

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-299 of the Code of Virginia, relating to fingerprints and*
3 *photographs of juveniles.*

4 [H 1206]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 16.1-299 of the Code of Virginia is amended and reenacted as follows:**

8 § 16.1-299. Fingerprints and photographs of juveniles.

9 A. All duly constituted police authorities having the power of arrest may take fingerprints and
10 photographs of any juvenile who is taken into custody and charged with a delinquent act an arrest for
11 which, if committed by an adult, is required to be reported to the Central Criminal Records Exchange
12 pursuant to subsection A of § 19.2-390. Whenever fingerprints are taken, they shall be maintained
13 separately from adult records and a copy shall be filed with the juvenile court on forms provided by the
14 Central Criminal Records Exchange. However, all duly constituted police authorities having the power of
15 arrest shall take fingerprints and photographs of any juvenile fourteen years of age or older charged with
16 a "violent juvenile felony" as defined in § 16.1-228.

17 B. If a juvenile (i) of any age is adjudicated delinquent or found guilty of any offense which would
18 be a felony if committed by an adult or any other offense for which a report to the Central Criminal
19 Records Exchange is required by subsection C of § 19.2-390 if the offense were committed by an adult
20 or (ii) fourteen or older is charged with a "violent juvenile felony" ~~or an "ancillary crime"~~ as those
21 ~~terms are~~ defined in § 16.1-228, *or a crime ancillary thereto*, copies of his fingerprints and a report of
22 the disposition shall be forwarded to the Central Criminal Records Exchange *and to the jurisdiction*
23 *making the arrest* by the clerk of the court which heard the case.

24 C. If a petition or warrant is not filed against a juvenile whose fingerprints or photographs have been
25 taken in connection with an alleged violation of law, the fingerprint card, all copies of the fingerprints
26 and all photographs shall be destroyed sixty days after fingerprints were taken. If a juvenile *charged*
27 *with a delinquent act other than a violent juvenile felony or a crime ancillary thereto* is found not
28 guilty, *or if a juvenile under fourteen is charged with a delinquent act which otherwise would be a*
29 *violent juvenile felony or a crime ancillary thereto*, or in any other case resulting in a disposition for
30 which fingerprints are not required to be forwarded to the Central Criminal Records Exchange, the court
31 shall order that the fingerprint card, all copies of the fingerprints and all photographs be destroyed
32 within six months of the date of disposition of the case.

ENROLLED

HB1206ER