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SENATE BILL NO. 1108
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the House Committee for Courts of Justice
 on _____)

(Patron Prior to Substitute—Senator Diggs)

A BILL to amend and reenact § 18.2-370.2 of the Code of Virginia, relating to sex offenses prohibiting proximity to children; state parks; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-370.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-370.2. Sex offenses prohibiting proximity to children; penalty.

A. "Offense prohibiting proximity to children" means a violation or an attempt to commit a violation of (i) subsection A of § 18.2-47, clause (ii) or (iii) of § 18.2-48, subsection B of § 18.2-361, or subsection B of § 18.2-366, where the victim of one of the foregoing offenses was a minor, or (ii) clause (iii) of subsection A of § 18.2-61, § 18.2-63 or 18.2-64.1, subdivision A 1 of § 18.2-67.1, subdivision A 1 of § 18.2-67.2, subdivision A 1 or A 4 (a) of § 18.2-67.3, § 18.2-370 or 18.2-370.1, clause (ii) of § 18.2-371, or § 18.2-374.1, 18.2-374.1:1 or 18.2-379. As of July 1, 2006, "offense prohibiting proximity to children" includes a violation of § 18.2-472.1 when the offense requiring registration was one of the foregoing offenses.

B. Every adult who is convicted of an offense prohibiting proximity to children when the offense occurred on or after July 1, 2000, shall as part of his sentence be forever prohibited from loitering within 100 feet of the premises of any place he knows or has reason to know is a primary, secondary or high school. In addition, every adult who is convicted of an offense prohibiting proximity to children when the offense occurred on or after July 1, 2006, shall as part of his sentence be forever prohibited from loitering within 100 feet of the premises of any place he knows or has reason to know is a child day program as defined in § 22.1-289.02.

C. Every adult who is convicted of an offense prohibiting proximity to children, when the offense occurred on or after July 1, 2008, shall as part of his sentence be forever prohibited from going, for the purpose of having any contact whatsoever with children who are not in his custody, within 100 feet of the premises of any place owned or operated by a locality that he knows or should know is a playground, athletic field or facility, or gymnasium.

D. *Every adult who is convicted of an offense prohibiting proximity to children, when the offense occurred on or after July 1, 2025, shall as a part of his sentence be forever prohibited from going, for the purpose of having any contact whatsoever with children who are not in his custody, within 100 feet of a playground, athletic field or facility, or gymnasium he knows or has reason to know is located on the premises of a state park.*

E. Any person convicted of an offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof, similar to any offense set forth in subsection A shall be forever prohibited from loitering within 100 feet of the premises of any place he knows or has reason to know is a primary, secondary, or high school or any place he knows or has reason to know is a child day program as defined in § 22.1-289.02. In addition, he shall be forever prohibited from going, for the purpose of having any contact whatsoever with children who are not in his custody, within 100 feet of the premises of any place owned or operated by a locality that he knows or has reason to know is a playground, athletic field or facility, or gymnasium. *He shall also be forever prohibited from going, for the purpose of having any contact whatsoever with children who are not in his custody, within 100 feet of a playground, athletic field or facility, or gymnasium he knows or has reason to know is located on the premises of a state park.*

~~E.~~ F. A violation of this section is punishable as a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

HOUSE SUBSTITUTE

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