VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 19.2-386.16 and 52-33 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 22.2 of Title 19.2 a section numbered 19.2-386.32, relating to forfeiture in certain child abduction cases; Missing Children Information Clearinghouse.

[H 2361]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-386.16 and 52-33 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 22.2 of Title 19.2 a section numbered 19.2-386.32 as follows:

§ 19.2-386.16. Forfeiture of motor vehicles used in commission of certain crimes.

A. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a second or subsequent offense of §§ 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356 or § 18.2-357 or of a similar ordinance of any county, city or town or knowingly used for the transportation of any stolen goods, chattels or other property, when the value of such stolen goods, chattels or other property is $200 or more, or any stolen property obtained as a result of a robbery, without regard to the value of the property, shall be forfeited to the Commonwealth. The vehicle shall be seized by any law-enforcement officer arresting the operator of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt therefor.

B. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, *a misdemeanor violation of subsection D of § 18.2-47 or* a felony violation of (i) Article 3~~, Chapter~~ 4 ~~of~~ ~~Title~~ ~~18.2~~ ~~(§§ 18.2-47~~ ~~et~~ ~~seq.),~~ *(§ 18.2-47 et seq.) of Chapter 4 of Title 18.2* or (ii) § 18.2-357 where the prostitute is a minor, shall be forfeited to the Commonwealth. The vehicle shall be seized by any law-enforcement officer arresting the operator of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt therefor.

C. Forfeiture of such vehicle shall be enforced as is provided in §§ 4.1-339 through 4.1-348 as to vehicles used for the transportation of illegally acquired alcoholic beverages, and the provisions of §§ 4.1-339 through 4.1-348 shall apply, mutatis mutandis, to proceedings for the enforcement of such forfeiture except that venue for the forfeiture proceeding shall be in the county or city in which the offense occurred.

D. The agency seizing the motor vehicle or other conveyance shall, for such period of time as the court prescribes, be permitted the use and operation of the motor vehicle or other conveyance, after court forfeiture, for the investigation of crimes against the Commonwealth by the agency seizing the motor vehicle or other conveyance. The agency using or operating each motor vehicle shall have insurance on each vehicle used or operated for liability and property damage.

§ 19.2-386.32. Seizure and forfeiture of property used in connection with the abduction of children.

All moneys and other property, real and personal, owned by a person and used to further the abduction of his child in violation of subsection D of § 18.2-47 are subject to lawful seizure by a law-enforcement officer and are subject to forfeiture to the Commonwealth pursuant to Chapter 22 (§ 19.2-369 et seq.) by order of the court in which a conviction under § 18.2-47 is obtained.

§ 52-33. Powers and duties of Clearinghouse.

The Clearinghouse shall have the following powers and duties:

1. To maintain a centralized file for the exchange of information on missing children within the Commonwealth. The Clearinghouse shall accept a missing child report from any law-enforcement officer as defined in § 9.1-101. Any parent, guardian, legal custodian or other person standing in loco parentis of a missing child may contact the Clearinghouse to verify the entry of a missing child report on such child. If the Clearinghouse is requested to verify a missing child report which has not been received, the Clearinghouse shall immediately contact the appropriate law-enforcement agency and take such measures as may be necessary to determine whether a report should be entered in the centralized file.

2. To maintain a system of intrastate communication to receive information relating to the disappearance or sighting of missing children. Such system shall be available twenty-four hours per day, seven days per week.

3. To maintain close liaison with the National Crime Information Center and the National Center for Missing and Exploited Children for the exchange of information on children suspected of interstate *or*

international travel and for assistance in the operation of the Clearinghouse.

4. To circulate a monthly bulletin on missing children to the news media, all law-enforcement agencies, and every school in the Commonwealth.

5. To provide emergency flyers containing physical and situational descriptions of missing children when requested by law-enforcement agencies.

6. To provide for training of public and private organizations regarding the operation of the Clearinghouse.

7. To provide assistance to law-enforcement agencies in planning and implementing programs to fingerprint children.