

# VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

## CHAPTER 391

*An Act to amend and reenact § 19.2-390.1 of the Code of Virginia, relating to Sex Offender and Crimes Against Minors Registry.*

[H 1434]

Approved March 16, 2003

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-390.1 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-390.1. Sex Offender and Crimes Against Minors Registry; maintenance; access; penalty.

A. The Department of State Police shall keep and maintain a Sex Offender and Crimes Against Minors Registry, separate and apart from all other records maintained by it. The purpose of the Registry shall be to assist the efforts of law-enforcement agencies to protect their communities from repeat sex offenders and to protect children from becoming victims of criminal offenders by helping to prevent such individuals from being hired or allowed to volunteer to work directly with children.

The Registry shall include conviction data received from the courts, including the disposition records for juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, on convictions for offenses for which registration is required as defined in § 19.2-298.1 and registrations and reregistrations received from persons required to do so by § 19.2-298.1, whether such requirement arose before, on, or after July 1, 1997.

The Registry shall also include a separate indication that a person has been convicted of a sexually violent offense.

Upon receipt of a registration or reregistration pursuant to § 19.2-298.1 the State Police shall forthwith notify the chief law-enforcement officer of the county, city or town of the locality listed as the person's address on the registration or reregistration and any person who has requested automatic notification pursuant to § 19.2-390.2. The State Police shall forthwith transmit the appropriate information as required by the Federal Bureau of Investigation for inclusion in the National Sex Offender Registry. The State Police shall promulgate regulations governing the giving of notice to the chief local law-enforcement officer, the operation and maintenance of the Registry and the expungement of records on persons who are deceased, whose convictions have been reversed or who have been pardoned, and those for whom an order of expungement or relief from frequent registration has been entered pursuant to §§ 19.2-298.3, 19.2-298.4 or § 19.2-392.1.

B. Except as *otherwise* provided in ~~subsection A, C or D~~ *this section*, Registry information shall be disseminated upon request made directly to the Department of State Police or to the State Police through a local law-enforcement agency. Such information may be disclosed to any person requesting information on a specific individual in accordance with subsection C. The Department of State Police shall make Registry information available, upon request, to criminal justice agencies including local law-enforcement agencies through the Virginia Criminal Information Network (VCIN). Registry information provided under this ~~section~~ *subsection* shall be used for the purposes of the administration of criminal justice, for the screening of current or prospective employees or volunteers or otherwise for the protection of the public in general and children in particular. ~~Use of the information for purposes not authorized by this section is prohibited and a willful violation of this section with the intent to harass or intimidate another shall be punished as a Class 1 misdemeanor.~~

~~The VCIN and any form or document used by the Department of State Police to disseminate information from the Registry shall provide notice that any unauthorized use of the information with the intent to harass or intimidate another is a crime punishable as a Class 1 misdemeanor.~~ The Department of State Police may by regulation establish a fee not to exceed ~~fifteen dollars~~ \$15 for responding to requests for information from the Registry pursuant to this subsection. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the Registry.

C. Information regarding a specific person requested pursuant to subsection B shall be disseminated upon receipt of an official request form which may be submitted directly to the Department of State Police or to the State Police through a local law-enforcement agency. The official request form shall include a statement of the reason for the request; the name and address of the person requesting the information; the name, address and, if known, the social security number of the person about whom information is sought; and such other information as the State Police may require to ensure reliable identification. ~~Unlawful use of the information for purposes of intimidating or harassing another is prohibited and a willful violation of this section shall be punished as a Class 1 misdemeanor.~~

D. On or before January 1, 1999, the State Police shall develop and maintain a system for making certain Registry information on violent sex offenders publicly available by means of the Internet. The information to be made available shall include the offender's name; all aliases which he has used or

under which he may have been known; the date and locality of the conviction and a brief description of the offense; his date of birth, current address and photograph; and such other information as the State Police may from time to time determine is necessary to preserve public safety. The system shall be secure and not capable of being altered except by the State Police. The system shall be updated each business day with newly received registrations and reregistrations. The State Police shall remove all information which it knows to be inaccurate from the Internet system.

*E. Upon request of the Virginia Criminal Sentencing Commission, the Department of State Police shall provide the Commission with Registry data in an electronic format. The Commission may use the data for research, evaluative or statistical purposes only and shall ensure the confidentiality and security of the data.*

*F. No liability shall be imposed upon any law-enforcement official who disseminates information or fails to disseminate information in good faith compliance with the requirements of this section, but this provision shall not be construed to grant immunity for gross negligence or willful misconduct.*

*G. Use of the information for purposes not authorized by this section is prohibited and a willful violation of this section with the intent to harass or intimidate another shall be punished as a Class 1 misdemeanor.*

*H. The VCIN and any form or document used by the Department of State Police to disseminate information from the Registry shall provide notice that any unauthorized use of the information with the intent to harass or intimidate another is a crime punishable as a Class 1 misdemeanor.*