

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2502

FISCAL
NOTE

BY DELEGATE STEELE, PACK, HARSHBARGER, MANDT,

GRAVES, WILSON, FOSTER AND KESSINGER

[Introduced January 17, 2019; 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 prohibiting registered sex offenders from participating in
 3 Halloween activities; requiring certain signage; and establishing criminal penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. SEX OFFENDER REGISTRATION ACT.

§15-12-11. Participating in Halloween activities prohibited; signage required; criminal penalties.

1 (a) Any person required to register pursuant to this article is prohibited from participating
 2 in traditional Halloween activities, handing out candy or treats to children under the age of 18,
 3 participating in community Halloween activities involving children under the age of 18, or
 4 decorating the exterior of their home or domicile with lights, decorations, or other implements
 5 customarily used for the Halloween holiday. These prohibitions are effective regardless of time
 6 of year or on which date Halloween is celebrated in a given jurisdiction.

7 (b) Any person required to register pursuant to this article is required to post a sign of
 8 dimensions of no less than 8 ½ inches by 11 inches being white in color with red print of not less
 9 than 72-point font in all capital letters that states “NO HALLOWEEN FESTIVITIES.” That sign
 10 shall be posted on all entry ways of the domicile of the registrant between the dates of October
 11 24 and November 6 of every year the individual is subject to the registration requirements of this
 12 article.

13 (c) Any person who is found guilty of violating this section for a first offense is guilty of a
 14 misdemeanor and, upon conviction, shall be confined in jail for a period of not less than 30 days
 15 and not more than one year, and fined not more than \$2,500.

16 (d) Any person who is found guilty of violating this section for a second or subsequent
 17 offense is guilty of a felony and, upon conviction, shall be confined in a state correctional facility for
 18 a period of not less than three years nor more than seven years, and fined not more than \$25,000.

NOTE: The purpose of this to prohibit registered sex offenders from participating in Halloween activities. The bill requires certain signage and establishes criminal penalties.

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