

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4455**

BY DELEGATES UPSON, BLAIR, HOUSEHOLDER, LANE,

IHLE, STATLER AND KURCABA

[Introduced February 9, 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 §15-12-11, relating to sex offender registrants; prohibiting Halloween related  
 3 contact with children; and providing a misdemeanor criminal penalty.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §15-12-11, to read as follows:

**ARTICLE 12. SEX OFFENDER REGISTRATION ACT.**

**§15-12-11. Halloween, restrictions on conduct; violations; penalty.**

1 (a) All registrants, including those for whom there has been no change in registration  
 2 information since their initial registration or previous address verification, shall on October 31 of  
 3 each year:

- 4 (1) Avoid all Halloween related contact with children;
- 5 (2) Remain inside the registrant’s residence between the hours of 5 p. m. and 10:30 p. m.  
 6 unless required to be elsewhere for just cause including, but not limited to, employment or medical  
 7 emergencies;

- 8 (3) Leave all outside residential lighting off during the evening hours after 5 p. m.
- 9 (b) Any person required to register as a sex offender under this article who violates this  
 10 section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$250  
 11 or confined in jail not more than one year, or both fined and confined.

NOTE: The purpose of this bill is to prohibit sex offender registrants from having Halloween related contact with children. The bill also provides a misdemeanor criminal penalty for violations.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.