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HOUSE BILL NO. 1940

Offered January 9, 2019

Prefiled January 6, 2019

A BILL to amend and reenact § 19.2-390.3 of the Code of Virginia, relating to Child Pornography Registry; contents of Registry; criminal investigations; report.

Patron—Bell, Robert B.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-390.3 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-390.3. Child Pornography Registry; maintenance; access.**

A. The Office of the Attorney General, in cooperation with the Department of State Police, shall keep and maintain a Child Pornography Registry (*the Registry*) to be located within the State Police, separate and apart from all other records maintained by either department. The purpose of the Registry shall be to assist the efforts of law-enforcement agencies statewide to protect their communities from repeat child pornographers and to protect children from becoming victims of criminal offenders by aiding in identifying victims and perpetrators. Criminal justice agencies, including law-enforcement agencies, may request of the State Police a search and comparison of child pornography images contained within the Registry with those images obtained by criminal justice agencies during the course of official investigations.

B. The Registry shall include ~~images of sexually explicit visual material in any form including any picture, photograph, drawing, sculpture, motion picture film, digital image or similar visual representation, copies of all known or suspected "child pornography," as that term is defined in subsection A of § 18.2-374.1, obtained during the course of a criminal investigation, or presented as~~ evidence and used in any conviction for any offense enumerated in §§ 18.2-374.1 and 18.2-374.1:1.

C. Registry information provided under this section shall be used for the purposes of the administration of criminal justice, *for victim identification*, or for the protection of the public in general and children in particular. Use of the information or the images contained therein for purposes not authorized by this section is prohibited and a willful violation of this section with the intent to harass or intimidate another ~~shall be punished as is~~ a Class 6 felony.

D. The Virginia Criminal Information Network and any form or document used by the Department of State Police to disseminate information from the Registry shall provide notice that any unauthorized possession, use, or dissemination of the information or images is a crime punishable as a Class 6 felony.

2. That the Department of State Police, in cooperation with the Office of the Attorney General, shall submit a report detailing the implementation plan for changes to the Child Pornography Registry pursuant to this act to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Committee on Appropriations and Senate Committee on Finance by January 1, 2020, as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents, and the report shall be posted on the General Assembly's website.

INTRODUCED

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