

## 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; penalty.*

[H 2066]

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 and being present; (i) during school hours and during school-related and  
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; ~~unless~~; (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. A person convicted of a sexually violent offense may enter premises described in subsection A if  
17 (i) he is a lawfully registered and qualified voter, and is coming upon such property solely for purposes  
18 of casting his vote; (ii) he is a student enrolled at the school; or (iii) he has obtained a court order  
19 pursuant to subsection C allowing him to enter and be present upon such property, has obtained the  
20 permission of the school board or of the owner of the private school or child day center or their  
21 designee for entry within all or part of the scope of the lifted ban, and is in compliance with such  
22 school board's, school's or center's terms and conditions and those of the court order. ~~A violation of this~~  
23 ~~section is punishable as a Class 6 felony.~~

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

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

33 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
34 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**  
35 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**  
36 **874 of the Acts of Assembly of 2010 requires the Virginia Criminal Sentencing Commission to**  
37 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**  
38 **necessary appropriation is \$0 for periods of commitment to the custody of the Department of**  
39 **Juvenile Justice.**

ENROLLED

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