

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 636

An Act to amend and reenact § 16.1-299 of the Code of Virginia, relating to retention of fingerprints of juveniles given deferred disposition in a criminal case.

[H 527]

Approved March 13, 2008

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-299 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-299. Fingerprints and photographs of juveniles.

A. All duly constituted police authorities having the power of arrest shall take fingerprints and photographs of any juvenile who is taken into custody and charged with a delinquent act an arrest for which, if committed by an adult, is required to be reported to the Central Criminal Records Exchange pursuant to subsection A of § 19.2-390. Whenever fingerprints are taken, they shall be maintained separately from adult records and a copy shall be filed with the juvenile court on forms provided by the Central Criminal Records Exchange.

B. If a juvenile of any age (i) is *convicted of a felony*, (ii) is adjudicated delinquent ~~or found guilty of any of an offense that would be a felony if committed by an adult~~, (iii) has a case involving an offense, which would be a felony if committed by an adult, *that is dismissed pursuant to the deferred disposition provisions of § 16.1-278.8*, or (iv) is convicted or adjudicated delinquent of any other offense for which a report to the Central Criminal Records Exchange is required by subsection C of § 19.2-390 if the offense were committed by an adult, copies of his fingerprints and a report of the disposition shall be forwarded to the Central Criminal Records Exchange and to the jurisdiction making the arrest by the clerk of the court which heard the case.

C. If a petition or warrant is not filed against a juvenile whose fingerprints or photographs have been taken in connection with an alleged violation of law, the fingerprint card, all copies of the fingerprints and all photographs shall be destroyed 60 days after fingerprints were taken. If a juvenile charged with a delinquent act other than a violent juvenile felony or a crime ancillary thereto is found not guilty, or in any other case resulting in a disposition for which fingerprints are not required to be forwarded to the Central Criminal Records Exchange, the court shall order that the fingerprint card, all copies of the fingerprints and all photographs be destroyed within six months of the date of disposition of the case.