

HOUSE BILL NO. 1687

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Brewer)

A BILL to amend and reenact § 9.1-923 of the Code of Virginia, relating to Supplement to the Sex Offender and Crimes Against Minors Registry.

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-923 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-923. Supplement to the Sex Offender and Crimes Against Minors Registry established.

A. The Superintendent of State Police shall establish a Supplement to the Registry of information composed of persons who were convicted of an offense listed in subsection B on or after July 1, ~~1980~~ 1970, and before July 1, 1994, but whose names are not on the Registry. Access to the Supplement to the Registry shall be made available to the public on the website of the Department of State Police and shall contain the following information for each person: name, year of birth, the date of the conviction, the jurisdiction in which the conviction occurred, the person's age on the date of the conviction, the offense of which he was convicted, and the Code of Virginia section of the conviction.

B. Information on the following offenses where the conviction occurred on or after July 1, ~~1980~~ 1970, and before July 1, 1994, shall be listed in the Supplement: clause (i) of § 18.2-48 if the victim was a minor; clauses (ii) and (iii) of § 18.2-48; § 18.2-61; § 18.2-63 if the victim was under 13 years of age; subsection A of § 18.2-63 if the offender was more than five years older than the victim; §§ 18.2-67.1, 18.2-67.2, and 18.2-67.3; § 18.2-67.4 if the victim was a minor; subsections A and B of § 18.2-67.5; subsection C of § 18.2-67.5 if the victim was a minor; § 18.2-361 if the victim was a minor; and §§ 18.2-370, 18.2-370.1, and 18.2-374.1. Information on the following former offenses where the conviction occurred on or after July 1, 1970, and before October 1, 1995, shall also be listed in the Supplement: former § 18.1-21 if the victim was (i) under 15 years of age or (ii) at least 15 years of age but under 18

27 years of age and the murder was related to an offense listed in § 9.1-902; former § 18.1-38 with the intent
28 to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of
29 former § 18.1-39 that involved assisting or aiding in such an abduction; former § 18.1-44 when such act
30 was accomplished against the complaining witness's will, by force, or through the use of the complaining
31 witness's mental incapacity or physical helplessness, or if the victim was under 13 years of age, former §
32 18.1-88 with the intent to commit rape; former § 18.1-215 or, when the complaining witness was under
33 13 years of age, subdivision (1), (2), or (4) of former § 18.1-213; former § 18.1-214; and a felony violation
34 of former § 18.1-191 where the victim was a minor or was physically helpless or mentally incapacitated,
35 as defined in § 18.2-67.10.

36 C. Persons whose names and conviction information appear on the Supplement are not subject to
37 the registration requirements of this chapter and are not considered persons for whom registration is
38 required unless they are required to register pursuant to other provisions of this chapter.

39 D. A person whose name and conviction information appear on the Supplement may, regardless
40 of the date of conviction, petition the circuit court in which he was convicted or the circuit court where he
41 then resides for removal of his name and conviction information from the Supplement if the offense he
42 was convicted of would qualify for removal from the Registry under § 9.1-910. A petition may not be
43 filed until all court ordered treatment, counseling, and restitution has been completed. The court shall
44 obtain a copy of the petitioner's complete criminal history and then hold a hearing on the petition at which
45 the applicant and any interested persons may present witnesses and other evidence. The Commonwealth
46 shall be made a party to any action under this subsection. If after such a hearing, the court is satisfied that
47 such person does not pose a risk to public safety, the court shall grant the petition. In the event the petition
48 is not granted, the person shall wait at least 24 months from the date of denial to file a new petition for
49 removal from the Supplement. The State Police shall remove from the Supplement the name and
50 conviction information upon receipt of an order granting a petition pursuant to this subsection.

51 E. The Superintendent of State Police shall complete the Supplement to the Registry prior to
52 January 1, 2016.

53 2. That the Superintendent of State Police shall update the Supplement to the Registry as required
54 by § 9.1-923 of the Code of Virginia, as amended by this act, no later than January 1, 2024.

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