

2015 SESSION

INTRODUCED

15101812D

SENATE BILL NO. 1152

Offered January 14, 2015

Prefiled January 13, 2015

A *BILL to amend and reenact § 52-8.6 of the Code of Virginia, relating to criminal street gang reporting; incarcerated persons.*

Patron—Wexton

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 52-8.6 of the Code of Virginia is amended and reenacted as follows:

§ 52-8.6. Criminal street gang reporting.

When it is determined, by a state or local law-enforcement agency, regional jail, the Department of Corrections, the Department of Juvenile Justice, or a regional multijurisdictional law-enforcement task force, that a person is a member of a criminal street gang, as defined in § 18.2-46.1 by means of (i) an admission of membership in a gang; (ii) an observation by a law-enforcement officer that a person frequents a known gang area, associates with known gang members and demonstrates gang style of dress, tattoos, hand signals, or symbols; or (iii) being arrested on more than one occasion with known gang members for offenses consistent with gang activities, the agency shall enter the person's name and other appropriate gang-related information required by the Department of State Police into the information system known as the Organized Criminal Gang File of the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of this title, and the Violent Criminal Gang File of the National Crime Information Center (NCIC), maintained by the Federal Bureau of Investigation. The entry shall be made as soon as practicable after determining that a person is a member of an organized criminal gang; *however, if the person is incarcerated in the Department of Corrections and his period of incarceration exceeds one year, the entry may be made at any time prior to the person's release from incarceration.* All records contained in these information systems shall be entered, retained, and validated in accordance with established VCIN and NCIC policies.

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