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## HOUSE BILL NO. 262

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on February 9, 1996)

(Patron Prior to Substitute—Delegate O'Brien)

A *BILL to amend and reenact § 19.2-390.1 of the Code of Virginia, relating to sex offender registration.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-390.1 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-390.1. Sex Offender Registry; maintenance; access.

A. The Department of State Police shall keep and maintain a Sex Offender Registry, separate and apart from all other records maintained by it. The purpose of the Sex Offender Registry shall be to assist the efforts of law-enforcement agencies to protect their communities from repeat sex offenders and to protect children from becoming the victims of repeat sex offenders by helping to prevent such individuals from being hired or allowed to volunteer to work directly with children. The Sex Offender Registry shall include conviction data received from the courts pursuant to § 19.2-390 for felony violations of §§ 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-370 or § 18.2-370.1 or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection B of § 18.2-361 or subsection B of § 18.2-366, including the disposition records for juveniles tried and convicted in the circuit courts pursuant to § 16.1-269, and registrations received from persons required to do so by § 19.2-298.1. The State Police shall promulgate regulations governing the operation and maintenance of the Sex Offender Registry and the expungement of records on persons who are deceased, whose convictions have been reversed or who have been pardoned, and those for whom an order of expungement has been entered pursuant to § 19.2-298.2 or § 19.2-392.1.

B. Sex Offender Registry information shall be disseminated, upon request, only to authorized officers or employees of (i) a criminal justice agency, as defined by § 9-169; (ii) a public school division; (iii) a private, denominational or parochial school; (iv) a local law-enforcement agency or ~~(iv)~~ (v) a child-welfare agency or a registered or unregistered small family day-care home as defined in § 63.1-195. Sex Offender Registry information provided under this section shall be used only for the purposes of the administration of criminal justice or for the screening of current or prospective employees or volunteers. Further dissemination of such information or use of the information for purposes not authorized by this section is prohibited and a willful violation of this section shall be punished as a Class 1 misdemeanor. Any form or document used by the Department of State Police to disseminate information from the Sex Offender Registry shall provide notice that any further or unauthorized dissemination of the information is a crime punishable as a Class 1 misdemeanor. The Department of State Police may by regulation establish a fee not to exceed fifteen dollars for responding to requests for information from the Sex Offender Registry. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the Registry.