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SENATE BILL NO. 316

Offered January 11, 2006

Prefiled January 10, 2006

A *BILL to amend and reenact §§ 2.2-3706, 2.2-3802, 9.1-102, 9.1-902 through 9.1-910, 9.1-913, 9.1-914, 9.1-918, 18.2-370.2, 18.2-472.1, 19.2-390.1, 22.1-79, 22.1-79.3, 46.2-323, 46.2-324, 46.2-330, 46.2-345, 46.2-348, 53.1-115.1, 53.1-116.1, 53.1-121, and 53.1-160.1 of the Code of Virginia, and to amend the Code of Virginia by adding in Chapter 9 of Title 9.1 a section numbered 9.1-921, and by adding sections numbered 16.1-249.1, 16.1-278.7:01, 16.1-278.7:02, 18.2-370.3, 18.2-370.4, 19.2-295.2:1 23-2.2:1, 53.1-23.2, and 53.1-116.1:01, relating to the Sex Offender and Crimes Against Minors Registry; sex crimes; penalties.*

Patrons—Howell, Norment and Stolle; Delegates: Griffith, Hamilton, Melvin, Moran and Sherwood

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3706, 2.2-3802, 9.1-102, 9.1-902 through 9.1-910, 9.1-913, 9.1-914, 9.1-918, 18.2-370.2, 18.2-472.1, 19.2-390.1, 22.1-79, 22.1-79.3, 46.2-323, 46.2-324, 46.2-330, 46.2-345, 46.2-348, 53.1-115.1, 53.1-116.1, 53.1-121, and 53.1-160.1 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Chapter 9 of Title 9.1 a section numbered 9.1-921, and by adding sections numbered 16.1-249.1, 16.1-278.7:01, 16.1-278.7:02, 18.2-370.3, 18.2-370.4, 19.2-295.2:1, 23-2.2:1, 53.1-23.2, and 53.1-116.1:01, as follows:

§ 2.2-3706. Disclosure of criminal records; limitations.

A. As used in this section:

"Criminal incident information" means a general description of the criminal activity reported, the date and general location the alleged crime was committed, the identity of the investigating officer, and a general description of any injuries suffered or property damaged or stolen.

B. Law-enforcement agencies shall make available upon request criminal incident information relating to felony offenses. However, where the release of criminal incident information is likely to jeopardize an ongoing investigation or prosecution, or the safety of an individual; cause a suspect to flee or evade detection; or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information. Nothing in this subsection shall be construed to prohibit the release of those portions of such information that are not likely to cause the above-referenced damage.

C. Information in the custody of law-enforcement agencies relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest shall be released.

D. The identity of any victim, witness or undercover officer, or investigative techniques or procedures need not but may be disclosed unless disclosure is prohibited or restricted under § 19.2-11.2.

E. The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

F. The following records are excluded from the provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law:

1. Complaints, memoranda, correspondence, case files or reports, witness statements, and evidence relating to a criminal investigation or prosecution, other than criminal incident information as defined in subsection A;

2. Adult arrestee photographs when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation;

3. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to § 53.1-16 or § 66-3.1, and (iii) campus police departments of public institutions of higher education established pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23;

4. Portions of records of local government crime commissions that would identify individuals providing information about crimes or criminal activities under a promise of anonymity;

5. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such agencies under a promise of anonymity;

6. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment;

7. Records of law-enforcement agencies, to the extent that such records contain specific tactical

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59 plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or
60 the general public;

61 8. All records of adult persons under (i) investigation or supervision by a local pretrial services
62 agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation,
63 probation supervision or monitoring by a local community-based probation program in accordance with
64 Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or supervision by state
65 probation and parole services in accordance with Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title
66 53.1; and

67 9. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for
68 cellular telephones, pagers, or comparable portable communication devices provided to its personnel for
69 use in the performance of their official duties.

70 G. Records kept by law-enforcement agencies as required by § 15.2-1722 shall be subject to the
71 provisions of this chapter except:

72 1. Those portions of noncriminal incident or other investigative reports or materials containing
73 identifying information of a personal, medical or financial nature provided to a law-enforcement agency
74 where the release of such information would jeopardize the safety or privacy of any person;

75 2. Those portions of any records containing information related to plans for or resources dedicated to
76 undercover operations; or

77 3. Records of background investigations of applicants for law-enforcement agency employment or
78 other confidential administrative investigations conducted pursuant to law.

79 H. *Records of the Sex Offender and Crimes Against Minors Registry maintained by the Department*
80 *of State Police pursuant to Chapter 9 (§9.1-901) of Title 9.1 are excluded from the provisions of this*
81 *chapter, including information obtained by state, local and regional officials, except to the extent that*
82 *information is required to be posted on the internet pursuant to § 9.1-913.*

83 I. In the event of conflict between this section as it relates to requests made under this section and
84 other provisions of law, this section shall control.

85 § 2.2-3802. Systems to which chapter inapplicable.

86 The provisions of this chapter shall not apply to personal information systems:

87 1. Maintained by any court of the Commonwealth;

88 2. Which may exist in publications of general circulation;

89 3. Contained in the Criminal Justice Information System as defined in §§ 9.1-126 through 9.1-137 or
90 *in the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police*
91 *pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that information is required to*
92 *be posted on the internet pursuant to § 9.1-913;*

93 4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through
94 16.1-225;

95 5. Maintained by agencies concerning persons required by law to be licensed in the Commonwealth
96 to engage in the practice of any profession, in which case the names and addresses of persons applying
97 for or possessing the license may be disseminated upon written request to a person engaged in the
98 profession or business of offering professional educational materials or courses for the sole purpose of
99 providing the licensees or applicants for licenses with informational materials relating solely to available
100 professional educational materials or courses, provided the disseminating agency is reasonably assured
101 that the use of the information will be so limited;

102 6. Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review
103 Commission, the Virginia Racing Commission, and the Department of Alcoholic Beverage Control;

104 7. Maintained by the Department of State Police; police departments of cities, counties, and towns;
105 and the campus police departments of public institutions of higher education as established by Chapter
106 17 (§ 23-232 et seq.) of Title 23, and that deal with investigations and intelligence gathering relating to
107 criminal activity; and maintained by local departments of social services regarding alleged cases of child
108 abuse or neglect while such cases are also subject to an ongoing criminal prosecution;

109 8. Maintained by the Virginia Port Authority as provided in § 62.1-134.1 or 62.1-132.4;

110 9. Maintained by the Virginia Tourism Authority in connection with or as a result of the promotion
111 of travel or tourism in the Commonwealth, in which case names and addresses of persons requesting
112 information on those subjects may be disseminated upon written request to a person engaged in the
113 business of providing travel services or distributing travel information, provided the Virginia Tourism
114 Authority is reasonably assured that the use of the information will be so limited;

115 10. Maintained by the Division of Consolidated Laboratory Services of the Department of General
116 Services and the Department of Forensic Science, which deal with scientific investigations relating to
117 criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;

118 11. Maintained by the Department of Corrections that deal with investigations and intelligence
119 gathering by persons acting under the provisions of § 53.1-16; and

120 12. Maintained by the Department of the State Internal Auditor or internal audit departments of state

121 agencies or institutions that deal with communications and investigations relating to the State Employee
122 Fraud, Waste and Abuse Hotline.

123 § 9.1-102. Powers and duties of the Board and the Department.

124 The Department, under the direction of the Board, which shall be the policy-making body for
125 carrying out the duties and powers hereunder, shall have the power and duty to:

126 1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the
127 administration of this chapter including the authority to require the submission of reports and
128 information by law-enforcement officers within the Commonwealth. Any proposed regulations
129 concerning the privacy, confidentiality, and security of criminal justice information shall be submitted
130 for review and comment to any board, commission, or committee or other body which may be
131 established by the General Assembly to regulate the privacy, confidentiality, and security of information
132 collected and maintained by the Commonwealth or any political subdivision thereof;

133 2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement
134 officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time
135 required for completion of such training;

136 3. Establish minimum training standards and qualifications for certification and recertification for
137 law-enforcement officers serving as field training officers;

138 4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and
139 programs for schools, whether located in or outside the Commonwealth, which are operated for the
140 specific purpose of training law-enforcement officers;

141 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize
142 radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in
143 § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum
144 qualifications for certification and recertification of instructors who provide such training;

145 6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating
146 to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be
147 completed by law-enforcement officers who have not completed the compulsory training standards set
148 out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure
149 to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly
150 admissible testimony or other evidence from such officer resulting from any undercover investigation;

151 7. Establish compulsory minimum entry-level, in-service and advanced training standards for those
152 persons designated to provide courthouse and courtroom security pursuant to the provisions of
153 § 53.1-120, and to establish the time required for completion of such training;

154 8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy
155 sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time
156 required for the completion of such training;

157 9. Establish compulsory minimum entry-level, in-service, and advanced training standards for persons
158 employed as deputy sheriffs and jail officers by local criminal justice agencies and for correctional
159 officers employed by the Department of Corrections under the provisions of Title 53.1, and establish the
160 time required for completion of such training;

161 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local
162 or state government agency, whose duties include the dispatching of law-enforcement personnel. Such
163 training standards shall apply only to dispatchers hired on or after July 1, 1988;

164 11. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state
165 and federal governmental agencies, and with universities, colleges, community colleges, and other
166 institutions, whether located in or outside the Commonwealth, concerning the development of police
167 training schools and programs or courses of instruction;

168 12. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,
169 for school operation for the specific purpose of training law-enforcement officers; but this shall not
170 prevent the holding of any such school whether approved or not;

171 13. Establish and maintain police training programs through such agencies and institutions as the
172 Board deems appropriate;

173 14. Establish compulsory minimum qualifications of certification and recertification for instructors in
174 criminal justice training schools approved by the Department;

175 15. Conduct and stimulate research by public and private agencies which shall be designed to
176 improve police administration and law enforcement;

177 16. Make recommendations concerning any matter within its purview pursuant to this chapter;

178 17. Coordinate its activities with those of any interstate system for the exchange of criminal history
179 record information, nominate one or more of its members to serve upon the council or committee of any
180 such system, and participate when and as deemed appropriate in any such system's activities and
181 programs;

- 182 18. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
183 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to
184 submit information, reports, and statistical data with respect to its policy and operation of information
185 systems or with respect to its collection, storage, dissemination, and usage of criminal history record
186 information and correctional status information, and such criminal justice agencies shall submit such
187 information, reports, and data as are reasonably required;
- 188 19. Conduct audits as required by § 9.1-131;
- 189 20. Conduct a continuing study and review of questions of individual privacy and confidentiality of
190 criminal history record information and correctional status information;
- 191 21. Advise criminal justice agencies and initiate educational programs for such agencies with respect
192 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
193 and correctional status information;
- 194 22. Maintain a liaison with any board, commission, committee, or other body which may be
195 established by law, executive order, or resolution to regulate the privacy and security of information
196 collected by the Commonwealth or any political subdivision thereof;
- 197 23. Adopt regulations establishing guidelines and standards for the collection, storage, and
198 dissemination of criminal history record information and correctional status information, and the privacy,
199 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
200 court orders;
- 201 24. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
202 justice information system, produce reports, provide technical assistance to state and local criminal
203 justice data system users, and provide analysis and interpretation of criminal justice statistical
204 information;
- 205 25. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
206 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
207 update that plan;
- 208 26. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
209 Commonwealth, and units of general local government, or combinations thereof, including planning
210 district commissions, in planning, developing, and administering programs, projects, comprehensive
211 plans, and other activities for improving law enforcement and the administration of criminal justice
212 throughout the Commonwealth, including allocating and subgranting funds for these purposes;
- 213 27. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
214 activities for the Commonwealth and units of general local government, or combinations thereof, in the
215 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
216 justice at every level throughout the Commonwealth;
- 217 28. Review and evaluate programs, projects, and activities, and recommend, where necessary,
218 revisions or alterations to such programs, projects, and activities for the purpose of improving law
219 enforcement and the administration of criminal justice;
- 220 29. Coordinate the activities and projects of the state departments, agencies, and boards of the
221 Commonwealth and of the units of general local government, or combination thereof, including planning
222 district commissions, relating to the preparation, adoption, administration, and implementation of
223 comprehensive plans to strengthen and improve law enforcement and the administration of criminal
224 justice;
- 225 30. Do all things necessary on behalf of the Commonwealth and its units of general local
226 government, to determine and secure benefits available under the Omnibus Crime Control and Safe
227 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and
228 programs for strengthening and improving law enforcement, the administration of criminal justice, and
229 delinquency prevention and control;
- 230 31. Receive, administer, and expend all funds and other assistance available to the Board and the
231 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe
232 Streets Act of 1968, as amended;
- 233 32. Apply for and accept grants from the United States government or any other source in carrying
234 out the purposes of this chapter and accept any and all donations both real and personal, and grants of
235 money from any governmental unit or public agency, or from any institution, person, firm or
236 corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section
237 shall be detailed in the annual report of the Board. Such report shall include the identity of the donor,
238 the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section
239 shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall
240 have the power to comply with conditions and execute such agreements as may be necessary;
- 241 33. Make and enter into all contracts and agreements necessary or incidental to the performance of
242 its duties and execution of its powers under this chapter, including but not limited to, contracts with the
243 United States, units of general local government or combinations thereof, in Virginia or other states, and

- 244 with agencies and departments of the Commonwealth;
- 245 34. Adopt and administer reasonable regulations for the planning and implementation of programs
- 246 and activities and for the allocation, expenditure and subgranting of funds available to the
- 247 Commonwealth and to units of general local government, and for carrying out the purposes of this
- 248 chapter and the powers and duties set forth herein;
- 249 35. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;
- 250 36. Establish training standards and publish a model policy for law-enforcement personnel in the
- 251 handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for
- 252 determining the predominant physical aggressor in accordance with § 19.2-81.3;
- 253 37. Establish training standards and publish a model policy for law-enforcement personnel in
- 254 communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;
- 255 38. Establish compulsory training standards for basic training and the recertification of
- 256 law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for
- 257 biased policing;
- 258 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where
- 259 necessary statewide operating procedures, guidelines, and standards which strengthen and improve such
- 260 programs, including sensitivity to and awareness of cultural diversity and the potential for biased
- 261 policing;
- 262 40. Publish and disseminate a model policy or guideline that may be used by state and local agencies
- 263 to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the
- 264 potential for biased policing;
- 265 41. [Expired.]
- 266 42. Establish a Virginia Law-Enforcement Accreditation Center. The Center shall, in cooperation with
- 267 Virginia law-enforcement agencies, provide technical assistance and administrative support, including
- 268 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center
- 269 may provide accreditation assistance and training, resource material, and research into methods and
- 270 procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia
- 271 accreditation status;
- 272 43. Promote community policing philosophy and practice throughout the Commonwealth by
- 273 providing community policing training and technical assistance statewide to all law-enforcement
- 274 agencies, community groups, public and private organizations and citizens; developing and distributing
- 275 innovative policing curricula and training tools on general community policing philosophy and practice
- 276 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia
- 277 organizations with specific community policing needs; facilitating continued development and
- 278 implementation of community policing programs statewide through discussion forums for community
- 279 policing leaders, development of law-enforcement instructors; promoting a statewide community policing
- 280 initiative; and serving as a statewide information source on the subject of community policing including,
- 281 but not limited to periodic newsletters, a website and an accessible lending library;
- 282 44. Establish, in consultation with the Department of Education and the Virginia State Crime
- 283 Commission, compulsory minimum standards for employment and job-entry and in-service training
- 284 curricula and certification requirements for school security officers, which training and certification shall
- 285 be administered by the Virginia Center for School Safety pursuant to § 9.1-184. Such training standards
- 286 shall include, but shall not be limited to, the role and responsibility of school security officers, relevant
- 287 state and federal laws, school and personal liability issues, security awareness in the school environment,
- 288 mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics.
- 289 The Department shall establish an advisory committee consisting of local school board representatives,
- 290 principals, superintendents, and school security personnel to assist in the development of these standards
- 291 and certification requirements;
- 292 45. Establish training standards and publish a model policy and protocols for local and regional
- 293 sexual assault response teams;
- 294 46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with
- 295 Article 11 (§ 9.1-185 et seq.) of this chapter;
- 296 47. (Effective October 1, 2005) License and regulate bail enforcement agents in accordance with
- 297 Article 12 (§ 9.1-186 et seq.) of this chapter; ~~and~~
- 298 48. *Advise criminal justice agencies regarding investigation, registration, and dissemination of*
- 299 *information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry and*
- 300 *initiate training standards for state, local and regional employees who have duties related to the*
- 301 *Registry, including law-enforcement officers, deputy sheriffs, jail officers, probation and parole officers,*
- 302 *correctional officers, juvenile intake officers and juvenile correctional officers; and*
- 303 49. Perform such other acts as may be necessary or convenient for the effective performance of its
- 304 duties.

305 § 9.1-902. Offenses requiring registration.

306 A. For purposes of this chapter:

307 "Offense for which registration is required" means:

308 1. A violation or attempted violation of § 18.2-63, 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the
309 intent to commit rape, § 18.2-374.1 or subsection D of § 18.2-374.1:1; or a third or subsequent
310 conviction of (i) § 18.2-67.4, (ii) subsection C of § 18.2-67.5 or (iii) § 18.2-386.1;

311 *If the offense was committed on or after July 1, 2006, (i) a violation or attempted violation of*
312 *§ 18.2-91 with the intent to commit any felony offense listed in this section; or (ii) a violation or*
313 *attempted violation of subsection A of § 18.2-374.1:1.*

314 2. ~~Where Clause (iv) of subsection B of § 18.2-374.3 or where~~ the victim is a minor or is physically
315 helpless or mentally incapacitated as defined in § 18.2-67.10, a violation or attempted violation of
316 subsection A of § 18.2-47, clause (i) or (iii) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5,
317 § 18.2-361, 18.2-366, ~~or clause (iv) of subsection B of § 18.2-374.3;~~

318 3. A violation of Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code;

319 4. A "sexually violent offense"; or

320 5. "Murder" pursuant to

321 *"Murder" means a violation of § 18.2-31 or 18.2-32 where the victim is a minor (i) under 15 years*
322 *of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is*
323 *related to an offense listed in this section.*

324 "Sexually violent offense" means a violation or attempted violation of:

325 1. Clause (ii) of § 18.2-48, § 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-67.3, § 18.2-67.4 where the
326 perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of
327 § 18.2-67.5, § 18.2-370, or 18.2-370.1; or

328 2. Sections 18.2-63, 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or,
329 where the victim is a minor or is physically helpless or mentally incapacitated as defined in
330 § 18.2-67.10, a violation or attempted violation of subsection A of § 18.2-47, § 18.2-67.4, subsection C
331 of § 18.2-67.5, clause (i) or (iii) of § 18.2-48, § 18.2-361, 18.2-366, or 18.2-374.1.

332 3. *If the offense was committed on or after July 1, 2006, a violation or attempted violation of*
333 *§ 18.2-91 with the intent to commit any felony offense listed in this section.*

334 An offense listed under this subdivision shall be deemed a sexually violent offense only if the person
335 has been convicted or adjudicated delinquent of any two or more such offenses, provided that person
336 had been at liberty between such convictions or adjudications.

337 B. "Offense for which registration is required" and "sexually violent offense" shall also include any
338 similar offense under the laws of (i) *any foreign country or any political subdivision thereof*, (ii) the
339 United States or any political subdivision thereof and any offense for which registration in a sex
340 offender and crimes against minors registry is required under the laws of the ~~political subdivision~~
341 *jurisdiction* where the offender was convicted.

342 C. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a
343 juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated
344 delinquent of any offense enumerated in subdivisions A 1 through A 4 on or after July 1, 2005, the
345 court may, in its discretion and upon motion of the attorney for the Commonwealth, find that the
346 circumstances of the offense require offender registration. In making its determination, the court shall
347 consider all of the following factors that are relevant to the case: (i) the degree to which the delinquent
348 act was committed with the use of force, threat or intimidation, (ii) the age and maturity of the
349 complaining witness, (iii) the age and maturity of the offender, (iv) the difference in the ages of the
350 complaining witness and the offender, (v) the nature of the relationship between the complaining witness
351 and the offender, (vi) the offender's prior criminal history, and (vii) any other aggravating or mitigating
352 factors relevant to the case.

353 § 9.1-903. Registration procedures.

354 A. Every person convicted, including juveniles tried and convicted in the circuit courts pursuant to
355 § 16.1-269.1, whether sentenced as an adult or juvenile, of an offense for which registration is required
356 and every juvenile found delinquent of an offense for which registration is required under subsection C
357 of § 9.1-902 shall be required upon conviction to register and reregister with the Department of State
358 Police. The court shall order the person to provide to the local law-enforcement agency of the county or
359 city where he physically resides all information required by the State Police for inclusion in the
360 Registry. The court shall *immediately* remand the person to the custody of the local law-enforcement
361 agency for the purpose of obtaining the person's fingerprints and photographs of a type and kind
362 specified by the State Police for inclusion in the Registry. ~~The~~ *Upon conviction, the* local
363 law-enforcement agency shall *forthwith* forward to the State Police all the necessary registration
364 information ~~within seven days of the date of sentencing.~~

365 B. Every person required to register shall register in person within ~~10~~ *three* days of his release from
366 confinement in a state, local or juvenile correctional facility, in a state civil commitment program for

367 sexually violent predators or, if a sentence of confinement is not imposed, within ~~10~~ *three* days of
 368 suspension of the sentence or in the case of a juvenile of disposition. *A person required to register shall*
 369 *register, submit to be photographed as part of the registration, and submit to have a sample of his*
 370 *blood, saliva, or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification*
 371 *characteristics specific to the person, and provide information regarding place of employment.* The local
 372 law-enforcement agency shall obtain from the person who presents himself for registration or
 373 reregistration two sets of fingerprints, *place of employment information*, proof of residency and two
 374 photographs of a type and kind specified by the State Police for inclusion in the Registry and advise the
 375 person of his duties regarding reregistration. *The local law-enforcement agency shall obtain from the*
 376 *person who presents himself for registration a sample of his blood, saliva or tissue taken for DNA*
 377 *(deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a*
 378 *sample has been previously taken from the person, as indicated by the Local Inmate Data System*
 379 *(LIDS), no additional sample shall be taken.* The local law-enforcement agency shall ~~promptly~~ *forthwith*
 380 forward to the State Police all necessary registration information.

381 C. To establish proof of residence in Virginia, a person shall present one photo-identification form
 382 issued by a governmental agency of the Commonwealth which contains the person's complete name,
 383 gender, date of birth and complete *physical* address.

384 D. Any person required to register shall also reregister in person with the local law-enforcement
 385 agency following any change of residence, whether within or without the Commonwealth. If his new
 386 residence is within the Commonwealth, the person shall register in person with the local
 387 law-enforcement agency where his new residence is located within ~~10~~ *three* days following his change
 388 in residence. If the new residence is located outside of the Commonwealth, the person shall register in
 389 person with the local law-enforcement agency where he previously registered within 10 days prior to his
 390 change of residence. If a probation or parole officer becomes aware of a change of residence for any of
 391 his probationers or parolees required to register, the probation or parole officer shall notify the State
 392 Police within ~~10~~ *days forthwith* of learning of the change of residence. Whenever a person subject to
 393 registration changes residence to another state, the State Police shall notify the designated
 394 law-enforcement agency of that state.

395 E. *Any person required to register shall reregister in person with the local law-enforcement agency*
 396 *where his residence is located within three days following any change of the place of employment,*
 397 *whether within or without the Commonwealth. If a probation or parole officer becomes aware of a*
 398 *change of the place of employment for any of his probationers or parolees required to register, the*
 399 *probation or parole officer shall notify the State Police forthwith upon learning of the change of the*
 400 *person's place of employment. Whenever a person subject to registration changes his place of*
 401 *employment to another state, the State Police shall notify the designated law-enforcement agency of that*
 402 *state.*

403 F. The registration shall be maintained in the Registry and shall include the person's name, all aliases
 404 that he has used or under which he may have been known, the date and locality of the conviction for
 405 which registration is required, his fingerprints and a photograph of a type and kind specified by the
 406 State Police, his date of birth, social security number, current physical and mailing address and a
 407 description of the offense or offenses for which he was convicted. The registration shall also include the
 408 locality of the conviction and a description of the offense or offenses for previous convictions for the
 409 offenses set forth in § 9.1-902.

410 ~~F~~ G. The local law-enforcement agency shall ~~promptly~~ *forthwith* forward to the State Police all
 411 necessary registration or reregistration information received by it. Upon receipt of registration or
 412 reregistration information the State Police shall forthwith notify the chief law-enforcement officer of the
 413 locality listed as the person's address on the registration and reregistration.

414 § 9.1-904. Reregistration.

415 Every person required to register, other than a person convicted of a sexually violent offense *or*
 416 *murder*, shall reregister with the State Police on an annual basis from the date of the initial registration.
 417 Every person convicted of a sexually violent offense *or murder* shall reregister with the State Police
 418 every 90 days from the date of initial registration. Reregistration means that the person has notified the
 419 State Police, confirmed his current physical and mailing address and provided such other information,
 420 including identifying information, which the State Police may require. Upon registration and as may be
 421 necessary thereafter, the State Police shall provide the person with an address verification form to be
 422 used for reregistration. The form shall contain in bold print a statement indicating that failure to comply
 423 with the registration required is punishable as a ~~Class 4 misdemeanor~~ *or a Class 6 felony* as provided in
 424 § 18.2-472.1.

425 B. *Any person convicted of a violation of § 18.2-472.1, other than a person convicted of a sexually*
 426 *violent offense or murder, shall register with the State Police every 180 days from the date of such*
 427 *conviction. Any person convicted of a violation of § 18.2-472.1, in which such person was included on*

428 *the Registry for a conviction of a sexually violent offense or murder, shall reregister with the State*
429 *Police every month from the date of conviction. Reregistration means the person has notified the State*
430 *Police, confirmed his current physical and mailing address and provided such other information,*
431 *including identifying information, which the State Police may require. Upon registration and as may be*
432 *necessary thereafter, the State Police shall provide the person with an address verification form to be*
433 *used for reregistration. The form shall state the registration requirements and contain in bold print a*
434 *statement indicating that failure to comply with the registration requirements is punishable as provided*
435 *in § 18.2-472.1.*

436 *C. Every person required to register pursuant to this chapter shall submit to be photographed by a*
437 *local law-enforcement agency every two years commencing with the date of initial registration.*
438 *Photographs shall be in color, be taken with the registrant facing the camera, and clearly show the*
439 *registrant's face and shoulders only. No person other than the registrant may appear in the photograph*
440 *submitted. The photograph shall indicate the registrant's full name, date of birth and the date the*
441 *photograph was taken. The local law-enforcement agency shall forthwith forward the photograph and*
442 *the registration form to the State Police. Where practical, the local law-enforcement agency may*
443 *electronically transfer a digital photograph containing the required information to the Sex Offender and*
444 *Crimes Against Minors Registry within the State Police.*

445 § 9.1-905. New residents and nonresident offenders; registration required.

446 A. All persons required to register shall register within ~~10~~ *three* days of establishing a residence in
447 the Commonwealth.

448 B. Nonresident offenders entering the Commonwealth for an extended visit, for employment, to carry
449 on a vocation, or as a student attending school who are required to register in their state of residence or
450 who would be required to register if a resident of the Commonwealth shall, within ~~10~~ *three* days of
451 entering the Commonwealth for an extended visit, accepting employment or enrolling in school in the
452 Commonwealth, be required to register and reregister in person with the local law-enforcement agency.

453 C. To document employment or school attendance in Virginia a person shall present proof of
454 enrollment as a student or suitable proof of temporary employment in the Commonwealth and one
455 photo-identification form issued by a governmental agency of the person's state of residence which
456 contains the person's complete name, gender, date of birth and complete address.

457 D. For purposes of this section:

458 "Employment" and "carry on a vocation" include employment that is full-time or part-time for a
459 period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any
460 calendar year, whether financially compensated, volunteered, or for the purpose of government or
461 educational benefit.

462 "Extended visit" means a period of visitation for any purpose in the Commonwealth of 30 days or
463 more.

464 "Student" means a person who is enrolled on a full-time or part-time basis, in any public or private
465 educational institution, including any secondary school, trade or professional institution, or institution of
466 higher education.

467 § 9.1-906. Enrollment or employment at institution of higher learning; information required.

468 A. Persons required to register or reregister who are enrolled in or employed at institutions of higher
469 learning shall, in addition to other registration requirements, indicate on their registration and
470 reregistration form the name and location of the institution attended by or employing the registrant
471 whether such institution is within or without the Commonwealth. In addition, persons required to register
472 or reregister shall notify the local law-enforcement agency in person within ~~10~~ *three* days of any change
473 in their enrollment or employment status with an institution of higher learning. The local
474 law-enforcement agency shall ~~promptly~~ *forthwith* forward to the State Police all necessary registration or
475 reregistration information received by it.

476 B. Upon receipt of a registration or reregistration indicating enrollment or employment with an
477 institute of higher learning or notification of a change in status, the State Police shall notify the chief
478 law-enforcement officer of the institution's law-enforcement agency or, if there is no institutional
479 law-enforcement agency, the local law-enforcement agency serving that institution, of the registration,
480 reregistration, or change in status. The law-enforcement agency receiving notification under this section
481 shall make such information available upon request.

482 C. For purposes of this section:

483 "Employment" includes full- or part-time, temporary or permanent or contractual employment at an
484 institution of higher learning either with or without compensation.

485 "Enrollment" includes both full- and part-time.

486 "Institution of higher learning" means any post-secondary school, trade or professional institution, or
487 institution of higher education.

488 § 9.1-907. Procedures upon a failure to register or reregister.

489 A. Whenever it appears from the records of the State Police that a person has failed to comply with

490 the duty to register or reregister, the State Police shall promptly investigate and, if there is probable
 491 cause to believe a violation has occurred, obtain a warrant *or assist in obtaining an indictment* charging
 492 a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered or, if the
 493 person failed to comply with the duty to register, in the jurisdiction in which the person was last
 494 convicted of an offense for which registration or reregistration is required *or if the person was convicted*
 495 *of an offense requiring registration outside the Commonwealth, in the jurisdiction in which the person*
 496 *resides*. The State Police shall forward to the jurisdiction an affidavit signed by the custodian of the
 497 records that such person failed to comply with the duty to register or reregister. Such affidavit shall be
 498 admitted into evidence as prima facie evidence of the failure to comply with the duty to register or
 499 reregister in any trial for the violation of § 18.2-472.1. The State Police shall also promptly notify the
 500 local law-enforcement agency of the jurisdiction of the person's last known residence as shown in the
 501 records of the State Police.

502 B. Nothing in this section shall prohibit a law-enforcement officer employed by a sheriff's office or
 503 police department of a locality from enforcing the provisions of this chapter, *including obtaining a*
 504 *warrant, or assisting in obtaining an indictment for a violation of § 18.2-472.1. The local*
 505 *law-enforcement agency shall notify the State Police forthwith of such actions taken pursuant to this*
 506 *chapter or under the authority granted pursuant to this section.*

507 C. *The State Police shall physically verify or cause to be physically verified the registration*
 508 *information within 30 days of the initial registration and semi-annually each year thereafter and within*
 509 *30 days of a change of address of all persons required to register pursuant to this chapter. Whenever it*
 510 *appears that a person has provided false registration information, the State Police shall promptly*
 511 *investigate and, if there is probable cause to believe that a violation has occurred, obtain a warrant or*
 512 *assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the*
 513 *person last registered or reregistered. The State Police shall forward to the jurisdiction an affidavit*
 514 *signed by the custodian of the records that such person failed to comply with the provisions of this*
 515 *chapter. Such affidavit shall be admitted into evidence as prima facie evidence of the failure to comply*
 516 *with the provisions of this chapter in any trial for the violation of § 18.2-472.1. The State Police shall*
 517 *also promptly notify the local law-enforcement agency of the jurisdiction of the person's last known*
 518 *residence as shown in the records of the State Police.*

519 § 9.1-908. Duration of registration requirement.

520 Any person required to register or reregister shall be required to register for a period of 10 years
 521 from the date of initial registration *or for a period of 10 years from the date of his last conviction for a*
 522 *violation of § 18.2-472.1*, except that any person who has been convicted of (i) any sexually violent
 523 offense, ~~or~~ (ii) *murder or* (iii) former § 18.2-67.2:1 shall have a continuing duty to reregister for life.

524 Any period of confinement in a federal, state or local correctional facility, hospital or any other
 525 institution or facility during the otherwise applicable 10-year period shall toll the registration period and
 526 the duty to reregister shall be extended. Persons confined in a federal, state, or local correctional facility
 527 shall not be required to reregister until released from custody.

528 § 9.1-909. Relief from registration or reregistration.

529 A. Upon expiration of three years from the date upon which the duty to register as a sexually violent
 530 offender *or murderer* is imposed, the person required to register may petition the court in which he was
 531 convicted *or, if the conviction occurred outside of the Commonwealth, the circuit court in the*
 532 *jurisdiction where he currently resides*, for relief from the requirement to reregister every 90 days. *After*
 533 *five years from the date of his last conviction for a violation of § 18.2-472.1, a sexually violent offender*
 534 *may petition for relief from the requirement to reregister monthly. A person who is required to register*
 535 *may similarly petition the circuit court for relief from the requirement to reregister every 180 days after*
 536 *five years from the date of his last conviction for a violation of § 18.2-472.1.* The court shall hold a
 537 hearing on the petition, on notice to the attorney for the Commonwealth, to determine whether the
 538 person suffers from a mental abnormality or a personality disorder that makes the person a menace to
 539 the health and safety of others or significantly impairs his ability to control his sexual behavior. Prior to
 540 the hearing the court shall order a comprehensive assessment of the applicant by a panel of three
 541 certified sex offender treatment providers as defined in § 54.1-3600. A report of the assessment shall be
 542 filed with the court prior to the hearing. The costs of the assessment shall be taxed as costs of the
 543 proceeding.

544 If, after consideration of the report and such other evidence as may be presented at the hearing, the
 545 court finds by clear and convincing evidence that the person does not suffer from a mental abnormality
 546 or a personality disorder that makes the person a menace to the health and safety of others or
 547 significantly impairs his ability to control his sexual behavior, the petition shall be granted and the duty
 548 to reregister ~~every 90 days more frequently than once a year~~ shall be terminated. The court shall
 549 promptly notify the State Police upon entry of an order granting the petition ~~and the State Police shall~~
 550 ~~remove Registry information on the offender from the Internet system.~~ The person shall, however, be

551 under a continuing duty to register annually for life. If the petition is denied, the duty to reregister ~~every~~
552 ~~90 days with the same frequency as before~~ shall continue. An appeal from the denial of a petition shall
553 lie to the Supreme Court.

554 A petition for relief pursuant to this subsection may not be filed within three years from the date on
555 which any previous petition for such relief was denied.

556 B. The duly appointed guardian of a person convicted of an offense requiring registration or
557 reregistration as either a sex offender ~~or~~ ,sexually violent offender *or murderer*, who due to a physical
558 condition is incapable of (i) reoffending and (ii) reregistering, may petition the court in which the person
559 was convicted for relief from the requirement to reregister. The court shall hold a hearing on the
560 petition, on notice to the attorney for the Commonwealth, to determine whether the person suffers from
561 a physical condition that makes the person (i) no longer a menace to the health and safety of others and
562 (ii) incapable of reregistering. Prior to the hearing the court shall order a comprehensive assessment of
563 the applicant by at least two licensed physicians other than the person's primary care physician. A report
564 of the assessment shall be filed with the court prior to the hearing. The costs of the assessment shall be
565 taxed as costs of the proceeding.

566 If, after consideration of the report and such other evidence as may be presented at the hearing, the
567 court finds by clear and convincing evidence that due to his physical condition the person (i) no longer
568 poses a menace to the health and safety of others and (ii) is incapable of reregistering, the petition shall
569 be granted and the duty to reregister shall be terminated. However, for a person whose duty to reregister
570 was terminated under this subsection, the Department of State Police shall, annually for sex offenders
571 and quarterly for *persons convicted of sexually violent offenders offenses and murder*, verify and report
572 to the attorney for the Commonwealth in the jurisdiction in which the person resides that the person
573 continues to suffer from the physical condition that resulted in such termination.

574 The court shall promptly notify the State Police upon entry of an order granting the petition to
575 terminate the duty to reregister ~~and the State Police shall remove any Registry information on the~~
576 ~~offender from the Internet system.~~

577 If the petition is denied, the duty to reregister shall continue. An appeal from the denial of a petition
578 shall be to the Virginia Supreme Court.

579 A petition for relief pursuant to this subsection may not be filed within three years from the date on
580 which any previous petition for such relief was denied.

581 If, at any time, the person's physical condition changes so that he is capable of reoffending or
582 reregistering, the attorney for the Commonwealth shall file a petition with the circuit court in the
583 jurisdiction where the person resides and the court shall hold a hearing on the petition, with notice to
584 the person and his guardian, to determine whether the person still suffers from a physical condition that
585 makes the person (i) no longer a menace to the health and safety of others and (ii) incapable of
586 reregistering. If the petition is granted, the duty to reregister shall commence from the date of the court's
587 order. An appeal from the denial or granting of a petition shall be to the Virginia Supreme Court. Prior
588 to the hearing the court shall order a comprehensive assessment of the applicant by at least two licensed
589 physicians other than the person's primary care physician. A report of the assessment shall be filed with
590 the court prior to the hearing. The costs of the assessment shall be taxed as costs of the proceeding.

591 § 9.1-910. Removal of name and information from Registry.

592 A. Any person required to register, other than a person who has been convicted of any (i) sexually
593 violent offense, (ii) two or more offenses for which registration is required ~~or~~, (iii) a violation of former
594 § 18.2-67.2:1, *or (iv) murder*, may petition the circuit court in which he was convicted or the circuit
595 court in the jurisdiction where he then resides for removal of his name and all identifying information
596 from the Registry. A petition may not be filed earlier than 10 years after the date of initial registration
597 *nor earlier than 10 years from the date of his last conviction for a violation of § 18.2-472.1*. The court
598 shall hold a hearing on the petition at which the applicant and any interested persons may present
599 witnesses and other evidence. If, after such hearing, the court is satisfied that such person no longer
600 poses a risk to public safety, the court shall grant the petition. In the event the petition is not granted,
601 the person shall wait at least 24 months from the date of the denial to file a new petition for removal
602 from the Registry.

603 B. The State Police shall remove from the Registry the name of any person and all identifying
604 information upon receipt of an order granting a petition pursuant to subsection A or at the end of the
605 period for which the person is required to register under § 9.1-908.

606 § 9.1-913. Public dissemination by means of the Internet.

607 The State Police shall develop and maintain a system for making certain Registry information on
608 persons convicted of murder of a minor and violent sex offenders publicly available by means of the
609 Internet. *The State Police shall also make publicly available by means of the Internet information on*
610 *offenders convicted of any offense for which registration is required, where such offense occurred on or*
611 *after July 1, 2006*. The information to be made available shall include the offender's name; all aliases
612 that he has used or under which he may have been known; the date and locality of the conviction and a

613 brief description of the offense; his age, current address and photograph; and such other information as
 614 the State Police may from time to time determine is necessary to preserve public safety including but
 615 not limited to the fact that an individual is wanted for failing to register or reregister. The system shall
 616 be secure and not capable of being altered except by the State Police. The system shall be updated each
 617 business day with newly received registrations and reregistrations. The State Police shall remove all
 618 information that it knows to be inaccurate from the Internet system.

619 § 9.1-914. Automatic notification of registration to certain entities; electronic notification to
 620 requesting persons.

621 Any school, day-care service and child-minding service, and any state-regulated or state-licensed
 622 child day center, child day program, children's residential facility, family day home or foster home as
 623 defined in § 63.2-100 and any institution of higher education may request from the State Police and,
 624 upon compliance with the requirements therefor established by the State Police, shall be eligible to
 625 receive from the State Police electronic notice of the registration or reregistration of any sex offender.
 626 Entities that request and are entitled to this notification, and that and if such entities do not have the
 627 capability of receiving such electronic notice, the entity may register with the State Police to receive
 628 written notification of sex offender registration or reregistration. Within three business days of receipt by
 629 the State Police of registration or reregistration, the State Police shall electronically or in writing notify
 630 an entity listed above that has requested such notification, has complied with the requirements
 631 established by the State Police and is located in the same or a contiguous zip code area as the address
 632 of the offender as shown on the registration.

633 Any person may request from the State Police and, upon compliance with the requirements therefor
 634 established by the State Police, shall be eligible to receive from the State Police electronic notice of the
 635 registration or reregistration of any sex offender. Within three business days of receipt by the State
 636 Police of registration or reregistration, the State Police shall electronically notify a person who has
 637 requested such notification, has complied with the requirements established by the State Police and is
 638 located in the same or a contiguous zip code area as the address of the offender as shown on the
 639 registration.

640 The State Police shall establish reasonable guidelines governing the automatic dissemination of
 641 Registry information, which may include the payment of a fee, whether a one-time fee or a regular
 642 assessment, to maintain the electronic access. The fee, if any, shall defray the costs of establishing and
 643 maintaining the electronic notification system and notice by mail.

644 For the purposes of this section,:

645 "Child-minding service" means provision of temporary custodial care or supervisory services for the
 646 minor child of another;

647 "day-care Day-care service" means provision of supplementary care and protection during a part of
 648 the day for the minor child of another; "~~child-minding service~~" means ~~provision of temporary custodial~~
 649 ~~care or supervisory services for the minor child of another;~~ and

650 "school School" means any public, religious or private educational institution, including any
 651 preschool, elementary school, secondary school, post-secondary school, trade or professional institution,
 652 or institution of higher education.

653 § 9.1-918. Misuse of registry information; penalty.

654 Use of registry information for purposes not authorized by this chapter is prohibited, the unlawful
 655 use of the information contained in or derived from the Registry for purposes of intimidating or
 656 harassing another is prohibited, and a willful violation of this chapter is a Class 1 misdemeanor. For
 657 purposes of this section, absent other aggravating circumstances, the mere republication or reasonable
 658 distribution of material contained on or derived from the publicly available Internet sex offender
 659 database shall not be deemed intimidation or harassment.

660 § 9.1-921. Exemption of information systems from provisions related to the Virginia Information
 661 Technologies Agency.

662 The provisions of Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 shall not apply to the Sex Offender
 663 and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, operated by
 664 the Department of State Police or to information technology as defined in § 2.2-2006 operated by the
 665 Department of Juvenile Justice, Department of Corrections or the Virginia Compensation Board that
 666 interact, furnish, update, contain or exchange information with the Sex Offender and Crimes Against
 667 Minors Registry.

668 § 16.1-249.1 Places of confinement to give notice of intake of certain persons.

669 A. At the time of receipt of any person, for whom registration with the Sex Offender and Crimes
 670 Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 into a secure
 671 facility, the secure facility shall obtain from that person all necessary registration information, including
 672 fingerprints and photographs of a type and kind approved by the Department of State Police. A person
 673 required to register shall register and submit to be photographed as part of the registration. The facility

674 shall forthwith forward the registration information to the Department of State Police on the date of the
675 receipt of the prisoner.

676 B. Whenever a person required to register has failed to comply with the provisions of subsection A,
677 the facility shall promptly investigate or request the State Police promptly investigate and, if there is
678 probable cause to believe a violation has occurred, obtain a warrant, or assist in obtaining an
679 indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person was received. The
680 facility shall notify the State Police forthwith of such actions taken pursuant to this section.

681 § 16.1-278.7:01. Department to give notice of the receipt of certain persons.

682 A. At the time or receipt of any person, for whom registration with the Sex Offender and Crimes
683 Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the
684 Department shall obtain from that person all necessary registration information, including fingerprints
685 and photographs of a type and kind approved by the Department of State Police. A person required to
686 register shall register and submit to be photographed as part of the registration. The Department shall
687 forthwith forward the registration information and photograph to the Department of State Police on the
688 date of the receipt of the person.

689 B. Whenever a person required to register has failed to comply with the provisions of subsection A,
690 the Department shall promptly investigate or request the State Police promptly investigate and, if there
691 is probable cause to believe a violation has occurred, obtain a warrant or petition or assist in obtaining
692 an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person was received.
693 The Department shall notify the State Police forthwith of such actions taken pursuant to this section.

694 § 16.1-278.7:02. Department to give notice of Sex Offender and Crimes Against Minors Registry
695 requirements to certain persons.

696 A. Prior to the release or discharge of any persons for whom registration with the Sex Offender and
697 Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the
698 Department shall give notice to the persons of his duty to register with the State Police. A person
699 required to register shall register, submit to be photographed as part of the registration, and provide
700 information regarding place of employment, if available, to the Department. The Department shall also
701 obtain from that person all necessary registration information, including fingerprints and photographs of
702 a type and kind approved by the Department of State Police; inform the person of his duties regarding
703 reregistration and change of address; and inform the person of his duty to register. The Department of
704 Juvenile Justice shall forward the registration information to the Department of State Police on the date
705 of the person's release or discharge.

706 B. Whenever a person required to register has failed to comply with the provisions of subsection A,
707 the Department shall promptly investigate or request the State Police promptly investigate and, if there
708 is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an
709 indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person was discharged.
710 The Department shall notify the State Police forthwith of such actions taken pursuant to this section.

711 § 18.2-370.2. Sex offenses prohibiting proximity to children; penalty.

712 A. "Offense prohibiting proximity to children" means a violation or an attempt to commit a violation
713 of (i) subsection A of § 18.2-47, clause (ii) or (iii) of § 18.2-48, subsection B of § 18.2-361, or
714 subsection B of § 18.2-366, where the victim of one of the foregoing offenses was a minor, or (ii)
715 subsection A (iii) of § 18.2-61, §§ 18.2-63, 18.2-64.1, subdivision A 1 of § 18.2-67.1, subdivision A 1 of
716 § 18.2-67.2, or subdivision A 1 or A 4 (a) of § 18.2-67.3, or §§ 18.2-370, 18.2-370.1, clause (ii) of
717 § 18.2-371, §§ 18.2-374.1, 18.2-374.1:1 or § 18.2-379. As of July 1, 2006, "offense prohibiting proximity
718 to children" shall include a violation of § 18.2-472.1, when the offense requiring registration was one of
719 the foregoing offenses.

720 B. Every adult who is convicted of an offense prohibiting proximity to children when the offense
721 occurred on or after July 1, 2000, shall as part of his sentence be forever prohibited from loitering
722 within 100 feet of the premises of any place he knows or has reason to know is a primary, secondary or
723 high school. In addition, every adult who is convicted of an offense prohibiting proximity to children
724 when the offense occurred on or after July 1, 2006, shall as part of his sentence be forever prohibited
725 from loitering within 100 feet of the premises of any place he knows or has reason to know is a child
726 day program as defined in § 63.2-100.

727 A violation of this section is punishable as a Class 6 felony.

728 § 18.2-370.3. Sex offenses prohibiting residing in proximity to children; penalty.

729 A. Every adult who is convicted of an offense occurring on or after July 1, 2006, of (i) subdivision A
730 (iii) of § 18.2-61, (ii) subdivision A 1 of § 18.2-67.1 or (iii) subdivision A 1 of § 18.2-67.2, shall be
731 forever prohibited from residing within 500 feet of the premises of any place he knows or has reason to
732 know is a child day center as defined in § 63.2-100, or a primary, secondary, or high school. A
733 violation of this section is punishable as a Class 6 felony.

734 B. An adult whose residence is within 500 feet of a child day center or a primary, secondary, or
735 high school at the time of conviction of an offense listed in subsection A may continue to reside at such

736 residence and may return to such residence following incarceration without being in violation of this
 737 section. However, an adult who moves away from such a residence that he occupied at the time of
 738 conviction is in violation of this section if he reoccupies his residence at such location. An adult who is
 739 convicted of an offense listed in subsection A and has established a lawful residence shall not be in
 740 violation of this section if a child day center or a primary, secondary, or high school is established
 741 within 500 feet of his residence subsequent to his conviction.

742 § 18.2-370.4. Sex offenses prohibiting working on school property; penalty.

743 A. Every adult who has been convicted of an offense occurring on or after July 1, 2006, of (i)
 744 subdivision A (iii) of § 18.2-61, (ii) subdivision A 1 of §18.2-67.1 or (iii) subdivision A 1 of §18.2-67.2,
 745 shall be forever prohibited from working on property he knows or has reason to know is public or
 746 private elementary or secondary school or child day center property. A violation of this section is
 747 punishable as a Class 6 felony.

748 B. Any employer of a person who violated this section in the course of such person's employment
 749 and the school or child day center where the violation of this section occurred are immune from civil
 750 liability unless they had actual knowledge that such person had been convicted of an offense listed in
 751 subsection A.

752 § 18.2-472.1. Providing false information or failing to provide registration information; penalty; prima
 753 facie evidence.

754 A. Any person subject to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, other than a person convicted of
 755 a sexually violent offense or murder as defined in § 9.1-902, who knowingly fails to register or
 756 reregister, or who knowingly provides materially false information to the Sex Offender and Crimes
 757 Against Minors Registry is guilty of a Class 1 misdemeanor. A second or subsequent conviction for an
 758 offense under this subsection is a Class 6 felony.

759 ~~However, any~~ B. Any person convicted of a sexually violent offense or murder, as defined in
 760 § 9.1-902, who knowingly fails to register or reregister, or who knowingly provides materially false
 761 information to the Sex Offender and Crimes Against Minors Registry is guilty of a Class 6 felony. A
 762 second or subsequent conviction for an offense under this subsection is a Class 5 felony.

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

767 D. At any trial pursuant to this section, an affidavit from the State Police issued as required in
 768 § 9.1-907 shall be admitted into evidence as prima facie evidence of the failure to comply with the duty
 769 to register or reregister and a copy of such affidavit shall be provided to the registrant or his counsel
 770 seven days prior to hearing or trial by the attorney for the Commonwealth.

771 E. For the purposes of this section any conviction for a substantially similar offense under the laws
 772 of another state or territory of the United States, the District of Columbia, or the United States shall be
 773 considered a prior conviction.

774 § 19.2-295.2:1. Postrelease supervision of felons sentenced for certain offenses committed on or after
 775 July 1, 2006.

776 A. For offenses committed on or after July 1, 2006:

777 1. At the time the court imposes sentence upon a conviction for a first violation of subsection A of
 778 §18.2-472.1 the court shall impose an added term of postrelease supervision of six months.

779 2. For a second or subsequent violation of subsection A of § 18.2-472.1 when both violations
 780 occurred after July 1, 2006, or a first violation of subsection B of § 18.2-472.1, the court shall impose
 781 an added term of postrelease supervision of two years.

782 3. For a second or subsequent violation of subsection B of § 18.2-472.1 when both violations
 783 occurred after July 1, 2006, the court shall impose an added term of postrelease supervision of five
 784 years.

785 Any terms of postrelease supervision imposed pursuant to this section shall be in addition to any
 786 other punishment imposed, including any periods of active incarceration or suspended periods of
 787 incarceration, if any.

788 B. The court shall order that any term of postrelease supervision imposed pursuant to this section be
 789 suspended, and the defendant be placed on active supervision under a postrelease supervision program
 790 operated by the Department of Corrections. The court shall order that the defendant be subject to
 791 electronic monitoring by means of a GPS (Global Positioning System) tracking device, or other similar
 792 device during this period of postrelease supervision. Failure to successfully abide by the terms and
 793 conditions of the postrelease supervision program shall be grounds to terminate the period of
 794 postrelease supervision and recommit the defendant to the Department of Corrections or to a local
 795 correctional facility. Procedures for any such termination shall be conducted after a hearing in the
 796 court which originally sentenced the defendant, conducted in a manner consistent with a revocation

797 *hearing under § 19.2-306, mutatis mutandis.*

798 *C. Nothing in this section shall be construed to prohibit the court from exercising any authority*
 799 *otherwise granted by law.*

800 § 19.2-390.1. Sex Offender and Crimes Against Minors Registry; maintenance; access.

801 The Department of State Police shall keep and maintain a Sex Offender and Crimes Against Minors
 802 Registry, separate and apart from all other records maintained by it.

803 *The Superintendent of State Police shall organize, equip, and staff, within the Department of State*
 804 *Police, the Sex Offender and Crimes Against Minors Registry. The Superintendent shall appoint and*
 805 *designate personnel as he deems necessary to carry out all duties and assignments related to the Sex*
 806 *Offender and Crimes Against Minors Registry as required by Chapter 9 (§ 9.1-900 et seq.) of Title 9.1*

807 § 22.1-79. Powers and duties.

808 A school board shall:

809 1. See that the school laws are properly explained, enforced and observed;

810 2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public
 811 schools in the school division and take care that they are conducted according to law and with the
 812 utmost efficiency;

813 3. Care for, manage and control the property of the school division and provide for the erecting,
 814 furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances
 815 and the maintenance thereof by purchase, lease, or other contracts;

816 4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil
 817 assignment plans whenever such procedure will contribute to the efficiency of the school division;

818 5. Insofar as not inconsistent with state statutes and regulations of the Board of Education, operate
 819 and maintain the public schools in the school division and determine the length of the school term, the
 820 studies to be pursued, the methods of teaching and the government to be employed in the schools;

821 6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish
 822 and administer by July 1, 1992, a grievance procedure for all school board employees, except the
 823 division superintendent and those employees covered under the provisions of Article 2 (§ 22.1-293 et
 824 seq.) and Article 3 (§ 22.1-306 et seq.) of Chapter 15 of this title, who have completed such
 825 probationary period as may be required by the school board, not to exceed 18 months. The grievance
 826 procedure shall afford a timely and fair method of the resolution of disputes arising between the school
 827 board and such employees regarding dismissal, suspension, or other disciplinary actions and shall be
 828 consistent with the provisions of the Board of Education's procedures for adjusting grievances except
 829 that there shall be no right to a hearing before a fact-finding panel;

830 7. Perform such other duties as shall be prescribed by the Board of Education or as are imposed by
 831 law;

832 8. Obtain public comment through a public hearing not less than 10 days after reasonable notice to
 833 the public in a newspaper of general circulation in the school division prior to providing (i) for the
 834 consolidation of schools; (ii) the transfer from the public school system of the administration of all
 835 instructional services for any public school classroom or all noninstructional services in the school
 836 division pursuant to a contract with any private entity or organization; or (iii) in school divisions having
 837 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting
 838 any pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily
 839 membership in the affected school. Such public hearing may be held at the same time and place as the
 840 meeting of the school board at which the proposed action is taken if the public hearing is held before
 841 the action is taken. If a public hearing has been held prior to the effective date of this provision on a
 842 proposed consolidation, redistricting or pupil assignment plan which is to be implemented after the
 843 effective date of this provision, an additional public hearing shall not be required; ~~and~~

844 9. (Expires July 1, 2010) At least annually, survey the school division to identify critical shortages of
 845 teachers and administrative personnel by subject matter, and report such critical shortages to the
 846 Superintendent of Public Instruction and to the Virginia Retirement System; however, the school board
 847 may request the division superintendent to conduct such survey and submit such report to the school
 848 board, the Superintendent, and the Virginia Retirement System; *and*

849 10. *Ensure that the public schools within the school division are registered with the Department of*
 850 *State Police to receive from the State Police electronic notice of the registration or reregistration of any*
 851 *sex offender within that school division pursuant to § 9.1-914.*

852 § 22.1-79.3. Policies regarding certain activities.

853 A. No later than January 1, 2001, local school boards shall develop and implement policies to ensure
 854 that public school students are not required to convey or deliver any materials that (i) advocate the
 855 election or defeat of any candidate for elective office, (ii) advocate the passage or defeat of any
 856 referendum question, or (iii) advocate the passage or defeat of any matter pending before a local school
 857 board, local governing body or the General Assembly of Virginia or the Congress of the United States.

858 This section shall not be construed to prohibit the discussion or use of political or issue-oriented

859 materials as part of classroom discussions or projects or to prohibit the delivery of informational
860 materials.

861 B. Local school boards shall develop and implement policies to prohibit the administration of
862 questionnaires or surveys to public school students during the regular school day or at school-sponsored
863 events without written, informed parental consent for the student's participation when participation in
864 such questionnaire or survey may subsequently result in the sale for commercial purposes of personal
865 information regarding the individual student.

866 C. *Local school boards shall develop and implement policies to provide information to the parent or
867 legal guardian of a student regarding the registration of sex offenders in the Commonwealth and the
868 availability of information in the Sex Offender and Crimes Against Minors Registry. Local school boards
869 shall also develop protocols governing the release of children to persons who are not their parent or
870 legal guardian.*

871 D. No local school board providing access and opportunity to use school facilities or to distribute
872 literature may deny equal access or fair opportunity to use such school facilities or to distribute
873 literature, or otherwise discriminate against the Boy Scouts of America or the Girl Scouts of the USA.

874 Nothing in this subsection shall be construed to require any school or school division to sponsor the
875 Boy Scouts of America or the Girl Scouts of the USA, or to exempt any such groups from school board
876 policies governing access to and use of school facilities and distribution of literature.

877 § 23-2.2:1. *Reporting of student information to Sex Offender and Crimes Against Minor Registry.*

878 *Each public and private two- and four-year institution of higher education physically located in the
879 Commonwealth shall electronically transmit enrollment information to the Department of State Police by
880 September 1 of each year, in a format approved by the State Police, for comparison with information
881 contained in the Virginia Criminal Information Network and National Crime Information Center
882 Convicted Sexual Offender Registry File when a student has been accepted for admission and enrolls in
883 classes at such an educational institution.*

884 *Whenever it appears from the records of the State Police that a person has failed to comply with the
885 duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police
886 shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a
887 warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in
888 which the person was enrolled with the educational institution.*

889 § 46.2-323. Application for driver's license; proof of completion of driver education program; penalty.

890 A. Every application for a driver's license, temporary driver's permit, learner's permit, or motorcycle
891 learner's permit shall be made on a form prescribed by the Department and the applicant shall write his
892 usual signature in ink in the space provided on the form. The form shall include notice to the applicant
893 of the duty to register with the Department of State Police as provided in Chapter 9 (§ 9.1-900 et seq.)
894 of Title 9.1, if the applicant has been convicted of an offense for which registration with the Sex
895 Offender and Crimes Against Minors Registry is required.

896 B. Every application shall state the full legal name, year, month, and date of birth, social security
897 number, sex, and residence address of the applicant; whether or not the applicant has previously been
898 licensed as a driver and, if so, when and by what state, and whether or not his license has ever been
899 suspended or revoked and, if so, the date of and reason for such suspension or revocation. The
900 Department, as a condition for the issuance of any driver's license, temporary driver's permit, learner's
901 permit, or motorcycle learner's permit may require the surrender of any driver's license or, in the case of
902 a motorcycle learner's permit, a motorcycle license issued by another state and held by the applicant.
903 The applicant shall also answer any questions on the application form or otherwise propounded by the
904 Department incidental to the examination. The applicant may also be required to present to the person
905 conducting the examination a birth certificate or other evidence, reasonably acceptable to the
906 Department, of his name and date of birth.

907 The applicant shall also certify that he is a resident of the Commonwealth by signing a certification
908 statement, on a form prescribed by the Commissioner, and by providing satisfactory proof that he is a
909 resident of the Commonwealth. The Commissioner may adopt regulations to determine the process by
910 which applicants prove that they are residents of the Commonwealth.

911 If the applicant either (i) fails or refuses to sign the certification statement or (ii) fails to follow the
912 process determined by the Commissioner for proving residency, the Department shall not issue the
913 applicant a driver's license, temporary driver's permit, learner's permit or motorcycle learner's permit.

914 Any applicant who knowingly makes a false certification of Virginia residency or supplies false or
915 fictitious evidence of Virginia residency shall be punished as provided in § 46.2-348.

916 The Commissioner may, on a case-by-case basis, waive any provision of such regulations for good
917 cause shown.

918 C. Every application for a driver's license shall include a color photograph of the applicant supplied
919 under arrangements made by the Department. The photograph shall be processed by the Department so

920 that the photograph can be made part of the issued license.

921 D. Notwithstanding the provisions of § 46.2-334, every applicant for a driver's license who is under
922 19 years of age shall furnish the Department with satisfactory proof of his successful completion of a
923 driver education program approved by the State Department of Education.

924 E. *(Effective January 1, 2007) The Department shall electronically transmit application information*
925 *to the Department of State Police, in a format approved by the State Police, for comparison with*
926 *information contained in the Virginia Criminal Information Network and National Crime Information*
927 *Center Convicted Sexual Offender Registry Files, at the time of issuance of a driver's license, temporary*
928 *driver's permit, learner's permit, or motorcycle learner's permit. Whenever it appears from the records*
929 *of the State Police that a person has failed to comply with the duty to register or reregister pursuant to*
930 *Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is*
931 *probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an*
932 *indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application*
933 *of licensure.*

934 § 46.2-324. Applicants and license holders to notify Department of change of address; fee.

935 A. Whenever any person, after applying for or obtaining a driver's license or special identification
936 card shall move from the address shown in the application or on the license or special identification
937 card, he shall, within thirty days, notify the Department of his change of address. If the Department
938 receives notification from the person or any court or law-enforcement agency that a person's residential
939 address has changed to a non-Virginia address, unless the person (i) is on active duty with the armed
940 forces of the United States, (ii) provides proof that he is a U.S. citizen and resides outside the United
941 States because of his employment or the employment of a spouse or parent, or (iii) provides proof
942 satisfactory to the Commissioner that he is a bona fide resident of Virginia, the Department shall (i)
943 mail, by first-class mail, no later than three days after the notice of address change is received by the
944 Department, notice to the person that his license and/or special identification card will be cancelled by
945 the Department and (ii) cancel the driver's license and/or special identification card thirty days after
946 notice of cancellation has been mailed.

947 B. There may be imposed upon anyone failing to notify the Department of his change of address as
948 required by this section a fee of five dollars, which fee shall be used to defray the expenses incurred by
949 the Department.

950 C. *(Effective January 1, 2007) The Department shall electronically transmit change of address*
951 *information to the Department of State Police, in a format approved by the State Police, for comparison*
952 *with information contained in the Virginia Criminal Information Network and National Crime*
953 *Information Center Convicted Sexual Offender Registry Files, at the time of the change of address.*
954 *Whenever it appears from the records of the State Police that a person has failed to comply with the*
955 *duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police*
956 *shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a*
957 *warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in*
958 *which the person last registered or reregistered or in the jurisdiction where the person made application*
959 *for change of address.*

960 § 46.2-330. Expiration and renewal of licenses; examinations required.

961 A. Every driver's license shall expire on the applicant's birthday in years in which the applicant
962 attains an age equally divisible by five. At no time shall any driver's license be issued for less than three
963 nor more than seven years. Thereafter the driver's license shall be renewed on or before the birthday of
964 the licensee and shall be valid for five years, expiring in the next year in which the licensee's age is
965 equally divisible by five.

966 B. Within one year prior to the date shown on the driver's license as the date of expiration, the
967 Department shall mail notice, to the holder thereof, at the address shown on the records of the
968 Department in its driver's license file, that his license will expire on a date specified therein, whether he
969 must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the
970 period of validity of the driver's license beyond its expiration date.

971 Any driver's license may be renewed by application, which shall include the applicant's certification
972 of Virginia residency, after the applicant has taken and successfully completed those parts of the
973 examination provided for in §§ 46.2-311, 46.2-325 and the Virginia Commercial Driver's License Act
974 (§ 46.2-341.1 et seq.), including vision and written tests, other than the parts of the examination
975 requiring the applicant to drive a motor vehicle. All drivers applying in person for renewal of a license
976 shall take and successfully complete the examination each renewal year.

977 C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may
978 require any applicant for renewal to be fully examined as provided in §§ 46.2-311, 46.2-325 and the
979 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less
980 than 80 years old, the Commissioner may waive the vision examination for any applicant for renewal of
981 a driver's license which is not a commercial driver's license, and the requirement or the taking of the

982 written test as provided in subsection B of this section, § 46.2-325 and the Virginia Commercial Driver's
 983 License Act (§ 46.2-341.1 et seq.), for any applicant for renewal who is at least 21 years old. Such
 984 written test shall not be waived for an applicant less than 21 years old if such applicant's driver's license
 985 record on file with the Department contains a record of one or more convictions for any offense
 986 reportable under §§ 46.2-382, 46.2-382.1, and 46.2-383. However, in no case shall there be any waiver
 987 of the vision examination for applicants for renewal of a commercial driver's license or of the
 988 knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials
 989 endorsement on a commercial driver's license. No driver's license or learner's permit issued to any
 990 person who is 80 years old or older shall be renewed unless the applicant for renewal appears in person
 991 and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within
 992 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or
 993 exceeds the standards contained in § 46.2-311.

994 D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent
 995 on any examination of the applicant, shall appear in person before the Department to apply for renewal,
 996 unless specifically notified by the Department that renewal may be accomplished in another manner as
 997 provided in the notice.

998 E. This section shall not modify the provisions of § 46.2-221.2.

999 F. *(Effective January 1, 2007) The Department shall electronically transmit application information*
 1000 *to the Department of State Police, in a format approved by the State Police, for comparison with*
 1001 *information contained in the Virginia Criminal Information Network and National Crime Information*
 1002 *Center Convicted Sexual Offender Registry Files, at the time of the renewal of a driver's license.*
 1003 *Whenever it appears from the records of the State Police that a person has failed to comply with the*
 1004 *duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police*
 1005 *shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a*
 1006 *warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in*
 1007 *which the person last registered or reregistered or in the jurisdiction where the person made application*
 1008 *for licensure.*

1009 § 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

1010 A. On the application of any person who is a resident of the Commonwealth or the parent or legal
 1011 guardian of any such person who is under the age of 15, the Department shall issue a special
 1012 identification card to the person provided:

1013 1. Application is made on a form prescribed by the Department and includes the applicant's full legal
 1014 name; year, month, and date of birth; sex; and residence address;

1015 2. The applicant presents a birth certificate or other evidence acceptable to the Department of his
 1016 name and date of birth;

1017 3. The Department is satisfied that the applicant needs an identification card or the applicant shows
 1018 he has a bona fide need for such a card; and

1019 4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's
 1020 permit, learner's permit, or motorcycle learner's permit.

1021 Persons 70 years of age or older may exchange a valid Virginia driver's license for a special
 1022 identification card at no fee. Special identification cards subsequently issued to such persons shall be
 1023 subject to the regular fees for special identification cards.

1024 B. The fee for the issuance of an original or renewal special identification card is \$5. The fee for the
 1025 issuance of a duplicate or reissue of a special identification card is \$5. Persons 21 years old or older
 1026 may be issued a scenic special identification card for an additional fee of \$5.

1027 C. Every special identification card shall expire on the last day of the month of birth of the applicant
 1028 in years in which the applicant attains an age exactly divisible by five. At no time shall any special
 1029 identification card be issued for less than three nor more than seven years, except under the provisions
 1030 of subsection B of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall
 1031 expire on the child's sixteenth birthday, thereafter the special identification card may be renewed on or
 1032 before the last day of the month of birth of the applicant and shall be valid for five years, expiring in
 1033 the next year in which the applicant's age is exactly divisible by five, except under the provisions of
 1034 subsection B of § 46.2-328.1.

1035 D. A special identification card issued under this section may be similar in size, shape, and design to
 1036 a driver's license, and include a color photograph of its holder, but the card shall be readily
 1037 distinguishable from a driver's license and shall clearly state that it does not authorize the person to
 1038 whom it is issued to drive a motor vehicle.

1039 E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be
 1040 immediately and readily distinguishable from those issued to persons 21 years old or older.
 1041 Distinguishing characteristics shall include unique design elements of the document and descriptors
 1042 within the photograph area to identify persons who are at least 15 years old but less than 21 years old.

1043 These descriptors shall include the month, day, and year when the person will become 21 years old.

1044 F. Special identification cards for persons under age 15 shall bear a full face photograph. The special
1045 identification card issued to persons under age 15 shall be readily distinguishable from a driver's license
1046 and from other special identification cards issued by the Department. Such cards shall clearly indicate
1047 that it does not authorize the person to whom it is issued to drive a motor vehicle.

1048 G. A valid Virginia driver's license may be surrendered for a special identification card without the
1049 applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's
1050 license is unexpired and it has not been revoked, suspended, or cancelled. The special identification card
1051 shall be considered a reissue and the expiration date shall be the last day of the month of the
1052 surrendered driver's license's month of expiration.

1053 H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from
1054 an application for the issuance of a special identification card is confidential and shall not be divulged to
1055 any person, association, corporation, or organization, public or private, except to the legal guardian or
1056 the attorney of the applicant or to a person, association, corporation, or organization nominated in
1057 writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the
1058 Department from furnishing the application or any information thereon to any law-enforcement agency.

1059 I. Any person who uses a false or fictitious name or gives a false or fictitious address in any
1060 application for an identification card or knowingly makes a false statement or conceals a material fact or
1061 otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However,
1062 where the name or address is given, or false statement is made, or fact is concealed, or fraud committed,
1063 with the intent to purchase a firearm or where the identification card is obtained for the purpose of
1064 committing any offense punishable as a felony, a violation of this section shall constitute a Class 4
1065 felony.

1066 J. The Department may promulgate regulations necessary for the effective implementation of the
1067 provisions of this section.

1068 K. The Department shall utilize the various communications media throughout the Commonwealth to
1069 inform Virginia residents of the provisions of this section and to promote and encourage the public to
1070 take advantage of its provisions.

1071 L. *(Effective January 1, 2007) The Department shall electronically transmit application information*
1072 *to the Department of State Police, in a format approved by the State Police, for comparison with*
1073 *information contained in the Virginia Criminal Information Network and National Crime Information*
1074 *Center Convicted Sexual Offender Registry Files, at the time of issuance of a special identification card.*
1075 *Whenever it appears from the records of the State Police that a person has failed to comply with the*
1076 *duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police*
1077 *shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a*
1078 *warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in*
1079 *which the person made application for the special identification card.*

1080 § 46.2-348. Fraud or false statements in applications for license; penalties.

1081 Any person who uses a false or fictitious name or gives a false or fictitious address in any
1082 application for a driver's license, or any renewal or duplicate thereof, or knowingly makes a false
1083 statement or conceals a material fact or otherwise commits a fraud in his application shall be guilty of a
1084 Class 2 misdemeanor. However, where the license is used, or the fact concealed, or fraud is done, with
1085 the intent to purchase a firearm or use as proof of residency under § 9.1-903, a violation of this section
1086 shall be punishable as a Class 4 felony.

1087 § 53.1-23.2. Department to give notice of the receipt of certain prisoners.

1088 A. *At the time or receipt of any prisoner for whom registration with the Sex Offender and Crimes*
1089 *Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the*
1090 *Department shall obtain from that person all necessary registration information, including fingerprints*
1091 *and photographs of a type and kind approved by the Department of State Police. A person required to*
1092 *register shall register and submit to be photographed as part of the registration. The Department shall*
1093 *forthwith forward the registration information and photograph to the Department of State Police on the*
1094 *date of the receipt of the prisoner.*

1095 B. *Whenever a person required to register has failed to comply with the provisions of subsection A,*
1096 *the Department shall promptly investigate or request the State Police promptly investigate and, if there*
1097 *is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an*
1098 *indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person was received. The*
1099 *Department shall notify the State Police forthwith of such actions taken pursuant to this section.*

1100 § 53.1-115.1. Superintendents of regional jails and regional jail-farms to make daily reports to
1101 Compensation Board.

1102 *(Effective October 1, 2006) The superintendent of every regional jail and every regional jail-farm*
1103 *shall report on the first each day of each month to the Compensation Board, giving the record of each*
1104 *prisoner received during the preceding month on blank forms to be furnished day in an electronic*

1105 *format approved* by the Compensation Board, stating whether the offense for each prisoner is for
 1106 violation of state law or of city or town ordinance. The *computer-generated* report shall be signed
 1107 *authenticated* by both the superintendent and chairman of the regional jail-farm board. Either signer
 1108 found guilty of person who authenticates such report and willfully falsifying falsifies the information
 1109 contained in such report shall be is guilty of a Class 1 misdemeanor.

1110 If any superintendent fails to send such report ~~within ten business days after the date when the report~~
 1111 ~~should be forwarded~~, the Compensation Board shall notify the superintendent of such failure. If the
 1112 superintendent fails to make the report within ten days ~~from that date~~, then the Compensation Board
 1113 shall cause the report to be prepared from the books of the superintendent and shall certify the cost
 1114 thereof to the Comptroller. The Comptroller shall issue his warrant on the Treasurer for that amount,
 1115 deducting the same from any funds that may be due the superintendent by the Commonwealth.

1116 § 53.1-116.1. Jailer to give notice of release of certain prisoners.

1117 A. Prior to the release or discharge of any prisoner ~~servng a sentence for an offense for which for~~
 1118 whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to
 1119 Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the sheriff, jail superintendent or other jail administrator shall
 1120 give notice to the prisoner of his duty to register with the State Police. A *person required to register*
 1121 *shall register, submit to be photographed as part of the registration, and provide information regarding*
 1122 *place of employment, if available, to the sheriff, jail superintendent or other jail administrator.* The
 1123 sheriff, jail superintendent or other jail administrator shall also obtain from that person all necessary
 1124 registration information, including fingerprints and photographs of a type and kind approved by the
 1125 Department of State Police; inform the person of his duties regarding reregistration and change of
 1126 address; and inform the person of his duty to register. The sheriff, jail superintendent or other jail
 1127 administrator shall *forthwith* forward the registration information to the Department of State Police
 1128 ~~within seven days of receipt on the date of the prisoner's release.~~

1129 B. *Whenever a person required to register has failed to comply with the provisions of subsection A,*
 1130 *the sheriff, jail superintendent or other jail administrator shall promptly investigate or request the State*
 1131 *Police to promptly investigate and, if there is probable cause to believe a violation has occurred, obtain*
 1132 *a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in*
 1133 *which the person was discharged. The sheriff, jail superintendent or other jail administrator shall notify*
 1134 *the State Police forthwith of such actions taken pursuant to this section.*

1135 § 53.1-116.1:01. Jailer to give notice of intake of certain prisoners.

1136 A. *At the time of intake of any prisoner, for whom registration with the Sex Offender and Crimes*
 1137 *Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the sheriff,*
 1138 *jail superintendent or other jail administrator shall also obtain from that person all necessary*
 1139 *registration information, including fingerprints and photographs of a type and kind approved by the*
 1140 *Department of State Police. A person required to register shall register, and submit to be photographed*
 1141 *as part of the registration. The sheriff, jail superintendent or other jail administrator shall forthwith*
 1142 *forward the registration information to the Department of State Police on the date of the prisoner's*
 1143 *intake.*

1144 B. *Whenever a person required to register has failed to comply with the provisions of subsection A,*
 1145 *the sheriff, jail superintendent or other jail administrator shall promptly investigate or request the State*
 1146 *Police promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a*
 1147 *warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in*
 1148 *which the person was discharged. The sheriff, jail superintendent or other jail administrator shall notify*
 1149 *the State Police forthwith of such actions taken pursuant to this section.*

1150 § 53.1-121. Sheriffs to make daily reports to Compensation Board; failure to send report.

1151 (*Effective October 1, 2006*) The sheriff shall report ~~on the first each day of each month~~ to the
 1152 Compensation Board, giving the record of each prisoner received during the preceding ~~month on blank~~
 1153 ~~forms to be furnished~~ *day in an electronic format approved* by the Compensation Board, stating whether
 1154 the offense is for violation of state law or of city or town ordinance.

1155 If any sheriff fails to send such report ~~within ten business days after the date when the report should~~
 1156 ~~be forwarded~~, the Compensation Board shall notify the sheriff of such failure. If the sheriff fails to make
 1157 the report within ten days ~~from that date~~, then the Compensation Board shall cause the report to be
 1158 prepared from the books of the sheriff and shall certify the cost thereof to the Comptroller. The
 1159 Comptroller shall issue his warrant on the Treasurer for that amount, deducting the same from any funds
 1160 that may be due the sheriff by the Commonwealth.

1161 The *computer-generated* report shall be ~~signed~~ *authenticated* by both the chief jailer and the sheriff
 1162 who shall certify the accuracy of the report. Either signer found guilty of willfully falsifying the
 1163 information contained in such report shall be guilty of a Class 1 misdemeanor.

1164 § 53.1-160.1. Department to give notice of Sex Offender and Crimes Against Minors Registry
 1165 requirements to certain prisoners.

1166 A. Prior to the release or discharge of any prisoner serving a sentence for an offense for which whom
1167 registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9
1168 (§ 9.1-900 et seq.) of Title 9.1, the Department shall give notice to the prisoner of his duty to register
1169 with the State Police. *A person required to register shall register, submit to be photographed as part of*
1170 *the registration, and provide information regarding place of employment, if available, to the*
1171 *Department.* The Department shall also obtain from that person all necessary registration information,
1172 including fingerprints and photographs of a type and kind approved by the Department of State Police,
1173 inform the person of his duties regarding reregistration and change of address, and inform the person of
1174 his duty to register. The Department shall forward the registration information to the Department of
1175 State Police ~~within seven days of receipt~~ *on the date of the prisoner's release or discharge.*

1176 *B. Whenever a person required to register has failed to comply with the provisions of subsection A,*
1177 *the Department shall promptly investigate or request the State Police promptly investigate and, if there*
1178 *is probably cause to believe a violation has occurred, obtain a warrant or assist in obtaining an*
1179 *indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person was release or*
1180 *discharged. The Department shall notify the State Police forthwith of such actions taken pursuant to this*
1181 *section.*

1182 **2. That the amendments to §§ 53.1-115.1 and 53.1-121 shall become effective on October 1, 2006.**

1183 **3. That the amendments to §§ 46.2-323, 46.2-324, 46.2-330 and 46.2-345 shall become effective on**
1184 **January 1, 2007.**

1185 **4. That the provisions of this act may result in a net increase in periods of imprisonment or**
1186 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is at**
1187 **least \$2,149,496 for periods of imprisonment in state adult correctional facilities and \$0 for periods**
1188 **of commitment to the custody of the Department of Juvenile Justice.**