

1 **H. B. 2338**

2
3 (By Delegate M. Smith)

4 [Introduced February 13, 2013; referred to the
5 Committee on the Judiciary then Finance.]

6 **FISCAL**
7 **NOTE**

8
9
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;**

1 **penalties.**

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

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

13 (1) Child protection services;

14 (2) Child care services;

15 (3) Educational institutions;

16 (4) Community services, youth residential centers, youth
17 supervision units or youth training centers;

18 (5) Retreats or other residential facilities used by children;

19 (6) Pediatric wards of hospitals;

20 (7) Clubs, associations or movements (including of a cultural,
21 recreational or sporting nature) that provide services or conduct
22 activities for, or directed at, children or whose membership is
23 mainly comprised of children, such as Boy and Girl Scouts, 4-H, Big
24 Brother or Big Sister programs;

- 1 (8) Religious organizations;
2 (9) Baby sitting or child minding services;
3 (10) Fostering children;
4 (11) Providing a transport service specifically for children;
5 (12) Coaching or tutoring services of any kind for children;
6 (13) Counseling or other support services for children;
7 (14) Overnight or day camps for children regardless of the
8 type of accommodation or of how many children are involved;
9 (15) School crossing services, being services provided by
10 people to assist children to cross roads on their way to or from
11 school;
12 (16) Providing an entertainment or party service for children;
13 (17) Providing, gym or play facilities for children;
14 (18) Providing photography services for children; and
15 (19) Talent, sporting or beauty competitions held for
16 children.
17 (c) If, after the notification required by subsection (a) of
18 this section has been received, and the organization permits the
19 offender to be a volunteer, the organization must notify, in
20 writing, the parents or guardians of all minors involved of the
21 offender's criminal record.
22 (d) This section applies to all registered sex offenders
23 regardless of the date of conviction.
24 (e) A person previously registered as a sex offender and who

1 has a continuing obligation to be registered as a sex offender
2 shall be notified of his or her obligation pursuant to this
3 section, with the first reregistration form to be sent to that
4 person after July 1, 2013.

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

10 (g) A convicted sex offender who fails to comply with this
11 section is guilty of a misdemeanor and, upon conviction, shall be
12 confined in jail for a term not to exceed six months, or fined not
13 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.