

1 **H. B. 2995**

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3 (By Delegates Smith, Lawrence, Ellem, Lane,
4 Ferro, C. Miller, Pino, Miley, M. Poling,
5 Skaff and Barker)

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7 [Introduced February 3, 2011; referred to the
8 Committee on the Judiciary then Finance.]

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

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

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

22 **ARTICLE 8B. SEXUAL OFFENSES.**

23 **§61-8B-19. Sex offender acting as volunteer; notice requirement;**
24 **penalties.**

25 (a) Any person who has been convicted of an offense described
26 in this article who volunteers for an organization whose volunteers
27 have direct contact with minors must inform the organization of his
28 or her conviction at the time of volunteering. This notification

1 must be in writing and submitted to the head of the organization
2 or, if applicable, the person who has principal control of the
3 organization's activities.

4 (b) If, after the notification required by subsection (a) of
5 this section has been received, and the organization permits the
6 offender to be a volunteer, the organization must notify, in
7 writing, the parents or guardians of all minors involved of the
8 offender's criminal record.

9 (c) This section applies to all registered sex offenders
10 regardless of the date of conviction.

11 (d) Any person previously registered as a sex offender and who
12 has a continuing obligation to be registered as a sex offender
13 shall be notified of his or her obligation pursuant to this
14 section, with the first reregistration form to be sent to that
15 person after July 1, 2011.

16 (e) If the registered sex offender is currently volunteering
17 for an organization that has direct contact with minors, the
18 offender must, upon receipt of notice requiring notification,
19 resign or immediately notify, in writing, the organization of his
20 or her criminal record.

21 (f) A convicted sex offender who fails to comply with this
22 section is guilty of a misdemeanor and, upon conviction, shall be
23 confined in jail for a term not to exceed six months, or fined not
24 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 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.