, § 18.2-63 or 18.2-64.1, subdivision A 1 of § 18.2-67.1, subdivision A 1 of § 18.2-67.2, subdivision A 1 or A 4 a of § 18.2-67.3, clause (i) or (ii) of § 18.2-346.01, subdivision (3) or (4) of § 18.2-355, clause (ii) of § 18.2-356, § 18.2-357 where the offense is a Class 3 felony, subsection C of § 18.2-357.1, § 18.2-370 or 18.2-370.1, clause (ii) of § 18.2-371, or § 18.2-374.1, 18.2-374.1:1, or 18.2-379; or (iii) any similar offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof, shall be forever prohibited from working or engaging in any volunteer activity on property he knows or has reason to know is a public or private elementary or secondary school or child day center property.~~

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

D. An employer of a person who violates this section, or any person who procures volunteer activity by a person who violates this section, and the school or child day center where the violation of this section occurred, are immune from civil liability unless they had actual knowledge that such person had been convicted of an offense listed in subsection A or B.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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