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SENATE BILL NO. 1385

Offered January 9, 2019

Prefiled January 8, 2019

A BILL to amend and reenact § 9.1-903 of the Code of Virginia, relating to Sex Offender and Crimes Against Minors Registry; registration procedures for change of email address.

Patron—McDougle

Referred to Committee for Courts of Justice

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, and 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, and 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. The person shall register in person with the local law-enforcement agency within three days following his change of name. 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

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59 change of name or residence for any of his probationers or parolees required to register, the probation or
60 parole officer shall notify the State Police forthwith of learning of the change. Whenever a person
61 subject to registration changes residence to another state, the State Police shall notify the designated
62 law-enforcement agency of that state.

63 E. Any person required to register shall reregister in person with the local law-enforcement agency
64 where his residence is located within three days following any change of the place of employment,
65 whether within or without the Commonwealth. If a probation or parole officer becomes aware of a
66 change of the place of employment for any of his probationers or parolees required to register, the
67 probation or parole officer shall notify the State Police forthwith upon learning of the change of the
68 person's place of employment. Whenever a person subject to registration changes his place of
69 employment to another state, the State Police shall notify the designated law-enforcement agency of that
70 state.

71 F. Any person required to register shall reregister in person with the local law-enforcement agency
72 where his residence is located within three days following any change of owned motor vehicle,
73 watercraft and aircraft registration information, whether within or without the Commonwealth. If a
74 probation or parole officer becomes aware of a change of owned motor vehicle, watercraft and aircraft
75 registration information for any of his probationers or parolees required to register, the probation or
76 parole officer shall notify the State Police forthwith upon learning of the change of the person's owned
77 motor vehicle, watercraft and aircraft registration information. Whenever a person required to register
78 changes his owned motor vehicle, watercraft and aircraft registration information to another state, the
79 State Police shall notify the designated law-enforcement agency of that state.

80 G. Any person required to register shall reregister ~~either~~ in person ~~or electronically~~ with the local
81 law-enforcement agency where his residence is located within ~~30 minutes~~ *three days* following any
82 change ~~of~~ *to* the electronic mail address information; ~~or~~ any instant message, chat, or other Internet
83 communication name or identity information that the person uses or intends to use, whether within or
84 without the Commonwealth. If a probation or parole officer becomes aware of a change ~~of~~ *to* the
85 electronic mail address information; ~~or~~ any instant message, chat, or other Internet communication name
86 or identity information for any of his probationers or parolees required to register, the probation or
87 parole officer shall notify the State Police forthwith upon learning of the change.

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

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

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