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HOUSE BILL NO. 1579**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Militia, Police and Public Safety
on January 28, 2011)

(Patron Prior to Substitute—Delegate Dance)

A BILL to amend and reenact §§ 9.1-903, 9.1-905, and 9.1-913 of the Code of Virginia, relating to sex offender registration requirements; penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-903, 9.1-905, and 9.1-913 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, 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, 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. 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 change of name or residence for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith of learning of the change. Whenever a person subject to registration changes residence to another state, the State Police shall notify the designated law-enforcement agency

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60 of that state.

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

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

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

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

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

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

101 *K. If a person required to register is not physically present at his legal residence for a period of*
102 *seven or more days, such person shall register the physical address of his temporary residence location*
103 *prior to such absence. If the temporary residence has no physical address, such person shall designate a*
104 *location that can be located with reasonable specificity where the temporary residence will be located.*
105 *For purposes of this section, "temporary residence" means a place where the person abides, lodges, or*
106 *resides, including but not limited to vacation, business, or personal travel destinations in or out of the*
107 *Commonwealth, for a period of seven or more days in the aggregate during any calendar year and*
108 *which is not the person's previously registered residence as provided in this section.*

109 § 9.1-905. New residents and nonresident offenders; registration required.

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

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

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

121 D. For purposes of this section:

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

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

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

§ 9.1-913. Public dissemination by means of the Internet.

The State Police shall develop and maintain a system for making certain Registry information on persons convicted of an offense for which registration is required publicly available by means of the Internet. The information to be made available shall include the offender's name; all aliases that he has used or under which he may have been known; the date and locality of the conviction and a brief description of the offense; his age, current address, *all temporary residences*, and photograph; and such other information as the State Police may from time to time determine is necessary to preserve public safety including but not limited to the fact that an individual is wanted for failing to register or reregister. The system shall be secure and not capable of being altered except by the State Police. The system shall be updated each business day with newly received registrations and reregistrations. The State Police shall remove all information that it knows to be inaccurate from the Internet system.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 874 of the Acts of Assembly of 2010 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.