

# VIRGINIA SEX-OFFENDER REGISTRATION AND NOTIFICATION

## CONTACT INFORMATION

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## NUMBER OF REGISTERED SEX OFFENDERS

11,283 as of March 25, 2003.

### **1. WHO IS REQUIRED TO REGISTER?**

The following offenders are required to register:

- (1) every person convicted on or after July 1, 1997, including juveniles tried and convicted in circuit court, whether sentenced as adults or juveniles, of an offense for which registration is required;
- (2) every person serving a prison sentence or under community supervision on July 1, 1997, for an offense for which registration is required; and
- (3) any person who was convicted of a federal offense involving transportation for illegal sexual activity and related offenses, and who resides or is convicted in Virginia.

*(Va. Code Ann. §§ 19.2-298.1(B)-(C))*

### **2. WHAT DOES “OFFENSE FOR WHICH REGISTRATION IS REQUIRED” MEAN?**

“Offense for which registration is required” means:

- (1) a violation or attempted violation of:
  - (a) carnal knowledge of a minor between 13 and 15;
  - (b) carnal knowledge of a minor between 13 and 15 by a person in a supervisory relationship;
  - (c) entering a dwelling house with the intent to commit rape;
  - (d) possession of child pornography; or
  - (e) a third or subsequent conviction of sexual battery, or attempted sexual battery;
- (2) when the victim is a minor, physically helpless, or mentally incapacitated, a violation or attempted violation of:
  - (a) abduction;
  - (b) abduction of any minor under 16 for the purposes of concubinage or prostitution;
  - (c) sexual battery; or
  - (d) crimes against nature (*i.e.*, sodomy); or
- (3) a sexually violent offense.

*(Va. Code Ann. § 19.2-298.1(A))*

### **3. WHAT DOES “SEXUALLY VIOLENT OFFENSE” MEAN?**

“Sexually violent offense” means:

- (1) abduction for an immoral purpose;
- (2) rape;

- (3) forcible sodomy;
- (4) sexual penetration with an object;
- (5) aggravated sexual battery;
- (6) an attempt to commit:
  - (a) rape;
  - (b) forcible sodomy; or
  - (c) sexual penetration with an inanimate or animate object;
- (7) taking indecent liberties with a minor;
- (8) taking indecent liberties with a minor by a person in a custodial or supervisory relationship;
- (9) carnal knowledge of a minor between 13 and 15;
- (10) carnal knowledge of a minor between 13 and 15 by a person in a supervisory relationship;
- (11) marital sexual assault;
- (12) entering a dwelling house with the intent to commit rape; and
- (13) one of the following offenses when the victim is a minor, physically helpless, or mentally incapacitated, and the offender has been previously convicted of two or more of the following offenses:
  - (a) abduction;
  - (b) abduction of any minor under 16 for the purposes of concubinage or prostitution;
  - (c) sexual battery;
  - (d) crimes against nature (*i.e.*, sodomy);
  - (e) incest; and
  - (f) production, publication, sale, possession with the intent to distribute, financing, and other offenses relating to child pornography.

*(Va. Code Ann. § 19.2-298.1(A))*

#### **4. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?**

A juvenile who, on or after July 1, 1997, is tried and convicted in circuit court, whether sentenced as an adult or juvenile, is required to register.

*(Va. Code Ann. § 19.2-298.1(B))*

#### **5. WHEN AND WHERE DOES AN OFFENDER REGISTER?**

An offender who is required to register must do so in person within 10 days of release from confinement in a state, local or juvenile, correctional facility. If a sentence of imprisonment is not imposed, an offender must register within 10 days of suspension of the sentence, or in the case of juvenile offenders, within 10 days of disposition. Registration takes place with the Department of State Police.

*(Va. Code Ann. § 19.2-298.1(D))*

#### **6. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?**

Registration includes the offender's:

- (1) name and all aliases he or she has used or under which he or she may have been known;
- (2) date and locality of the conviction for which registration is required;
- (3) fingerprints;
- (4) photograph;
- (5) date of birth;
- (6) social-security number;
- (7) current address;
- (8) proof of residence;

- (9) description of the offense or offenses for which he or she was convicted; and
- (10) if applicable, the same information on convictions prior to July 1, 1997, for an offense for which registration is required or a substantially similar offense committed in another state or under federal law.

*(Va. Code Ann. §§ 19.2-298.1(D)-(E))*

**7. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?**

An offender who is required to register and who changes his or her address is required to re-register within 10 days following the change of address.

*(Va. Code Ann. § 19.2-298.1(D))*

**8. WHAT HAPPENS IF AN OFFENDER MOVES FROM VIRGINIA TO ANOTHER STATE?**

An offender who moves from Virginia to another state must re-register within 10 days following the change of residence. The Department of State Police must also notify the designated law-enforcement agency in the new state.

*(Va. Code Ann. § 19.2-298.1(D))*

**9. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO VIRGINIA REQUIRED TO REGISTER?**

An out-of-state offender must register within 10 days of establishing residence in Virginia.

*(Va. Code Ann. § 19.2-298.1(D))*

**10. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN VIRGINIA?**

A nonresident offender who enters Virginia for work, to carry on a vocation, or as a student and who is required to register within his or her state of residence or who would be required to register if he or she was a resident of Virginia, must register within 10 days of accepting employment or enrolling in school.

*(Va. Code Ann. § 19.2-298.1(G))*

**11. IS REGISTRATION A LIFETIME REQUIREMENT?**

An offender who is required to register must do so for a period of 10 years from the date of initial registration. An offender who has been convicted of a sexually violent offense or of marital sexual assault must register for life.

*(Va. Code Ann. § 19.2-298.2)*

**12. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?**

When an offender has failed to comply with the duty to register, the Department of State Police must promptly issue a warrant for his or her arrest.

*(Va. Code Ann. § 19.2-298.1(H))*

**13. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?**

The Department of State Police maintains a Sex Offender and Crimes Against Minors Registry. Registry information includes conviction data received from the courts and all registration and re-registration information.

*(Va. Code Ann. § 19.2-390(A))*

Registry information disseminated based on requests made directly to the Department of State Police or to the department through a local law-enforcement agency. Such information may be disclosed to any person requesting information on a specific individual upon the submission of an official request form. The official request form must include the following information:

- (1) a statement of the reason for such a request;
- (2) the name and address of the person requesting the information;
- (3) the name; address; and, if known, the social-security number of the person about whom the information is sought; and
- (4) other information the department may require to ensure reliable identification.

*(Va. Code Ann. §§ 19.2-390.1(B)-(C))*

The following entities may request information on registered offenders and, upon complying with requirements established by the Department of State Police, are eligible to receive from the department electronic notice of the registration of any sex offender:

- (1) any public, parochial, denominational, or private elementary or secondary school;
- (2) any daycare or child-minding service; and
- (3) any state-regulated or state-licensed childcare institution, child daycare center or program, family day home, foster home or group home.

*(Va. Code Ann. § 19.2-390.2)*

Agencies that request and are entitled to notification but who do not have the capability of receiving electronic notice may register with the Department of State Police to receive written notification of sex-offender registration.

*(Va. Code Ann. § 19.2-390.2)*

#### **14. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?**

The Department of State Police maintains a system for making certain registry information regarding violent sex offenders publicly available through the Internet.

*(Va. Code Ann. § 19.2-390.1(D))*

The web site, available at <http://sex-offender.vsp.state.va.us/cool-ICE/>, can be searched by zip code, county, city, or name.

Information available includes the offender's:

- (1) name and all aliases he or she has used or under which he or she may have been known;
- (2) photograph;
- (3) date of initial and most recent registration;
- (4) sex;
- (5) race;
- (6) age;
- (7) height and weight;
- (8) hair and eye color;
- (9) home address;
- (10) work address, if applicable; and
- (11) conviction record, including the offense(s) for which registration is required.

#### **15. WHAT IS THE PENALTY FOR MISUSE OF OFFENDER INFORMATION?**

Unlawful use of the information provided to the public for purposes of intimidating or harassing another person is prohibited and a willful violation will be punished as a Class 1 misdemeanor.

*(Va. Code Ann. § 19.2-390.1(C))*