

090405596

## HOUSE BILL NO. 1928

House Amendments in [ ] - February 3, 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 Prior to Engrossment—Delegate 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 [ *significant* ] change of *appearance*, name, or residence for any of his probationers or parolees required to register,

ENGROSSED

HB1928E

59 the probation or parole officer shall notify the State Police forthwith of learning of the change.  
60 Whenever a person subject to registration changes residence to another state, the State Police shall notify  
61 the designated law-enforcement agency of that state.

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

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

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

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

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

99 § 9.1-904. Reregistration.

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

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

ENGROSSED

HB1928E