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HOUSE BILL NO. 561

Offered January 11, 2006

Prefiled January 9, 2006

A BILL to amend and reenact § 18.2-472.1 of the Code of Virginia, relating to offenses committed by sex offenders while not properly registered with the sex offender registry; penalties.

Patrons—Amundson, Moran, Plum, Rust, Scott, J.M., Sickles and Watts; Senators: Cuccinelli, Ticer and Whipple

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-472.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-472.1. Providing false information or failing to provide registration information; penalty; prima facie evidence.

A. Any person subject to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, other than a person convicted of a sexually violent offense, who knowingly fails to register or reregister, or who knowingly provides materially false information to the Sex Offender and Crimes Against Minors Registry is guilty of a Class 1 misdemeanor. However, any person convicted of a sexually violent offense, as defined in § 9.1-902, who knowingly fails to register or reregister, or who knowingly provides materially false information to the Sex Offender and Crimes Against Minors Registry is guilty of a Class 6 felony.

B. Any person who knowingly fails to register or reregister or who knowingly provides materially false information to the Sex Offender and Crimes Against Minors Registry and who, while not properly registered, commits an offense for which registration is required, other than a sexually violent offense, is guilty of a separate and distinct Class 6 felony.

C. Any person who knowingly fails to register or reregister or who knowingly provides materially false information to the Sex Offender and Crimes Against Minors Registry and who, while not properly registered, commits a sexually violent offense, is guilty of a separate and distinct Class 5 felony.

A prosecution pursuant to this section shall be brought in the city or county where the offender can be found or where the offender last registered or reregistered or, if the offender failed to comply with the duty to register, where the offender was last convicted of an offense for which registration or reregistration is required.

At any trial pursuant to this section, an affidavit from the State Police issued as required in § 9.1-907 shall be admitted into evidence as prima facie evidence of the failure to comply with the duty to register or reregister and a copy of such affidavit shall be provided to the registrant or his counsel seven days prior to hearing or trial by the attorney for the Commonwealth.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$10,199 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.