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**HOUSE BILL NO. 144**

Offered January 10, 2018

Prefiled December 19, 2017

*A BILL to amend and reenact § 9.1-910 of the Code of Virginia, relating to Sex Offender and Crimes Against Minors Registry; removal of name and information from Registry.*

Patron—Cole

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That § 9.1-910 of the Code of Virginia is amended and reenacted as follows:**

**§ 9.1-910. Removal of name and information from Registry.**

A. Any person required to register, other than a person who has been convicted of ~~any~~ (i) any sexually violent offense, (ii) two or more offenses for which registration is required, (iii) a violation of former § 18.2-67.2:1, or (iv) murder, may petition the circuit court in which he was convicted or the circuit court in the jurisdiction where he then resides for removal of his name and all identifying information from the Registry. A petition may not be filed earlier than (a) *seven years if the offense for which registration is required is a misdemeanor*; (b) *15 years for any other offense not specified in clause (c)*; or (c) 25 years for violations of § 18.2-64.1, subsection C of § 18.2-374.1:1, or subsection C, D, or E of § 18.2-374.3, after the date of initial registration nor earlier than (1) *seven years if the offense for which registration is required is a misdemeanor*; (2) *15 years for any other offense not specified in clause (3)*; or (3) 25 years for violations of § 18.2-64.1, subsection C of § 18.2-374.1:1, or subsection C, D, or E of § 18.2-374.3, from the date of his last conviction for ~~(a)~~ (A) a violation of § 18.2-472.1 or ~~(b)~~ (B) any felony. A petition may not be filed until all court ordered treatment, counseling, and restitution has been completed. The court shall obtain a copy of the petitioner's complete criminal history and registration and reregistration history from the Registry and then hold a hearing on the petition at which the applicant and any interested persons may present witnesses and other evidence. The Commonwealth shall be made a party to any action under this section. If, after such hearing, the court is satisfied that such person no longer poses a risk to public safety, the court shall grant the petition. In the event the petition is not granted, the person shall wait at least 24 months from the date of the denial to file a new petition for removal from the Registry.

B. The State Police shall remove from the Registry the name of any person and all identifying information upon receipt of an order granting a petition pursuant to subsection A.

INTRODUCED

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