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HOUSE BILL NO. 1928

Offered January 14, 2009

Prefiled January 13, 2009

A BILL to amend and reenact §§ 9.1-903 and 9.1-904 of the Code of Virginia, relating to sex offender registration requirements.

Patron—Lewis

Referred to Committee on Militia, Police and Public Safety

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 G 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, and as part of the registration shall submit to be photographed; submit to have a sample of his blood, saliva, or tissue taken for DNA (deoxyribonucleic acid) analysis and submission to the DNA databank to determine identification characteristics specific to the person; provide *his Internet Protocol address*, electronic mail address information, any instant message, chat, or other Internet communication name or identity information that the person uses or intends to use; submit to have his fingerprints and palm prints taken; provide information regarding his place of employment; and provide motor vehicle, watercraft, and aircraft registration information for all motor vehicles, watercraft, and aircraft owned by him. 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, one set of palm prints, place of employment information, motor vehicle, watercraft and aircraft registration information for all motor vehicles, watercraft and aircraft owned by the registrant, 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. The local law-enforcement agency shall forthwith forward to the State Police a copy of the identification presented by the person required to register.

D. Any person required to register shall also reregister in person with the local law-enforcement agency following (i) *any significant change in his appearance*, (ii) *any change of name*, or (iii) *any change of residence*, whether within or without the Commonwealth. *The person shall register in person with the local law-enforcement agency within three days following his change of name or change in appearance.* 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

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59 *appearance*, name, or residence for any of his probationers or parolees required to register, the probation
60 or parole officer shall notify the State Police forthwith of learning of the change. Whenever a person
61 subject to registration changes residence to another state, the State Police shall notify the designated
62 law-enforcement agency of that state.

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

71 F. Any person required to register shall reregister in person with the local law-enforcement agency
72 where his residence is located within three days following any change of owned motor vehicle,
73 watercraft and aircraft registration information, whether within or without the Commonwealth. If a
74 probation or parole officer becomes aware of a change of owned motor vehicle, watercraft and aircraft
75 registration information for any of his probationers or parolees required to register, the probation or
76 parole officer shall notify the State Police forthwith upon learning of the change of the person's owned
77 motor vehicle, watercraft and aircraft registration information. Whenever a person required to register
78 changes his owned motor vehicle, watercraft and aircraft registration information to another state, the
79 State Police shall notify the designated law-enforcement agency of that state.

80 G. Any person required to register shall reregister either in person or electronically with the local
81 law-enforcement agency where his residence is located within 30 minutes following any change of the
82 *Internet Protocol address*, electronic mail address information, *or* any instant message, chat, or other
83 Internet communication name or identity information that the person uses or intends to use, whether
84 within or without the Commonwealth. If a probation or parole officer becomes aware of a change of the
85 *Internet Protocol address*, electronic mail address information, *or* any instant message, chat, or other
86 Internet communication name or identity information for any of his probationers or parolees required to
87 register, the probation or parole officer shall notify the State Police forthwith upon learning of the
88 change.

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

96 I. The local law-enforcement agency shall forthwith forward to the State Police all necessary
97 registration or reregistration information received by it. Upon receipt of registration or reregistration
98 information the State Police shall forthwith notify the chief law-enforcement officer of the locality listed
99 as the person's address on the registration and reregistration.

100 § 9.1-904. Reregistration.

101 A. Every person required to register, other than a person convicted of a sexually violent offense or
102 murder, shall reregister with the State Police on an annual basis from the date of the initial registration.
103 Every person convicted of a sexually violent offense or murder shall reregister with the State Police
104 every 90 days from the date of initial registration. Reregistration means that the person has notified the
105 State Police, confirmed his current physical and mailing address and electronic mail address information,
106 any instant message, chat or other Internet communication name or identity information that he uses or
107 intends to use, and provided such other information, including identifying information, which the State
108 Police may require. Upon registration and as may be necessary thereafter, the State Police shall provide
109 the person with an address verification form to be used for reregistration. The form shall contain in bold
110 print a statement indicating that failure to comply with the registration required is punishable as
111 provided in § 18.2-472.1. Upon registration and as may be necessary thereafter, the person shall likewise
112 be required to execute a consent form consistent with applicable law that authorizes a business or
113 organization that offers electronic communications or remote computer services to provide to the
114 Department of State Police any information pertaining to that person necessary to determine the veracity
115 of his electronic identity information in the registry.

116 B. Any person convicted of a violation of § 18.2-472.1, other than a person convicted of a sexually
117 violent offense or murder, shall reregister with the State Police every 180 days from the date of such
118 conviction. Any person convicted of a violation of § 18.2-472.1, in which such person was included on
119 the Registry for a conviction of a sexually violent offense or murder, shall reregister with the State
120 Police every 30 days from the date of conviction. Reregistration means the person has notified the State

Police, confirmed his current physical and mailing address and electronic mail address information, any instant message, chat or other Internet communication name or identity information that he uses or intends to use, and provided such other information, including identifying information, which the State Police may require. Upon registration and as may be necessary thereafter, the State Police shall provide the person with an address verification form to be used for reregistration. The form shall state the registration requirements and contain in bold print a statement indicating that failure to comply with the registration requirements is punishable as provided in § 18.2-472.1.

C. Every person required to register pursuant to this chapter shall submit to be photographed by a local law-enforcement agency every two years commencing with the date of initial registration, *provided that, notwithstanding the foregoing requirement, every such person shall submit to be photographed by a local law-enforcement agency within three days following a significant change in his appearance.* Photographs shall be in color, be taken with the registrant facing the camera, and clearly show the registrant's face and shoulders only. No person other than the registrant may appear in the photograph submitted. The photograph shall indicate the registrant's full name, date of birth and the date the photograph was taken. The local law-enforcement agency shall forthwith forward the photograph and the registration form to the State Police. Where practical, the local law-enforcement agency may electronically transfer a digital photograph containing the required information to the Sex Offender and Crimes Against Minors Registry within the State Police.

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