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SENATE BILL NO. 1170

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 2, 1997)

(Patron Prior to Substitute—Senator Benedetti)

A BILL to amend and reenact § 16.1-299 of the Code of Virginia, as it is currently effective and as it may become effective, relating to fingerprints and photographs of juveniles; retention.

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-299 of the Code of Virginia, as it is currently effective and as it may become effective, is amended and reenacted as follows:

§ 16.1-299. Fingerprints and photographs of juveniles.

A. All duly constituted police authorities having the power of arrest may take fingerprints and photographs of any juvenile who is taken into custody and charged with a delinquent act an arrest for which, if committed by an adult, is required to be reported to the Central Criminal Records Exchange pursuant to subsection A of § 19.2-390. Whenever fingerprints are taken, they shall be maintained separately from adult records and a copy shall be filed with the juvenile court on forms provided by the Central Criminal Records Exchange.

B. If a juvenile (i) of any age is adjudicated delinquent or found guilty of any offense which would be a felony if committed by an adult or any other offense for which a report to the Central Criminal Records Exchange is required by subsection C of § 19.2-390 if the offense were committed by an adult or (ii) fourteen or older is charged with a "violent juvenile felony" or an "ancillary crime" as those terms are defined in § 16.1-228, copies of his fingerprints and a report of the disposition shall be forwarded to the Central Criminal Records Exchange by the clerk of the court which heard the case.

C. If a petition or warrant is not filed against a juvenile whose fingerprints or photographs have been taken in connection with an alleged violation of law, the fingerprint card, all copies of the fingerprints and all photographs shall be destroyed sixty days after fingerprints were taken. If a juvenile is found not guilty or in any other case resulting in a disposition for which fingerprints are not required to be forwarded to the Central Criminal Records Exchange, the court shall order that the fingerprint card, all copies of the fingerprints and all photographs be destroyed within ~~sixty days~~ one year of the date of disposition of the case.

§ 16.1-299. (Delayed effective date) Fingerprints and photographs of juveniles.

A. All duly constituted police authorities having the power of arrest may take fingerprints and photographs of any juvenile who is taken into custody and charged with a delinquent act an arrest for which, if committed by an adult, is required to be reported to the Central Criminal Records Exchange pursuant to subsection A of § 19.2-390. Whenever fingerprints are taken, they shall be maintained separately from adult records and a copy shall be filed with the family court on forms provided by the Central Criminal Records Exchange.

B. If a juvenile (i) of any age is adjudicated delinquent or found guilty of any offense which would be a felony if committed by an adult or any other offense for which a report to the Central Criminal Records Exchange is required by subsection C of § 19.2-390 if the offense were committed by an adult, or (ii) fourteen or older is charged with a "violent juvenile felony" or an "ancillary crime" as those terms are defined in § 16.1-228, copies of his fingerprints and a report of the disposition shall be forwarded to the Central Criminal Records Exchange by the clerk of the court which heard the case.

C. If a petition or warrant is not filed against a juvenile whose fingerprints or photographs have been taken in connection with an alleged violation of law, the fingerprint card, all copies of the fingerprints and all photographs shall be destroyed sixty days after fingerprints were taken. If a juvenile is found not guilty or in any other case resulting in a disposition for which fingerprints are not required to be forwarded to the Central Criminal Records Exchange, the court shall order that the fingerprint card, all copies of the fingerprints and all photographs be destroyed within ~~sixty days~~ one year of the date of disposition of the case.