

Virginia State Crime Commission

Sex Offenders on School Property

2006

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During the 2006 Session of the Virginia General Assembly, Delegate Rob Bell introduced House Bill 1557, which would make it a crime for persons convicted of certain sex offenses to work or volunteer at an elementary or secondary school or child day care center. The Senate Courts of Justice Committee referred, by letter, the substitute version of this bill to the Commission for further study. Delegate Bell supported this referral as an opportunity for the Commission to explore the possibility of requiring all registered sex offenders, convicted of violent sexual offenses, to provide notice to school principals or administrators before being allowed entry onto school grounds.

Staff met with representatives from the Virginia Department of Education, the Virginia Association of Elementary School Principals, the Virginia Association of Secondary School Principals, and the Virginia School Boards Association to seek their perspective on this issue. All of the representatives approved of the basic concept of requiring certain persons on the sex offender registry to provide notice to school officials before they could come on school property.

As the Commission deliberated on this policy idea, it was suggested that the basic goal of any such requirements—to provide protection to students by preventing unannounced or unauthorized visits from sex offenders—could be accomplished by making it a crime for violent registered sex offenders to come on school or child day care center property. If a sex offender had a legitimate reason for coming onto such property, such as the fact that his child was enrolled at the school, he could petition a court for permission. Otherwise, anyone who violated this statute would be guilty of a Class 6 felony.

Staff conducted research and determined that such a scheme, being narrowly drawn and with possible exemptions available through court orders, would most likely not be found unconstitutional by the federal courts. The Commission, therefore, recommended making it a Class 6 felony for any person convicted of a sexually violent offense to come on school or child day care center property. Exceptions would be made for people who were coming on the property to vote, for students currently enrolled at the school, and for people who had received permission to come on the property by a court order.