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HOUSE BILL NO. 1628

Offered January 12, 2011

Prefiled January 10, 2011

A *BILL to amend and reenact §§ 9.1-903 and 9.1-905 of the Code of Virginia, relating to sex offender registry; registration and reregistration.*

Patrons—Watts and Abbott

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-903 and 9.1-905 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 *business* 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 *business* 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 *business* 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

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59 parole officer shall notify the State Police forthwith of learning of the change. Whenever a person
60 subject to registration changes residence to another state, the State Police shall notify the designated
61 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 *business* days following any change of the place of
64 employment, whether within or without the Commonwealth. If a probation or parole officer becomes
65 aware of a change of the place of employment for any of his probationers or parolees required to
66 register, the probation or parole officer shall notify the State Police forthwith upon learning of the
67 change of the person's place of employment. Whenever a person subject to registration changes his place
68 of employment to another state, the State Police shall notify the designated law-enforcement agency of
69 that 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 *business* 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. *For purposes of determining compliance with this requirement, if reregistration is sent*
84 *electronically, the reregistration shall be deemed to have occurred when the electronic message was sent*
85 *by the person require to register, and not when it was received or opened by the law-enforcement*
86 *agency.* If a probation or parole officer becomes aware of a change of the electronic mail address
87 information, any instant message, chat or other Internet communication name or identity information for
88 any of his probationers or parolees required to register, the probation or parole officer shall notify the
89 State Police forthwith upon learning of the change.

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

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

101 J. If a person required to register does not have a legal residence, such person shall designate a
102 location that can be located with reasonable specificity where he resides or habitually locates himself.
103 For the purposes of this section, "residence" shall include such a designated location. If the person
104 wishes to change such designated location, he shall do it pursuant to the terms of this section.

105 § 9.1-905. New residents and nonresident offenders; registration required.

106 A. All persons required to register shall register within three *business* days of establishing a residence
107 in the Commonwealth.

108 B. Nonresident offenders entering the Commonwealth for an extended visit, for employment, to carry
109 on a vocation, or as a student attending school who are required to register in their state of residence or
110 who would be required to register if a resident of the Commonwealth shall, within three *business* days
111 of entering the Commonwealth for an extended visit, accepting employment or enrolling in school in the
112 Commonwealth, be required to register and reregister in person with the local law-enforcement agency.

113 C. To document employment or school attendance in Virginia, a person shall present proof of
114 enrollment as a student or suitable proof of temporary employment in the Commonwealth and one
115 photo-identification form issued by a governmental agency of the person's state of residence which
116 contains the person's complete name, gender, date of birth and complete address.

117 D. For purposes of this section:

118 "Employment" and "carry on a vocation" include employment that is full-time or part-time for a
119 period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any
120 calendar year, whether financially compensated, volunteered, or for the purpose of government or

121 educational benefit.

122 "Extended visit" means a period of visitation for any purpose in the Commonwealth of 30 days or
123 more.

124 "Student" means a person who is enrolled on a full-time or part-time basis, in any public or private
125 educational institution, including any secondary school, trade or professional institution, or institution of
126 higher education.

127 **2. That the Department of State Police shall establish a system that allows for persons required to**
128 **register to reregister electronically for purposes of complying with subsection G of § 9.1-903 of the**
129 **Code of Virginia.**

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