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## HOUSE BILL NO. 2185

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Militia, Police, and Public Safety  
on January 26, 2007)

(Patron Prior to Substitute—Delegate Miller, P.J.)

A *BILL to amend and reenact §§ 9.1-903 and 9.1-904 of the Code of Virginia, relating to registration and reregistration procedures under the Sex Offender and Crimes Against Minors Registry Act.*

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

**1. That §§ 9.1-903 and 9.1-904 of the Code of Virginia are amended and reenacted as follows:**

§ 9.1-903. Registration procedures.

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

B. Every person required to register shall register in person within three days of his release from confinement in a state, local or juvenile correctional facility, in a state civil commitment program for sexually violent predators or, if a sentence of confinement is not imposed, within three days of suspension of the sentence or in the case of a juvenile of disposition. A person required to register shall register, submit to be photographed as part of the registration, and submit to have a sample of his blood, saliva, or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person, *provide electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use*, and provide information regarding place of employment. The local law-enforcement agency shall obtain from the person who presents himself for registration or reregistration one set of fingerprints, *electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use*, place of employment information, proof of residency and a photograph of a type and kind specified by the State Police for inclusion in the Registry and advise the person of his duties regarding reregistration. The local law-enforcement agency shall obtain from the person who presents himself for registration a sample of his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a sample has been previously taken from the person, as indicated by the Local Inmate Data System (LIDS), no additional sample shall be taken. The local law-enforcement agency shall forthwith forward to the State Police all necessary registration information.

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

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

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

60 employment to another state, the State Police shall notify the designated law-enforcement agency of that  
61 state.

62 *F. Any person required to register shall reregister either in person or electronically with the local*  
63 *law-enforcement agency where his residence is located within thirty minutes following any change of the*  
64 *electronic mail address information, any instant message, chat or other Internet communication name or*  
65 *identity information that the person uses or intends to use, whether within or without the*  
66 *Commonwealth. If a probation or parole officer becomes aware of a change of the electronic mail*  
67 *address information, any instant message, chat or other Internet communication name or identity*  
68 *information for any of his probationers or parolees required to register, the probation or parole officer*  
69 *shall notify the State Police forthwith upon learning of the change.*

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

77 GH. The local law-enforcement agency shall forthwith forward to the State Police all necessary  
78 registration or reregistration information received by it. Upon receipt of registration or reregistration  
79 information the State Police shall forthwith notify the chief law-enforcement officer of the locality listed  
80 as the person's address on the registration and reregistration.

81 § 9.1-904. Reregistration.

82 A. Every person required to register, other than a person convicted of a sexually violent offense or  
83 murder, shall reregister with the State Police on an annual basis from the date of the initial registration.  
84 Every person convicted of a sexually violent offense or murder shall reregister with the State Police  
85 every 90 days from the date of initial registration. Reregistration means that the person has notified the  
86 State Police, confirmed his current physical and mailing address *and electronic mail address*  
87 *information, any instant message, chat or other Internet communication name or identity information*  
88 *that he uses or intends to use*, and provided such other information, including identifying information,  
89 which the State Police may require. Upon registration and as may be necessary thereafter, the State  
90 Police shall provide the person with an address verification form to be used for reregistration. The form  
91 shall contain in bold print a statement indicating that failure to comply with the registration required is  
92 punishable as provided in § 18.2-472.1.

93 B. Any person convicted of a violation of § 18.2-472.1, other than a person convicted of a sexually  
94 violent offense or murder, shall reregister with the State Police every 180 days from the date of such  
95 conviction. Any person convicted of a violation of § 18.2-472.1, in which such person was included on  
96 the Registry for a conviction of a sexually violent offense or murder, shall reregister with the State  
97 Police every 30 days from the date of conviction. Reregistration means the person has notified the State  
98 Police, confirmed his current physical and mailing address *and electronic mail address information, any*  
99 *instant message, chat or other Internet communication name or identity information that he uses or*  
100 *intends to use*, and provided such other information, including identifying information, which the State  
101 Police may require. Upon registration and as may be necessary thereafter, the State Police shall provide  
102 the person with an address verification form to be used for reregistration. The form shall state the  
103 registration requirements and contain in bold print a statement indicating that failure to comply with the  
104 registration requirements is punishable as provided in § 18.2-472.1.

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

114 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
115 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**  
116 **be determined for periods of imprisonment in state adult correctional facilities and is \$0 for**  
117 **periods of commitment to the custody of the Department of Juvenile Justice.**