

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1096]

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~~ *shall* 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" as defined in § 16.1-228, or a crime~~  
21 ~~ancillary thereto~~, copies of his fingerprints and a report of the disposition shall be forwarded to the  
22 Central Criminal Records Exchange and to the jurisdiction making the arrest by the clerk of the court  
23 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~~ *60* 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 guilty;  
28 ~~or if a juvenile under fourteen is charged with a delinquent act which otherwise would be a violent~~  
29 ~~juvenile felony or a crime ancillary thereto~~, or in any other case resulting in a disposition for which  
30 fingerprints are not required to be forwarded to the Central Criminal Records Exchange, the court shall  
31 order that the fingerprint card, all copies of the fingerprints and all photographs be destroyed within six  
32 months of the date of disposition of the case.

ENROLLED

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