

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4459**

4 (By Delegates Reynolds, Frazier, Marcum, Hall, Hunt,
5 Manchin, Pino, Ferro and Sobonya)

6 (Originating in the Committee on Finance)

7 [February 24, 2012]

8
9
10 A BILL to amend and reenact §15-12-2, §15-12-5 and §15-12-8 of the
11 Code of West Virginia, 1931, as amended; and to amend and
12 reenact §49-5-13b of said code, all relating to authorizing a
13 court to require a convicted juvenile sex offender whose
14 underlying offense constitutes a first or second degree sexual
15 assault and who is sixteen years of age or older to register
16 as a sex offender; and maintaining confidentiality of juvenile
17 sex offender registration information except for disclosure to
18 law enforcement, school administration and counsel until the
19 juvenile attains the age of eighteen years.

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

21 That §15-12-2, §15-12-5 and §15-12-8 of the Code of West
22 Virginia, 1931, as amended, be amended and reenacted; and that §49-
23 5-13b of said code be amended and reenacted, all to read as
24 follows:

25 **CHAPTER 15. PUBLIC SAFETY.**

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

1 **§15-12-2. Registration.**

2 (a) The provisions of this article apply both retroactively
3 and prospectively.

4 (b) Any person who has been convicted of an offense or an
5 attempted offense or has been found not guilty by reason of mental
6 illness, mental retardation or addiction of an offense under any of
7 the following provisions of chapter sixty-one of this code or under
8 a statutory provision of another state, the United States Code or
9 the Uniform Code of Military Justice which requires proof of the
10 same essential elements shall register as set forth in subsection
11 (d) of this section and according to the internal management rules
12 promulgated by the superintendent under authority of section
13 twenty-five, article two of this chapter:

14 (1) Article eight-b, including the provisions of former
15 section six of said article, relating to the offense of sexual
16 assault of a spouse, which was repealed by an Act of the
17 Legislature during the year two thousand legislative session;

18 (2) Article eight-c;

19 (3) Sections five and six, article eight-d;

20 (4) Section fourteen, article two;

21 (5) Sections six, seven, twelve and thirteen, article eight;

22 or

23 (6) Section fourteen-b, article three-c, as it relates to
24 violations of those provisions of chapter sixty-one listed in this
25 subsection.

26 (c) Any person whou:

1 (1) Has been convicted of a criminal offense and the
2 sentencing judge made a written finding that the offense was
3 sexually motivated; or

4 (2) Is required to register by a court order issued pursuant
5 to subdivision (5), subsection (a), section thirteen-b, article
6 five, chapter forty-nine of this code,

7 shall also register as set forth in this article.

8 (d) Persons required to register under the provisions of this
9 article shall register in person at the West Virginia State Police
10 detachment in the county of his or her residence, the county in
11 which he or she owns or leases habitable real property that he or
12 she visits regularly, the county of his or her place of employment
13 or occupation and the county in which he or she attends school or
14 a training facility, and in doing so, provide or cooperate in
15 providing, at a minimum, the following when registering:

16 (1) The full name of the registrant, including any aliases,
17 nicknames or other names used by the registrant;

18 (2) The address where the registrant intends to reside or
19 resides at the time of registration, the address of any habitable
20 real property owned or leased by the registrant that he or she
21 regularly visits: *Provided,* That a post office box may not be
22 provided in lieu of a physical residential address, the name and
23 address of the registrant's employer or place of occupation at the
24 time of registration, the names and addresses of any anticipated
25 future employers or places of occupation, the name and address of
26 any school or training facility the registrant is attending at the

1 time of registration and the names and addresses of any schools or
2 training facilities the registrant expects to attend;

3 (3) The registrant's social security number;

4 (4) A full-face photograph of the registrant at the time of
5 registration;

6 (5) A brief description of the crime or crimes for which the
7 registrant was convicted;

8 (6) Fingerprints;

9 (7) Information related to any motor vehicle, trailer or motor
10 home owned or regularly operated by a registrant, including vehicle
11 make, model, color and license plate number: *Provided*, That for
12 the purposes of this article, the term "trailer" shall mean travel
13 trailer, fold-down camping trailer and house trailer as those terms
14 are defined in section one, article one, chapter seventeen-a of
15 this code;

16 (8) Information relating to any Internet accounts the
17 registrant has and the screen names, user names or aliases the
18 registrant uses on the Internet; ~~and~~

19 (9) Information related to any telephone or electronic paging
20 device numbers that the registrant has or uses, including, but not
21 limited to, residential, work and mobile telephone numbers; and

22 (10) If the registrant is a juvenile, the physical address and
23 telephone of the registrant's parent(s) or legal guardian(s) and
24 any other relative or person with whom the registrant regularly
25 engages in overnight visits.

26 (e) (1) On the date that any person convicted or found not

1 guilty by reason of mental illness, mental retardation or addiction
2 of any of the crimes listed in subsection (b) of this section,
3 hereinafter referred to as a "qualifying offense", including those
4 persons who are continuing under some post-conviction supervisory
5 status, are released, granted probation or a suspended sentence,
6 released on parole, probation, home detention, work release,
7 conditional release, inpatient treatment facility or juvenile
8 detention facility or any other release from confinement, the
9 Commissioner of Corrections, regional jail administrator, city
10 official or sheriff operating a jail, administrator of the
11 treatment or juvenile detention facility or Secretary of the
12 Department of Health and Human Resources who releases the person
13 and any parole or probation officer who releases the person or
14 supervises the person following the release, shall obtain all
15 information required by subsection (d) of this section prior to the
16 release of the person, inform the person of his or her duty to
17 register and send written notice of the release of the person to
18 the State Police within three business days of receiving the
19 information. The notice must include the information required by
20 said subsection. Any person having a duty to register for a
21 qualifying offense shall register upon conviction, unless that
22 person is confined or incarcerated, in which case he or she shall
23 register within three business days of release, transfer or other
24 change in disposition status.

25 (2) Notwithstanding any provision of this article to the
26 contrary, a court of this state shall, upon presiding over a

1 criminal matter resulting in conviction, a disposition under
2 subdivision (5), subsection (a), section thirteen-b, article five,
3 chapter forty-nine of this code or a finding of not guilty by
4 reason of mental illness, mental retardation or addiction of a
5 qualifying offense, cause, within seventy-two hours of entry of the
6 commitment or sentencing order, the transmittal to the sex offender
7 registry for inclusion in the registry all information required for
8 registration by a registrant as well as the following non-
9 identifying information regarding the victim or victims:

- 10 (A) His or her sex;
- 11 (B) His or her age at the time of the offense; and
- 12 (C) The relationship between the victim and the perpetrator.

13 The provisions of this paragraph do not relieve a person
14 required to register pursuant to this section from complying with
15 any provision of this article.

16 (f) For any person determined to be a sexually violent
17 predator, the notice required by subsection (d) of this section
18 must also include:

- 19 (1) Identifying factors, including physical characteristics;
- 20 (2) History of the offense; and
- 21 (3) Documentation of any treatment received for the mental
22 abnormality or personality disorder.

23 (g) At the time the person is convicted, required to register
24 pursuant to an order entered under subdivision (5), subsection (a),
25 section thirteen-b, article five, chapter forty-nine of this code,
26 or found not guilty by reason of mental illness, mental retardation

1 or addition in a court of this state of the crimes set forth in
2 subsection (b) of this section, the person shall sign in open court
3 a statement acknowledging that he or she understands the
4 requirements imposed by this article. The court shall inform the
5 person so convicted of the requirements to register imposed by this
6 article and shall further satisfy itself by interrogation of the
7 defendant or his or her counsel that the defendant has received
8 notice of the provisions of this article and that the defendant
9 understands the provisions. The statement, when signed and
10 witnessed, constitutes prima facie evidence that the person had
11 knowledge of the requirements of this article. Upon completion of
12 the statement, the court shall provide a copy to the registry.
13 Persons who have not signed a statement under the provisions of
14 this subsection and who are subject to the registration
15 requirements of this article must be informed of the requirement by
16 the State Police whenever the State Police obtain information that
17 the person is subject to registration requirements.

18 (h) (1) The State Police shall maintain a central registry of
19 all persons who register under this article and shall release
20 information only as provided in this article.

21 (2) Information maintained on juveniles required to register
22 by a court order issued under subdivision (5), subsection (a),
23 section thirteen-b, article five, chapter forty-nine of this code,
24 shall be confidential and may be disclosed only as authorized under
25 section five of this article.

26 (3) Notwithstanding any other provision of this code to the

1 contrary, the provisions of this article with respect to special
2 reporting requirements, confidentiality and disclosure are not
3 applicable on or after that juvenile attains the age of eighteen
4 years. Upon the date the juvenile attains the age of eighteen
5 years, he or she shall thereafter be subject to each and every
6 provision of this article as if he or she had been convicted of a
7 violation of section three or four, article eight-b, chapter sixty-
8 one of this code. Notwithstanding any provision of article five,
9 chapter forty-nine of this code, on and after the date the juvenile
10 attains the age of eighteen years, upon request of the West
11 Virginia State Police, the circuit clerk of the court in which the
12 the order was issued under subdivision (5), subsection (a), section
13 thirteen-b, article five, chapter forty-nine of this code shall
14 deliver to the West Virginia State Police a copy of the records of
15 the juvenile proceeding in which the order was issued without cost
16 and without order of the court. Those records may be used for all
17 purposes under the provisions of this article to the extent that
18 the same would otherwise be used if they were a courts records of
19 the proceedings under he or she had been an adult and convicted of
20 a violation of section three or four, article eight-b, chapter
21 sixty-one of this code.

22 (3) The information required to be made public by the State
23 Police by subdivision (2), subsection (b), section five of this
24 article is to be accessible through the Internet.

25 (4) No information relating to telephone or electronic paging
26 device numbers a registrant has or uses may be released through the

1 Internet.

2 (i) For the purpose of this article, "sexually violent
3 offense" means:

4 (1) Sexual assault in the first degree as set forth in section
5 three, article eight-b, chapter sixty-one of this code or of a
6 similar provision in another state, federal or military
7 jurisdiction;

8 (2) Sexual assault in the second degree as set forth in
9 section four, article eight-b, chapter sixty-one of this code or of
10 a similar provision in another state, federal or military
11 jurisdiction;

12 (3) Sexual assault of a spouse as set forth in the former
13 provisions of section six, article eight-b, chapter sixty-one of
14 this code, which was repealed by an Act of the Legislature during
15 the two thousand legislative session, or of a similar provision in
16 another state, federal or military jurisdiction;

17 (4) Sexual abuse in the first degree as set forth in section
18 seven, article eight-b, chapter sixty-one of this code or of a
19 similar provision in another state, federal or military
20 jurisdiction.

21 (j) For purposes of this article, the term "sexually
22 motivated" means that one of the purposes for which a person
23 committed the crime was for any person's sexual gratification.

24 (k) For purposes of this article, the term "sexually violent
25 predator" means a person who has been convicted or found not guilty
26 by reason of mental illness, mental retardation or addiction of a

1 sexually violent offense and who suffers from a mental abnormality
2 or personality disorder that makes the person likely to engage in
3 predatory sexually violent offenses.

4 (l) For purposes of this article, the term "mental
5 abnormality" means a congenital or acquired condition of a person,
6 that affects the emotional or volitional capacity of the person in
7 a manner that predisposes that person to the commission of criminal
8 sexual acts to a degree that makes the person a menace to the
9 health and safety of other persons.

10 (m) For purposes of this article, the term "predatory act"
11 means an act directed at a stranger or at a person with whom a
12 relationship has been established or promoted for the primary
13 purpose of victimization.

14 (n) For the purposes of this article, the term "business
15 days", means days exclusive of Saturdays, Sundays and legal
16 holidays as defined in section one, article two, chapter two of
17 this code.

18 **§15-12-5. Distribution and disclosure of information; community**
19 **information programs by prosecuting attorney and State**
20 **Police; petition to circuit court.**

21 (a) In the case of all persons required to register pursuant
22 to section two of this article, except juveniles required to
23 register by a court order issued under subdivision (5), subsection
24 (a), section thirteen-b, article five, chapter forty-nine of this
25 code, within five business days after receiving any notification as

1 described in this article, the State Police shall distribute a copy
2 of the notification statement to:

3 (1) The supervisor of each county and municipal
4 law-enforcement office and any campus police department in the city
5 and county where the registrant resides, owns or leases habitable
6 real property that he or she regularly visits, is employed or
7 attends school or a training facility;

8 (2) The county superintendent of schools in each county where
9 the registrant resides, owns or leases habitable real property that
10 he or she regularly visits, is employed or attends school or a
11 training facility;

12 (3) The child protective services office charged with
13 investigating allegations of child abuse or neglect in the county
14 where the registrant resides, owns or leases habitable real
15 property that he or she regularly visits, is employed or attends
16 school or a training facility;

17 (4) All community organizations or religious organizations
18 which regularly provide services to youths in the county where the
19 registrant resides, owns or leases habitable real property that he
20 or she regularly visits, is employed or attends school or a
21 training facility;

22 (5) Individuals and organizations which provide day care
23 services for youths or day care, residential or respite care, or
24 other supportive services for mentally or physically incapacitated
25 or infirm persons in the county where the registrant resides, owns
26 or leases habitable real property that he or she regularly visits,

1 is employed or attends school or a training facility; and

2 (6) The Federal Bureau of Investigation (FBI).

3 (b)(1) In the case of juveniles required to register by a
4 court order issued under subdivision (5), subsection (a), section
5 thirteen-b, article five, chapter forty-nine of this code, within
6 five business days after receiving any notification as described in
7 this article, the State Police shall distribute a copy of the
8 notification statement only to:

9 (A) The superintendent of the county school system where the
10 juvenile attends school or intends to attend school;

11 (B) The administrator of a training facility where the
12 juvenile is enrolled or intends to enroll; and

13 (C) Counsel for the juvenile, upon request.

14 (2) Notification pursuant to this subsection shall inform the
15 recipient that the information contained in the notification may be
16 disclosed to the school or training facility, upon request, and is
17 strictly confidential.

18 (c) Information concerning persons whose names are contained
19 in the sex offender registry is not subject to the requirements of
20 the West Virginia Freedom of Information Act, as set forth in
21 chapter twenty-nine-b of this code, and may be disclosed and
22 disseminated only as otherwise provided in this article and as
23 follows:

24 (1) When a person has been determined to be a sexually violent
25 predator under the terms of section two-a of this article, the
26 State Police shall notify the prosecuting attorney of the county in

1 which the person resides, owns or leases habitable real property
2 that he or she regularly visits, is employed or attends a school or
3 training facility. The prosecuting attorney shall cooperate with
4 the State Police in conducting a community notification program
5 which is to include publication of the offender's name, photograph,
6 place of residence, location of regularly visited habitable real
7 property owned or leased by the offender, county of employment and
8 place at which the offender attends school or a training facility,
9 as well as information concerning the legal rights and obligations
10 of both the offender and the community. Information relating to
11 the victim of an offense requiring registration may not be released
12 to the public except to the extent the prosecuting attorney and the
13 State Police consider it necessary to best educate the public as to
14 the nature of sexual offenses: Provided, That no victim's name may
15 be released in any public notification pursuant to this subsection.
16 No information relating to telephone or electronic paging device
17 numbers a registrant has or uses may be released to the public with
18 this notification program. The prosecuting attorney and State
19 Police may conduct a community notification program in the county
20 where a person who is required to register for life under the terms
21 of subdivision (2), subsection (a), section four of this article
22 resides, owns or leases habitable real property that he or she
23 regularly visits, is employed or attends a school or training
24 facility. Community notification may be repeated when determined
25 to be appropriate by the prosecuting attorney;

26 (2) The State Police shall maintain and make available to the

1 public at least quarterly the list of all persons who are required
2 to register for life according to the terms of subdivision (2),
3 subsection (a), section four of this article. No information
4 concerning the identity of a victim of an offense requiring
5 registration or telephone or electronic paging device numbers a
6 registrant has or uses may be released with this list. The method
7 of publication and access to this list are to be determined by the
8 superintendent; and

9 (3) A resident of a county may petition the circuit court for
10 an order requiring the State Police to release information about
11 persons that reside or own or lease habitable real property that
12 the persons regularly visit in that county and who are required to
13 register under section two of this article. The court shall
14 determine whether information contained on the list is relevant to
15 public safety and whether its relevance outweighs the importance of
16 confidentiality. If the court orders information to be released,
17 it may further order limitations upon secondary dissemination by
18 the resident seeking the information. In no event may information
19 concerning the identity of a victim of an offense requiring
20 registration or information relating to telephone or electronic
21 paging device numbers a registrant has or uses be released.

22 ~~(c)~~ (d) The State Police may furnish information and
23 documentation required in connection with the registration to
24 authorized law-enforcement, campus police and governmental agencies
25 of the United States and its territories, of foreign countries duly
26 authorized to receive the same, of other states within the United

1 States and of the State of West Virginia upon proper request
2 stating that the records will be used solely for
3 law-enforcement-related purposes. The State Police may disclose
4 information collected under this article to federal, state and
5 local governmental agencies responsible for conducting
6 preemployment checks. The State Police also may disclose
7 information collected under this article to the Division of Motor
8 Vehicles pursuant to the provisions of section three, article two,
9 chapter seventeen-b of this code.

10 ~~(d)~~ (e) An elected public official, public employee or public
11 agency is immune from civil liability for damages arising out of
12 any action relating to the provisions of this section except when
13 the official, employee or agency acted with gross negligence or in
14 bad faith.

15 **§15-12-8. Failure to register or provide notice of registration**
16 **changes; penalty; penalty for aiding and abetting.**

17 (a) Each time a person has a change in any of the registration
18 information as required by this article and knowingly fails to
19 register the change or changes, each failure to register each
20 separate item of information changed shall constitute a separate
21 offense under this section.

22 (b) Except as provided in this section, any person required to
23 register for ten years pursuant to subdivision (1), subsection (a),
24 section four of this article who knowingly provides materially
25 false information or who refuses to provide accurate information
26 when so required by the terms of this article, or who knowingly

1 fails to register or knowingly fails to provide a change in any
2 required information as required by this article, is guilty of a
3 misdemeanor and, upon conviction thereof, shall be fined not less
4 than two hundred fifty dollars nor more than ten thousand dollars
5 or confined in jail not more than one year, or both. Any person
6 convicted of a second offense under this subsection is guilty of a
7 felony and, upon conviction thereof, shall be imprisoned in a state
8 correctional facility for not less than one year nor more than five
9 years. Any person convicted of a third or subsequent offense under
10 this subsection is guilty of a felony and, upon conviction thereof,
11 shall be imprisoned in a state correctional facility for not less
12 than five nor more than twenty-five years.

13 (c) Any person required to register for life pursuant to this
14 article who knowingly provides materially false information or who
15 refuses to provide accurate information when so required by the
16 terms of this article, or who knowingly fails to register or
17 knowingly fails to provide a change in any required information as
18 required by this article, is guilty of a felony and, upon
19 conviction thereof, shall be imprisoned in a state correctional
20 facility for not less than one year nor more than five years. Any
21 person convicted of a second or subsequent offense under this
22 subsection is guilty of a felony and, upon conviction thereof,
23 shall be imprisoned in a state correctional facility for not less
24 than ten nor more than twenty-five years.

25 (d) In addition to any other penalty specified for failure to
26 register under this article, any person under the supervision of a

1 probation officer, parole officer or any other sanction short of
2 confinement in jail or prison who knowingly refuses to register or
3 who knowingly fails to provide a change in information as required
4 by this article shall be subject to immediate revocation of
5 probation or parole and returned to confinement for the remainder
6 of any suspended or unserved portion of his or her original
7 sentence.

8 (e) Notwithstanding the provisions of subsection (c) of this
9 section, any person required to register as a sexually violent
10 predator pursuant to this article who knowingly provides materially
11 false information or who refuses to provide accurate information
12 when so required by terms of this article or who knowingly fails to
13 register or knowingly fails to provide a change in any required
14 information as required by this article is guilty of a felony and,
15 upon conviction thereof, shall, for a first offense, be confined in
16 a state correctional facility not less than two nor more than ten
17 years and for a second or subsequent offense, is guilty of a felony
18 and shall be confined in a state correctional facility not less
19 than fifteen nor more than thirty-five years.

20 (f) Any person who knows or who has reason to know that a sex
21 offender is not complying, or has not complied, with the
22 requirements of this section and who, with the intent to assist the
23 sex offender in eluding a law-enforcement agency that is seeking to
24 find the sex offender to question the sex offender about, or to
25 arrest the sex offender for, his or her noncompliance with the
26 requirements of this section:

1 (1) Withholds information from, the law-enforcement agency
2 about the sex offender's noncompliance with the requirements of
3 this section and, if known, the whereabouts of the sex offender;
4 or

5 (2) Harbors, or attempts to harbor, or assists another person
6 in harboring or attempting to harbor, the sex offender; or

7 (3) Conceals or attempts to conceal, or assists another person
8 in concealing or attempting to conceal, the sex offender; or

9 (4) Provides information to the law-enforcement agency
10 regarding the sex offender which the person knows to be false
11 information is guilty of a misdemeanor and, upon conviction
12 thereof, shall be fined not less than two hundred fifty dollars nor
13 more than ten thousand dollars or confined in jail not more than
14 one year, or both: Provided, That where the person assists or
15 seeks to assist a sex offender whose violation of this section
16 would constitute a felony, the person shall be guilty of a felony
17 and, upon conviction thereof, shall be imprisoned in a state
18 correctional facility for not less than one year nor more than five
19 years.

20 (g) The State Police shall notify the court of the failure of
21 any juvenile to register as required by an order issued under
22 subdivision (5), subsection (a), section thirteen-b, article five,
23 chapter forty-nine of this code, within five business days
24 following the last day upon which the juvenile had the duty to
25 register. In addition to notifying the court of the juvenile's
26 failure to register, the State Police shall send a copy of this

1 notice, by certified mail, to the juvenile, the juvenile's parents
2 and legal counsel.

3 **CHAPTER 49. CHILD WELFARE.**

4 **ARTICLE 5. JUVENILE PROCEEDINGS.**

5 **§49-5-13b. Authority of the courts to order fines; revocation of**
6 **vehicle privileges and restitution; and juvenile sex**
7 **offender registration.**

8 (a) In addition to the methods of disposition provided in
9 section thirteen of this article, the court may enter an order
10 imposing one or more of the following penalties, conditions and
11 limitations:

12 (1) Impose a fine not to exceed \$100 upon ~~such~~ the child;

13 (2) Require the child to make restitution or reparation to the
14 aggrieved party or parties for actual damages or loss caused by the
15 offense for which the child was found to be delinquent, or if the
16 child does not make full restitution, require the custodial parent
17 or parents, as defined in section two, article seven-a, chapter
18 fifty-five, of the child to make partial or full restitution to the
19 victim to the extent the child fails to make full restitution;

20 (3) Require the child to participate in a public service
21 project under ~~such~~ conditions as the court prescribes, including
22 participation in the litter control program established pursuant to
23 the authority of section three, article fifteen-a, chapter
24 twenty-two of this code;

25 (4) When the child is fifteen years of age or younger and has

1 been adjudged delinquent, the court may order that the child is not
2 eligible to be issued a junior probationary operator's license or
3 when the child is between the ages of sixteen and eighteen years
4 and has been adjudged delinquent, the court may order that the
5 child is not eligible to operate a motor vehicle in this state and
6 any junior or probationary operator's license shall be surrendered
7 to the court. ~~Such~~ The child's driving privileges shall be
8 suspended for a period not to exceed two years and the clerk of the
9 court shall notify the Commissioner of the Division of Motor
10 Vehicles of ~~such~~ the order;

11 (5) When the child is sixteen years of age or older and is
12 adjudicated delinquent for violation of section three or four,
13 article eight-b, chapter sixty-one of this code, the court may
14 enter an order requiring the child to register as a sex offender
15 pursuant to article twelve, chapter fifteen of this code. The
16 order shall be delivered to the West Virginia State Police and
17 shall be confidential and may be disclosed only as authorized under
18 section five, article twelve, chapter fifteen of this code.

19 (b) ~~Nothing herein stated shall~~ This section does not limit
20 the discretion of the court in disposing of a juvenile case
21 ~~Provided, except~~ that the ~~juvenile shall not be denied~~ court may
22 not deny probation or any other disposition pursuant to this
23 article because the juvenile is financially unable to pay a fine or
24 make restitution or reparation ~~Provided, however, and~~ that all
25 penalties, conditions and limitations imposed under this section
26 shall be based upon a consideration by the court of the seriousness

1 of the offense, the child's ability to pay and a program of
2 rehabilitation consistent with the best interests of the child.

3 (c) Notwithstanding any other provisions of this code to the
4 contrary, in the event a child charged with delinquency under this
5 chapter is transferred to adult jurisdiction and there convicted,
6 the court may nevertheless, in lieu of sentencing such person as an
7 adult, make its disposition in accordance with this section.