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HOUSE BILL NO. 912

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact § 9.1-903 of the Code of Virginia, relating to definition of residence for purposes of the sex offender registry.

Patron—Bell, Robert B.

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:**1. That § 9.1-903 of the Code of Virginia is 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 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 *who has a permanent physical address* 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 any change of name or 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 name or residence for any of his probationers or parolees required to register, the probation or parole officer shall

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HB912

59 notify the State Police forthwith of learning of the change. Whenever a person subject to registration
60 changes residence to another state, the State Police shall notify the designated law-enforcement agency
61 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 electronic mail address information, any instant message, chat or other Internet communication name or
82 identity information that the person uses or intends to use, whether within or without the
83 Commonwealth. If a probation or parole officer becomes aware of a change of the electronic mail
84 address information, any instant message, chat or other Internet communication name or identity
85 information for any of his probationers or parolees required to register, the probation or parole officer
86 shall notify the State Police forthwith upon learning of the change.

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

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

98 J. *For purposes of this chapter, "residence" means, for any person who declares himself homeless*
99 *and has no permanent physical address, any single location described by him, which can be located*
100 *with reasonable specificity, where he routinely spends the night.*