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HOUSE BILL NO. 1251

Offered January 17, 2014

A BILL to amend and reenact §§ 9.1-903 and 9.1-908 of the Code of Virginia, relating to sex offenders; reregistration; name change.

Patron—Ramadan

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That §§ 9.1-903 and 9.1-908 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. *The person shall register in person with the local law-enforcement agency within three days following his change of name.* 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

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59 parole officer shall notify the State Police forthwith of learning of the change. Whenever a person
60 subject to registration changes residence to another state, the State Police shall notify the designated
61 law-enforcement agency of that state.

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

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

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

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

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

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

103 **§ 9.1-908. Duration of registration requirement.**

104 Any person required to register or reregister shall be required to register until the duty to register and
105 reregister is terminated by a court order as set forth in § 9.1-910, except that any person who has been
106 convicted of (i) any sexually violent offense, (ii) murder or (iii) former § 18.2-67.2:1 shall have a
107 continuing duty to reregister for life.

108 Any period of confinement in a federal, state or local correctional facility, hospital or any other
109 institution or facility during the otherwise applicable period shall toll the registration period and the duty
110 to reregister shall be extended. Persons confined in a federal, state, or local correctional facility shall not
111 be required to reregister until released from custody. Persons civilly committed pursuant to Chapter 9
112 (§ 37.2-900 et seq.) of Title 37.2 shall not be required to reregister until released from custody. *Persons*
113 *confined in a federal, state, or local correctional facility or civilly committed pursuant to Chapter 9*
114 *(§ 37.2-900 et seq.) of Title 37.2 shall notify the Registry within three days following any change of*
115 *name.*

116 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
117 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
118 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
119 **806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to**
120 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**

121 necessary appropriation cannot be determined for periods of commitment to the custody of the
122 Department of Juvenile Justice.

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