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HOUSE BILL NO. 832

Offered January 26, 1998

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

Patron—Cantor

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-299, as it is currently effective and as it may become effective, of the Code of Virginia 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 and photographs 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. However, all duly constituted police authorities having the power of arrest shall take fingerprints and photographs of any juvenile fourteen years of age or older charged with a "violent juvenile felony" as defined in § 16.1-228.

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 six months of the date of disposition of the case.

Upon finding that the arrest of the juvenile was not substantiated by probable cause, the court may order the police authority making the arrest to destroy all copies of the fingerprints and photographs. The court may also order that the police authority notify the Central Criminal Records Exchange of the court's finding.

§ 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 and photographs 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. However, all duly constituted police authorities having the power of arrest shall take fingerprints and photographs of any juvenile fourteen years of age or older charged with a "violent juvenile felony" as defined in § 16.1-228.

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 six months of the date of disposition

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60 of the case.

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62 *order the police authority making the arrest to destroy all copies of the fingerprints and photographs.*
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64 *court's finding.*