

2009 SESSION

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HOUSE BILL NO. 1898

Offered January 14, 2009

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A BILL to amend and reenact §§ 9.1-903, 9.1-904, and 9.1-905 of the Code of Virginia, relating to the Sex Offender and Crimes Against Minors Registry Act; registration requirements.

Patrons—Watts, Albo and Hugo

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-903, 9.1-904, and 9.1-905 of the Code of Virginia are 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, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, *any telephone number the person uses or intends to use, immigration status information*, submit to have his fingerprints and palm prints taken, provide information regarding *any professional or occupational license held by him, his place places and physical job site locations of employment including volunteer work*, and provide motor vehicle, watercraft and aircraft registration information for all motor vehicles, watercraft and aircraft owned *or regularly operated* 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, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, *any telephone number the person uses or intends to use, immigration status information*, one set of palm prints, place *and physical job site locations* of employment *and volunteer work* information, motor vehicle, watercraft and aircraft registration information for all motor vehicles, watercraft and aircraft owned *or regularly used* 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, *including immigration status information*.

C. To establish proof of residence in Virginia, a person 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 *as well as a copy of any documentation relating to immigration status information*.

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, *or temporary lodging*, whether within or without the Commonwealth. If his new residence, *or temporary lodging*, is within the

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59 Commonwealth, the person shall register in person with the local law-enforcement agency where his
60 new residence *or temporary lodging* is located within three days following his change in residence *or*
61 *establishment of temporary lodging*. If the new residence *or temporary lodging* is located outside of the
62 Commonwealth, the person shall register in person with the local law-enforcement agency where he
63 previously registered within 10 days prior to his change of residence. If a probation or parole officer
64 becomes aware of a change of name or residence *or temporary lodging* for any of his probationers or
65 parolees required to register, the probation or parole officer shall notify the State Police forthwith of
66 learning of the change. Whenever a person subject to registration changes residence *or temporary*
67 *lodging* to another state, the State Police shall notify the designated law-enforcement agency of that
68 state. *For purposes of this chapter, the term "temporary lodging" means any place where a person*
69 *subject to registration is staying when away from his residence for seven or more days.*

70 E. Any person required to register shall reregister in person with the local law-enforcement agency
71 where his residence is located within three days following any change *in employment status and any*
72 *change* of the place *and physical job site locations* of employment, whether within or without the
73 Commonwealth. If a probation or parole officer becomes aware of a change *in employment status or*
74 *change* of the place *and physical job site locations* of employment for any of his probationers or
75 parolees required to register, the probation or parole officer shall notify the State Police forthwith upon
76 learning of the change of the person's *employment status or* place *and physical job site locations* of
77 employment. Whenever a person subject to registration changes his place of employment to another
78 state, the State Police shall notify the designated law-enforcement agency of that state.

79 F. Any person required to register shall reregister in person with the local law-enforcement agency
80 where his residence is located within three days following any change of owned *or regularly operated*
81 motor vehicle, watercraft and aircraft registration information, whether within or without the
82 Commonwealth. If a probation or parole officer becomes aware of a change of owned *or regularly*
83 *operated* motor vehicle, watercraft and aircraft registration information for any of his probationers or
84 parolees required to register, the probation or parole officer shall notify the State Police forthwith upon
85 learning of the change of the person's owned *or regularly operated* motor vehicle, watercraft and aircraft
86 registration information. Whenever a person required to register changes his owned motor vehicle,
87 watercraft and aircraft registration information to another state, the State Police shall notify the
88 designated law-enforcement agency of that state.

89 G. Any person required to register shall reregister either in person or electronically with the local
90 law-enforcement agency where his residence is located within 30 minutes following any change of the
91 electronic mail address information, any instant message, chat or other Internet communication name or
92 identity information that the person uses or intends to use, whether within or without the
93 Commonwealth. If a probation or parole officer becomes aware of a change of the electronic mail
94 address information, any instant message, chat or other Internet communication name or identity
95 information for any of his probationers or parolees required to register, the probation or parole officer
96 shall notify the State Police forthwith upon learning of the change.

97 H. The registration shall be maintained in the Registry and shall include the person's name, all
98 aliases that he has used or under which he may have been known, the date and locality of the
99 conviction for which registration is required, his fingerprints and a photograph of a type and kind
100 specified by the State Police, his date of birth, social security number, current physical and mailing
101 address and a description of the offense or offenses for which he was convicted. The registration shall
102 also include the locality of the conviction and a description of the offense or offenses for previous
103 convictions for the offenses set forth in § 9.1-902.

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

108 § 9.1-904. Reregistration.

109 A. Every person required to register, other than a person convicted of a sexually violent offense or
110 murder, shall reregister with the State Police on an annual basis from the date of the initial registration.
111 Every person convicted of a sexually violent offense or murder shall reregister with the State Police
112 every 90 days from the date of initial registration. Reregistration means that the person has notified the
113 State Police, confirmed his current physical and mailing address and electronic mail address information,
114 any instant message, chat or other Internet communication name or identity information that he uses or
115 intends to use, *any telephone number he uses or intends to use*, and provided such other information,
116 including identifying information, which the State Police may require. Upon registration and as may be
117 necessary thereafter, the State Police shall provide the person with an address verification form to be
118 used for reregistration. The form shall contain in bold print a statement indicating that failure to comply
119 with the registration required is punishable as provided in § 18.2-472.1. Upon registration and as may be
120 necessary thereafter, the person shall likewise be required to execute a consent form consistent with

121 applicable law that authorizes a business or organization that offers electronic communications or remote
122 computer services to provide to the Department of State Police any information pertaining to that person
123 necessary to determine the veracity of his electronic identity information in the registry.

124 B. Any person convicted of a violation of § 18.2-472.1, other than a person convicted of a sexually
125 violent offense or murder, shall reregister with the State Police every 180 days from the date of such
126 conviction. Any person convicted of a violation of § 18.2-472.1, in which such person was included on
127 the Registry for a conviction of a sexually violent offense or murder, shall reregister with the State
128 Police every 30 days from the date of conviction. Reregistration means the person has notified the State
129 Police, confirmed his current physical and mailing address and electronic mail address information, any
130 instant message, chat or other Internet communication name or identity information that he uses or
131 intends to use, *any telephone number he uses or intends to use*, and provided such other information,
132 including identifying information, which the State Police may require. Upon registration and as may be
133 necessary thereafter, the State Police shall provide the person with an address verification form to be
134 used for reregistration. The form shall state the registration requirements and contain in bold print a
135 statement indicating that failure to comply with the registration requirements is punishable as provided
136 in § 18.2-472.1.

137 C. Every person required to register pursuant to this chapter shall submit to be photographed by a
138 local law-enforcement agency every two years commencing with the date of initial registration.
139 Photographs shall be in color, be taken with the registrant facing the camera, and clearly show the
140 registrant's face and shoulders only. No person other than the registrant may appear in the photograph
141 submitted. The photograph shall indicate the registrant's full name, date of birth and the date the
142 photograph was taken. The local law-enforcement agency shall forthwith forward the photograph and the
143 registration form to the State Police. Where practical, the local law-enforcement agency may
144 electronically transfer a digital photograph containing the required information to the Sex Offender and
145 Crimes Against Minors Registry within the State Police.

146 § 9.1-905. New residents and nonresident offenders; registration required.

147 A. All persons required to register shall register within three days of establishing a residence in the
148 Commonwealth.

149 B. Nonresident offenders entering the Commonwealth for an extended visit, for employment, to carry
150 on a vocation, or as a student attending school who are required to register in their state of residence or
151 who would be required to register if a resident of the Commonwealth shall, within three days of
152 entering the Commonwealth for an extended visit, accepting employment or enrolling in school in the
153 Commonwealth, be required to register and reregister in person with the local law-enforcement agency.

154 C. To document employment or school attendance in Virginia a person shall present proof of
155 enrollment as a student or suitable proof of temporary employment in the Commonwealth and one
156 photo-identification form issued by a governmental agency of the person's state of residence which
157 contains the person's complete name, gender, date of birth and complete address.

158 D. For purposes of this section:

159 "Employment" and "carry on a vocation" include employment that is full-time or part-time for a
160 period of time exceeding ~~14~~ seven days or for an aggregate period of time exceeding 30 days during
161 any calendar year, whether financially compensated, volunteered, or for the purpose of government or
162 educational benefit.

163 "Extended visit" means a period of visitation for any purpose in the Commonwealth of ~~30~~ seven days
164 or more.

165 "Student" means a person who is enrolled on a full-time or part-time basis, in any public or private
166 educational institution, including any secondary school, trade or professional institution, or institution of
167 higher education.

168 2. That the provisions of this act may result in a net increase in periods of imprisonment or
169 commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot
170 be determined for periods of imprisonment in state adult correctional facilities and cannot be
171 determined for periods of commitment to the custody of the Department of Juvenile Justice.