

59 parental responsibilities;

60 (ii) (A) when the protected area is a public or private primary or secondary school; and

61 (B) the school is open and being used for a public activity other than a school-related
62 function that involves a minor; or

63 (iii) (A) if the protected area is a licensed day care or preschool facility located within a
64 building that is open to the public for purposes other than the operation of the day care or
65 preschool facility; and

66 (B) the sex offender does not enter a part of the building that is occupied by the day
67 care or preschool facility; or

68 (b) serve as an athletic coach, manager, or trainer for any sports team of which a minor
69 who is [~~less~~] younger than 18 years old is a member.

70 (4) A sex offender who violates this section is guilty of [~~a class A misdemeanor~~]:

71 (a) a class A misdemeanor; or

72 (b) if previously convicted of violating this section ~~§~~→ **within the last ten years** ←~~§~~ , a
72a third degree felony.