

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 613

An Act to amend and reenact § 9.1-904 of the Code of Virginia, relating to Sex Offender and Crimes Against Minors Registry; reregistration schedule.

[H 2089]

Approved March 19, 2019

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-904 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-904. Reregistration.

A. Every person required to register; ~~other than a person convicted of a sexually violent offense or murder,~~ shall reregister with the State Police ~~on an annual basis from the date of the initial registration.~~ Every person convicted of a sexually violent offense or murder shall reregister with the State Police every 90 days from the date of initial registration *on a schedule pursuant to this section.* Reregistration means that the person has notified the State Police; confirmed his current physical and mailing address and electronic mail address information; ~~and any instant message, chat, or other Internet communication name or identity information that he uses or intends to use;~~ and provided such other information, including identifying information, ~~which that~~ the State Police may require. Upon registration and as may be necessary thereafter, the State Police shall provide the person with an address verification form to be used for reregistration. The form shall contain in bold print a statement indicating that failure to comply with the registration required is punishable as provided in § 18.2-472.1. *Copies of all forms to be used for reregistration and guidelines for submitting such forms, including month and time reregistration intervals pursuant to subsections C and D, shall be available through distribution by the State Police, from local law-enforcement agencies, and in a format capable of being downloaded and printed from a website maintained by the State Police.* Upon registration and as may be necessary thereafter, the person shall likewise be required to execute a consent form consistent with applicable law that authorizes a business or organization that offers electronic communications or remote computer services to provide to the Department of State Police any information pertaining to that person necessary to determine the veracity of his electronic identity information in the registry.

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

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

C. Every person required to register, ~~other than a person convicted of a sexually violent offense or murder,~~ shall reregister with the State Police *once each year during such person's birth month.* Every person convicted of a sexually violent offense or murder shall reregister with the State Police four times each year at three-month intervals, including the person's birth month. Any person convicted of a violation of § 18.2-472.1, ~~other than a person convicted of a sexually violent offense or murder,~~ shall reregister with the State Police twice each year: *once in the person's birth month and once in the month that is six months from the person's birth month.* Any person convicted of a violation of § 18.2-472.1, in which such person was included on the Registry for a conviction of a sexually violent offense or murder, shall reregister with the State Police every month.

D. Persons required to register with last names beginning with A through L shall reregister with the State Police from the first to the fifteenth of such person's reregistration months pursuant to subsection C, and persons required to register with last names beginning with M through Z shall reregister with the State Police from the sixteenth to the last day of the month during such person's reregistration months pursuant to subsection C. The last name shall be the last name in the person's name pursuant to § 9.1-903 as it appears in the Registry.

E. For the period of July 1, 2020, to July 1, 2021, any person required to reregister shall continue to reregister with the State Police on such person's reregistration schedule in place prior to July 1, 2020, until such person has reregistered pursuant to the new reregistration schedule provided in subsections C and D, at which time such person shall continue to reregister pursuant to the new reregistration schedule provided in subsections C and D.

2. That the provisions of this act shall become effective on July 1, 2020.

3. That, no later than June 1, 2020, the Department of State Police shall inform every person required to register with the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq. of the Code of Virginia) in person of the new registration and reregistration system required by the provisions of this act and provide the person with a written description of the requirements for compliance with the provisions of this act, including the new reregistration schedule.

4. That, no later than July 1, 2020, the Department of State Police shall maintain a website with access to the written description of the requirements for compliance with the provisions of this act, including the new month and time registration and reregistration schedule mandated by this act, and any forms and guidelines required under the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq. of the Code of Virginia) in a format capable of being downloaded and printed.