

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 2429**

**2015 Carryover**

(BY DELEGATES P. SMITH, PERRY, HARTMAN, MOYE,  
ELDRIDGE, LYNCH, FERRO, REYNOLDS, FAIRCLOTH AND  
SOBONYA)

[Introduced January 13, 2016; referred to the  
Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §61-8B-19, relating to requiring a convicted sex offender who volunteers for  
 3 an organization whose volunteers have contact with minors to inform that organization of  
 4 his or her conviction; requiring the organization that accepts the sex offender as a  
 5 volunteer to notify the parents or guardians of those minors of his or her conviction; and  
 6 setting forth penalties.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding there a new  
 2 section, designated §61-8B-19, to read as follows:

**ARTICLE 8B. SEXUAL OFFENSES.**

**§61-8B-19. Sex offender acting as volunteer; notice requirement; penalties.**

1 (a) A person who has been convicted of an offense described in this article who volunteers  
 2 for an organization whose volunteers have direct contact with minors must inform the organization  
 3 of his or her conviction at the time of volunteering. This notification must be in writing and  
 4 submitted to the head of the organization or, if applicable, the person who has principal control of  
 5 the organization's activities.

6 (b) For purposes of this section, the services, places or activities where there is or may be  
 7 direct contact with a minor referred to in subsection (a) of this section include, but are not limited  
 8 to:

9 (1) Child protection services;

10 (2) Child care services;

11 (3) Educational institutions;

12 (4) Community services, youth residential centers, youth supervision units or youth  
 13 training centers;

- 14           (5) Retreats or other residential facilities used by children;
- 15           (6) Pediatric wards of hospitals;
- 16           (7) Clubs, associations or movements (including of a cultural, recreational or sporting  
17 nature) that provide services or conduct activities for, or directed at, children or whose  
18 membership is mainly comprised of children, such as Boy and Girl Scouts, 4-H, Big Brother or  
19 Big Sister programs;
- 20           (8) Religious organizations;
- 21           (9) Baby sitting or child minding services;
- 22           (10) Fostering children;
- 23           (11) Providing a transport service specifically for children;
- 24           (12) Coaching or tutoring services of any kind for children;
- 25           (13) Counseling or other support services for children;
- 26           (14) Overnight or day camps for children regardless of the type of accommodation or of  
27 how many children are involved;
- 28           (15) School crossing services, being services provided by people to assist children to  
29 cross roads on their way to or from school;
- 30           (16) Providing an entertainment or party service for children;
- 31           (17) Providing, gym or play facilities for children;
- 32           (18) Providing photography services for children; and
- 33           (19) Talent, sporting or beauty competitions held for children.
- 34           (c) If, after the notification required by subsection (a) of this section has been received,  
35 and the organization permits the offender to be a volunteer, the organization must notify, in writing,  
36 the parents or guardians of all minors involved of the offender's criminal record.
- 37           (d) This section applies to all registered sex offenders regardless of the date of conviction.

38           (e) A person previously registered as a sex offender and who has a continuing obligation  
39 to be registered as a sex offender shall be notified of his or her obligation pursuant to this section,  
40 with the first reregistration form to be sent to that person after July 1, 2015.

41           (f) If the registered sex offender is currently volunteering for an organization that has direct  
42 contact with minors, the offender must, upon receipt of notice requiring notification, resign or  
43 immediately notify, in writing, the organization of his or her criminal record.

44           (g) A convicted sex offender who fails to comply with this section is guilty of a  
45 misdemeanor and, upon conviction, shall be confined in jail for a term not to exceed six months,  
46 or fined not more than \$1,000, or both confined and fined.

NOTE: The purpose of this bill is to require a convicted sex offender who volunteers for an organization whose volunteers have contact with minors to inform that organization of his or her conviction. The bill provides examples of those organizations. The bill requires an organization that accepts the sex offender to be a volunteer to notify the parents or guardians of those minors of his or her conviction. The bill also sets forth penalties.

This section is new; therefore, it has been completely underscored.