

West's Annotated Code of Virginia

Title 9.1. Commonwealth Public Safety

Chapter 9. Sex Offender and Crimes Against Minors Registry Act

VA Code Ann. T. 9.1, Ch. 9, Refs & Annos

Currentness

VA Code Ann. T. 9.1, Ch. 9, Refs & Annos, VA ST T. 9.1, Ch. 9, Refs & Annos

The statutes and Constitution are current through the 2025 Regular and Reconvened Sessions.

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West's Annotated Code of Virginia

Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-900

§ 9.1-900. Purpose of the Sex Offender and Crimes Against Minors Registry

Currentness

The purpose of the Sex Offender and Crimes Against Minors Registry (Registry) shall be to assist the efforts of law-enforcement agencies and others to protect their communities and families from repeat offenders and to protect children from becoming victims of criminal offenders by helping to prevent such individuals from being allowed to work directly with children.

Credits

Acts 2003, c. 584. Amended by Acts 2020, c. 829.

VA Code Ann. § 9.1-900, VA ST § 9.1-900

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West's Annotated Code of Virginia

Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-901

§ 9.1-901. Persons for whom registration required

Currentness

A. Every person convicted on or after July 1, 1994, including a juvenile tried and convicted in the circuit court pursuant to § 16.1-269.1, whether sentenced as an adult or juvenile, of an offense set forth in § 9.1-902 and every juvenile found delinquent of an offense for which registration is required under subsection C of § 9.1-902 shall register, reregister, and verify his registration information as required by this chapter. Every person serving a sentence of confinement on or after July 1, 1994, for a conviction of an offense set forth in § 9.1-902 shall register, reregister, and verify his registration information as required by this chapter. Every person under community supervision as defined by § 53.1-1 or any similar form of supervision under the laws of the United States or any political subdivision thereof, on or after July 1, 1994, resulting from a conviction of an offense set forth in § 9.1-902 shall register, reregister, and verify his registration information as required by this chapter.

B. Every person found not guilty by reason of insanity on or after July 1, 2007, of an offense set forth in § 9.1-902 shall register, reregister, and verify his registration information as required by this chapter. Every person in the custody of the Commissioner of Behavioral Health and Developmental Services, or on conditional release on or after July 1, 2007, because of a finding of not guilty by reason of insanity of an offense set forth in § 9.1-902 shall register, reregister, and verify his registration information as required by this chapter.

C. Unless a specific effective date is otherwise provided, all provisions of the Sex Offender and Crimes Against Minors Registry Act shall apply retroactively. This subsection is declaratory of existing law.

Credits

Acts 2003, c. 584; Acts 2005, c. 586; Acts 2007, c. 718; Acts 2007, c. 744; Acts 2009, c. 813; Acts 2009, c. 840. Amended by Acts 2020, c. 829.

VA Code Ann. § 9.1-901, VA ST § 9.1-901

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West's Annotated Code of Virginia

Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-902

§ 9.1-902. Offenses requiring registration

Currentness

A. For purposes of this chapter:

“Murder” means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.

“Offense for which registration is required” includes:

1. Any Tier I, Tier II, or Tier III offense;
2. Murder;
3. Any offense similar to a Tier I, Tier II, or Tier III offense under the laws of any foreign country or any political subdivision thereof or the United States or any political subdivision thereof; and
4. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

“Tier I offense” means (i) any homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident, or (ii) any violation of, attempted violation of, or conspiracy to violate:

1. § 18.2-63 unless registration is required pursuant to subdivision 1 of the definition of Tier III offense; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; any former felony violation of § 18.2-346; any felony violation of § 18.2-346.01; any violation of subdivision (4) of § 18.2-355; any violation of subsection C of § 18.2-357.1; subsection B of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former clause (iv) of subsection B of § 18.2-374.3 as it was in effect on June 30, 2007; subsection B of § 18.2-374.3; or a third or subsequent conviction of § 18.2-67.4, § 18.2-67.4:2, subsection C of § 18.2-67.5, § 18.2-386.1, or, if the offense was committed on or after July 1, 2020, § 18.2-386.2.

If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.

2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former § 18.1-191.

3. § 18.2-370.6.

4. If the offense was committed on or after July 1, 2016, and where the perpetrator is 18 years of age or older and the victim is under the age of 13, any violation of § 18.2-51.2.

5. If the offense was committed on or after July 1, 2016, any violation of § 18.2-356 punishable as a Class 3 felony or any violation of § 18.2-357 punishable as a Class 3 felony.

6. If the offense was committed on or after July 1, 2019, any felony violation of § 18.2-348 or 18.2-349.

“Tier II offense” means any violation of, attempted violation of, or conspiracy to violate § 18.2-64.1, subsection C of § 18.2-374.1:1, or subsection C, D, or E of § 18.2-374.3.

“Tier III offense” means a violation of, attempted violation of, or conspiracy to violate:

1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214, § 18.2-370.1, or § 18.2-374.1;

2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2-67.5, clause (i) of § 18.2-48, § 18.2-361, § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed a Tier III offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that person had been at liberty between such convictions or adjudications;

3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section. An offense listed under this subdivision shall be deemed a Tier III offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that the person had been at liberty between such convictions or adjudications; or

4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as described in § 1591 of Title 18, U.S.C.).

B. “Tier I offense” as defined in this section, “Tier II offense” as defined in this section, “Tier III offense” as defined in this section, and “murder” as defined in this section includes any similar offense under the laws of any foreign country or any political subdivision thereof or the United States or any political subdivision thereof.

C. 1. Any offense under the laws of any foreign country or any political subdivision thereof or the United States or any political subdivision thereof that is similar to (i) any Tier I, II, or III offense or (ii) murder as defined in this section shall require registration and reregistration in accordance with this chapter in a manner consistent with the registration and reregistration obligations imposed by the similar offense listed or defined in this section, unless such offense requires more stringent registration and reregistration obligations under the laws of the jurisdiction where the offender was convicted. In instances where more stringent registration and reregistration obligations are required under the laws of the jurisdiction where the offender was convicted, the offender shall register and reregister as required by this chapter in a manner most similar with the registration obligations imposed under the laws of the jurisdiction where the offender was convicted.

2. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted shall require registration and reregistration in accordance with this chapter in the manner most similar with the registration and reregistration obligations imposed under the laws of the jurisdiction where the offender was convicted unless such offense is similar to (i) any Tier I, II, or III offense or (ii) murder as defined in this section and the registration and reregistration obligations imposed by the similar offense listed or defined in this section are more stringent than those registration and reregistration obligations imposed under the laws of the jurisdiction where the offender was convicted. In instances where the similar offense listed or defined in this section imposes more stringent registration and reregistration obligations, the offender shall register and reregister as required by this chapter in a manner consistent with the registration and reregistration obligations imposed by the similar offense listed or defined in this section.

D. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the offense require offender registration. In making its determination, the court shall consider all of the following factors that are relevant to the case: (i) the degree to which the delinquent act was committed with the use of force, threat, or intimidation, (ii) the age and maturity of the complaining witness, (iii) the age and maturity of the offender, (iv) the difference in the ages of the complaining witness and the offender, (v) the nature of the relationship between the complaining witness and the offender, (vi) the offender's prior criminal history, and (vii) any other aggravating or mitigating factors relevant to the case. The attorney for the Commonwealth may file such a motion at any time during which the offender is within the jurisdiction of the court for the offense that is the basis for such motion. Prior to any hearing on such motion, the court shall appoint a qualified and competent attorney-at-law to represent the offender unless an attorney has been retained and appears on behalf of the offender or counsel has already been appointed.

E. Prior to entering judgment of conviction of an offense for which registration is required if the victim of the offense was a minor, physically helpless, or mentally incapacitated, when the indictment, warrant, or information does not allege that the victim of the offense was a minor, physically helpless, or mentally incapacitated, the court shall determine by a preponderance of the evidence whether the victim of the offense was a minor, physically helpless, or mentally incapacitated, as defined in § 18.2-67.10, and shall also determine the age of the victim at the time of the offense if it determines the victim to be a minor. When such a determination is required, the court shall advise the defendant of its determination and of the defendant's right to make a motion to withdraw a plea of guilty or nolo contendere pursuant to § 19.2-296. If the court grants the defendant's motion to withdraw his plea of guilty or of nolo contendere, his case shall be heard by another judge, unless the parties agree otherwise. Failure to make such determination or so advise the defendant does not otherwise invalidate the underlying conviction.

Credits

Acts 2003, c. 584; Acts 2003, c. 732; Acts 2004, c. 414; Acts 2004, c. 444; Acts 2005, c. 586; Acts 2005, c. 603; Acts 2005, c. 631; Acts 2006, c. 857; Acts 2006, c. 875; Acts 2006, c. 914; Acts 2006, c. 931; Acts 2007, c. 463; Acts 2007, c. 718; Acts 2007, c. 759; Acts 2007, c. 823; Acts 2008, c. 592; Acts 2008, c. 747; Acts 2008, c. 772; Acts 2008, c. 877; Acts 2010, c. 858. Amended by Acts 2012, c. 243; Acts 2013, c. 750; Acts 2013, c. 781; Acts 2014, c. 546; Acts 2014, c. 649; Acts 2014, c. 706; Acts 2015, c. 690; Acts 2015, c. 691; Acts 2016, c. 586; Acts 2019, c. 617; Acts 2020, c. 389; Acts 2020, c. 826; Acts 2020, c. 829; Acts 2021, Sp. S. I, c. 188, eff. July 1, 2021.

VA Code Ann. § 9.1-902, VA ST § 9.1-902

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West's Annotated Code of Virginia

Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-903

§ 9.1-903. Registration and reregistration procedures

Currentness

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 C of § 9.1-902 shall be required upon conviction to register, reregister, and verify his registration information 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 data bank 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 and verification of his registration information. 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 from the person is stored in the DNA data bank, as indicated by the Department of Forensic Science DNA data bank sample tracking system, 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 parole officer shall notify the State Police forthwith of learning of the change. Whenever a person subject to registration changes residence to another state, the State Police shall notify the designated law-enforcement agency of that state.

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

F. Any person required to register shall reregister in person with the local law-enforcement agency where his residence is located within three days following any change of owned motor vehicle, watercraft and aircraft registration information, whether within or without the Commonwealth. If a probation or parole officer becomes aware of a change of owned motor vehicle, watercraft and aircraft registration information for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith upon learning of the change of the person's owned motor vehicle, watercraft and aircraft registration information. Whenever a person required to register changes his owned motor vehicle, watercraft and aircraft registration information to another state, the State Police shall notify the designated law-enforcement agency of that state.

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

H. Every person required to register shall submit to be photographed by a local law-enforcement agency every two years, during such person's required verification month and time interval pursuant to subsection B of § 9.1-904, commencing with the date of initial verification. The local law-enforcement agency shall forthwith forward the photograph of a type and kind specified by the State Police to the State Police. Where practical, the local law-enforcement agency may electronically transfer a digital photograph containing the required information to the Registry.

I. Upon registration and every two years thereafter during such person's required verification month and time interval pursuant to subsection B of § 9.1-904, every person required to register shall 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.

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

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

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

Credits

Acts 2003, c. 584; Acts 2004, c. 834; Acts 2005, c. 586; Acts 2006, c. 857; Acts 2006, c. 914; Acts 2007, c. 718; Acts 2007, c. 759; Acts 2007, c. 823; Acts 2008, c. 220; Acts 2010, c. 843. Amended by Acts 2014, c. 677; Acts 2020, c. 829; Acts 2022, c. 41; Acts 2022, c. 42.

VA Code Ann. § 9.1-903, VA ST § 9.1-903

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Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-904

§ 9.1-904. Periodic verification

Currentness

A. For purposes of this chapter, “verify his registration information” means that the person required to register 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, that the State Police may require.

B. Any person required to register shall verify his registration information with the State Police, during such person's required verification month and time interval, commencing with the date of initial registration, as follows:

1. a. Any person convicted of a Tier I or Tier II offense, yearly intervals to include the person's birth month; and
- b. Any person convicted of a violation of § 18.2-472.1, in which such person was included on the Registry for a Tier I or Tier II offense, twice a year.
2. a. Any person convicted of a Tier III offense or murder, four times each year at three-month intervals, including the person's birth month; and
- b. 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 Tier III offense or murder, every month.

C. The State Police shall make available to the person an address verification form to be used for verification of his registration information. The form shall contain in bold print a statement indicating that failure to comply with the verification required is punishable as provided in § 18.2-472.1. Copies of all forms to be used for verification and guidelines for submitting such forms, including month and time verification intervals, 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. In addition, State Police may provide any person required to verify his registration information with the option to do so using other electronic means specified in State Police regulations promulgated pursuant to § 9.1-915.

D. Persons required to register with last names beginning with A through L shall verify their registration information with the State Police from the first to the fifteenth of such person's verification months pursuant to subsection B, and persons required to register with last names beginning with M through Z shall verify their registration information with the State Police from the sixteenth to the last day of the month during such person's verification months pursuant to subsection B. 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 verify his registration information shall continue to verify his resignation information with the State Police on such person's verification schedule in place prior to July 1, 2020, until such person has verified his registration information pursuant to the new verification schedule provided in subsection B, at which time such person shall continue to verify his registration information pursuant to the new verification schedule.

Credits

Acts 2003, c. 584; Acts 2006, c. 857; Acts 2006, c. 914; Acts 2007, c. 759; Acts 2007, c. 823. Amended by Acts 2019, c. 613, eff. July 1, 2020; Acts 2019, c. 614, eff. July 1, 2020; Acts 2020, c. 829; Acts 2025, c. 433.

VA Code Ann. § 9.1-904, VA ST § 9.1-904

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VA Code Ann. § 9.1-905

§ 9.1-905. New residents and nonresident offenders; registration required

Currentness

A. All persons required to register shall register within three days of establishing a residence in the Commonwealth.

B. Nonresident offenders entering the Commonwealth for an extended visit, for employment, to carry on a vocation, or as a student attending school who are required to register in their state of residence or who would be required to register if a resident of the Commonwealth shall, within three days of entering the Commonwealth for an extended visit, accepting employment or enrolling in school in the Commonwealth, be required to register and reregister in person with the local law-enforcement agency.

C. To document employment or school attendance in Virginia a person shall present proof of enrollment as a student or suitable proof of temporary employment in the Commonwealth and one photo-identification form issued by a governmental agency of the person's state of residence which contains the person's complete name, gender, date of birth and complete address.

D. For purposes of this section:

“Employment” and “carry on a vocation” include employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

“Extended visit” means a period of visitation for any purpose in the Commonwealth of 30 days or more.

“Student” means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education.

Credits

Acts 2003, c. 584; Acts 2005, c. 603; Acts 2006, c. 857; Acts 2006, c. 914.

VA Code Ann. § 9.1-905, VA ST § 9.1-905

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Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-906

§ 9.1-906. Enrollment or employment at institution of higher education; information required

Currentness

A. Persons required to register, reregister, or verify their registration information who are enrolled in or employed at institutions of higher education shall, in addition to other registration requirements, indicate on their registration, reregistration, and verification form the name and location of the institution attended by or employing the registrant whether such institution is within or without the Commonwealth. In addition, persons required to register, reregister, or verify their registration information shall notify the local law-enforcement agency in person within three days of any change in their enrollment or employment status with an institution of higher education. The local law-enforcement agency shall forthwith forward to the State Police all necessary registration or reregistration information received by it.

B. Upon receipt of a registration, reregistration, or verification of registration information indicating enrollment or employment with an institution of higher education or notification of a change in status, the State Police shall notify the chief law-enforcement officer of the institution's law-enforcement agency or, if there is no institutional law-enforcement agency, the local law-enforcement agency serving that institution, of the registration, reregistration, verification of registration information, or change in status. The law-enforcement agency receiving notification under this section shall make such information available upon request.

C. For purposes of this section:

“Employment” includes full- or part-time, temporary or permanent or contractual employment at an institution of higher education either with or without compensation.

“Enrollment” includes both full- and part-time.

“Institution of higher education” means any postsecondary school, trade or professional institution, or institution of higher education.

Credits

Acts 2003, c. 584; Acts 2006, c. 857; Acts 2006, c. 914. Amended by Acts 2020, c. 829.

VA Code Ann. § 9.1-906, VA ST § 9.1-906

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Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-906.1

§ 9.1-906.1. Emergency shelters; notification; registration

Currentness

Any person required to register or reregister who enters any place or facility that is designated by the Commonwealth or any political subdivision thereof as an emergency shelter and operated in response to a state or local emergency declared pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 shall, as soon as practicable after entry, notify a member of the emergency shelter's staff who is responsible for providing security at the emergency shelter that such person is a registered sex offender. The use of such Registry information pursuant to this section does not constitute a violation of § 9.1-918. No person shall be denied entry into an emergency shelter solely on the basis of his status as a registered sex offender unless such entry is otherwise prohibited by law.

Credits

Added by Acts 2022, c. 316.

VA Code Ann. § 9.1-906.1, VA ST § 9.1-906.1

The statutes and Constitution are current through the 2025 Regular and Reconvened Sessions.

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West's Annotated Code of Virginia

Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-907

§ 9.1-907. Procedures upon a failure to register, reregister, or verify registration information

Currentness

A. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register, reregister, or verify his registration information, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered, reregistered, or verified his registration information or, if the person failed to comply with the duty to register, in the jurisdiction in which the person was last convicted of an offense for which registration or reregistration is required or if the person was convicted of an offense requiring registration outside the Commonwealth, in the jurisdiction in which the person resides. The State Police shall forward to the jurisdiction an affidavit signed by a custodian of the records that such person failed to comply with the duty to register, reregister, or verify his registration information. If such affidavit is admitted into evidence, it shall constitute prima facie evidence of the failure to comply with the duty to register, reregister, or verify his registration information in any trial or hearing for the violation of § 18.2-472.1, provided that in a trial or hearing other than a preliminary hearing, the requirements of subsection G of § 18.2-472.1 have been satisfied and the accused has not objected to the admission of the affidavit pursuant to subsection H of § 18.2-472.1. The State Police shall also promptly notify the local law-enforcement agency of the jurisdiction of the person's last known residence as shown in the records of the State Police.

B. Nothing in this section shall prohibit a law-enforcement officer employed by a sheriff's office or police department of a locality from enforcing the provisions of this chapter, including obtaining a warrant, or assisting in obtaining an indictment for a violation of § 18.2-472.1. The local law-enforcement agency shall notify the State Police forthwith of such actions taken pursuant to this chapter or under the authority granted pursuant to this section.

C. The State Police shall physically verify or cause to be physically verified the registration information within 30 days of the initial registration and semiannually each year thereafter and within 30 days of a change of address of those persons who are not under the control of the Department of Corrections or community supervision as defined by § 53.1-1, who are required to register pursuant to this chapter. Whenever it appears that a person has provided false registration information, the State Police shall promptly investigate and, if there is probable cause to believe that a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered, reregistered, or verified his registration information. The State Police shall forward to the jurisdiction an affidavit signed by a custodian of the records that such person failed to comply with the provisions of this chapter. If such affidavit is admitted into evidence, it shall constitute prima facie evidence of the failure to comply with the provisions of this chapter in any trial or hearing for the violation of § 18.2-472.1, provided that in a trial or hearing other than a preliminary hearing, the requirements of subsection G of § 18.2-472.1 have been satisfied and the accused has not objected to the admission of the affidavit pursuant to subsection H of § 18.2-472.1. The State Police shall also promptly notify the local law-enforcement agency of the jurisdiction of the person's last known residence as shown in the records of the State Police.

D. The Department of Corrections or community supervision as defined by § 53.1-1 shall physically verify or cause to be physically verified by the State Police the registration information within 30 days of the original registration and semiannually

each year thereafter and within 30 days of a change of address of all persons who are under the control of the Department of Corrections or community supervision, and those who are under supervision pursuant to § 37.2-919, who are required to register pursuant to this chapter. The Department of Corrections or community supervision, upon request, shall provide the State Police the verification information, in an electronic format approved by the State Police, regarding persons under their control who are required to register pursuant to the chapter. Whenever it appears that a person has provided false registration information, the Department of Corrections or community supervision shall promptly notify the State Police, who shall investigate and, if there is probable cause to believe that a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered, reregistered, or verified his registration information. The State Police shall forward to the jurisdiction an affidavit signed by a custodian of the records that such person failed to comply with the provisions of this chapter. If such affidavit is admitted into evidence, it shall constitute prima facie evidence of the failure to comply with the provisions of this chapter in any trial or hearing for the violation of § 18.2-472.1, provided that in a trial or hearing other than a preliminary hearing, the requirements of subsection G of § 18.2-472.1 have been satisfied and the accused has not objected to the admission of the affidavit pursuant to subsection H of § 18.2-472.1. The State Police shall also promptly notify the local law-enforcement agency of the jurisdiction of the person's last known residence as shown in the records of the State Police.

Credits

Acts 2003, c. 584; Acts 2005, c. 603; Acts 2006, c. 857; Acts 2006, c. 914; Acts 2007, c. 718; Acts 2009, Sp. S. I, c. 1, eff. Aug. 21, 2009; Acts 2009, Sp. S. I, c. 4, eff. Sept. 15, 2009; Acts 2010, c. 858. Amended by Acts 2015, c. 81; Acts 2015, c. 598; Acts 2020, c. 829.

VA Code Ann. § 9.1-907, VA ST § 9.1-907

The statutes and Constitution are current through the 2025 Regular and Reconvened Sessions.

West's Annotated Code of Virginia

Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-908

§ 9.1-908. Duration of registration requirement

Currentness

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

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

Credits

Acts 2003, c. 584; Acts 2005, c. 631; Acts 2006, c. 857; Acts 2006, c. 914; Acts 2007, c. 718; Acts 2008, c. 877; Acts 2010, c. 858. Amended by Acts 2014, c. 677; Acts 2020, c. 829.

VA Code Ann. § 9.1-908, VA ST § 9.1-908

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West's Annotated Code of Virginia

Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-909

§ 9.1-909. Relief from registration, reregistration, or verification

Currentness

A. Upon expiration of three years from the date upon which the duty to register as a Tier III offender or murderer is imposed, the person required to register may petition the court in which he was convicted or, if the conviction occurred outside of the Commonwealth, the circuit court in the jurisdiction where he currently resides, for relief from the requirement to verify his registration information four times each year at three-month intervals. After five years from the date of his last conviction for a violation of § 18.2-472.1, a Tier III offender or murderer may petition for relief from the requirement to verify his registration information every month. A person who is required to register may similarly petition the circuit court for relief from the requirement to verify his registration twice each year after five years from the date of his last conviction for a violation of § 18.2-472.1. The court shall hold a hearing on the petition, on notice to the attorney for the Commonwealth, to determine whether the person suffers from a mental abnormality or a personality disorder that makes the person a menace to the health and safety of others or significantly impairs his ability to control his sexual behavior. Prior to the hearing the court shall order a comprehensive assessment of the applicant by a panel of three certified sex offender treatment providers as defined in § 54.1-3600. A report of the assessment shall be filed with the court prior to the hearing. The costs of the assessment shall be taxed as costs of the proceeding.

If, after consideration of the report and such other evidence as may be presented at the hearing, the court finds by clear and convincing evidence that the person does not suffer from a mental abnormality or a personality disorder that makes the person a menace to the health and safety of others or significantly impairs his ability to control his sexual behavior, the petition shall be granted and the duty to verify his registration information more frequently than once a year shall be terminated. The court shall promptly notify the State Police upon entry of an order granting the petition. The person shall, however, be under a continuing duty to register annually for life. If the petition is denied, the duty to verify his registration information with the same frequency as before shall continue. A denial of a petition shall be appealable pursuant to § 17.1-405.

A petition for relief pursuant to this subsection may not be filed within three years from the date on which any previous petition for such relief was denied.

B. The duly appointed guardian of a person convicted of an offense requiring registration, reregistration, or verification of his registration information as either a Tier I, Tier II, or Tier III offender or murderer, who due to a physical condition is incapable of (i) reoffending and (ii) reregistering or verifying his registration information, may petition the court in which the person was convicted for relief from the requirement to reregister or verify his registration information. The court shall hold a hearing on the petition, on notice to the attorney for the Commonwealth, to determine whether the person suffers from a physical condition that makes the person (i) no longer a menace to the health and safety of others and (ii) incapable of reregistering or verifying his registration information. Prior to the hearing the court shall order a comprehensive assessment of the applicant by at least two licensed physicians other than the person's primary care physician. A report of the assessment shall be filed with the court prior to the hearing. The costs of the assessment shall be taxed as costs of the proceeding.

If, after consideration of the report and such other evidence as may be presented at the hearing, the court finds by clear and convincing evidence that due to his physical condition the person (i) no longer poses a menace to the health and safety of

others and (ii) is incapable of reregistering or verifying his registration information, the petition shall be granted and the duty to reregister or verify his registration information shall be terminated. However, for a person whose duty to reregister or verify his registration information was terminated under this subsection, the Department of State Police shall, annually for Tier I or Tier II offenders and quarterly for persons convicted of Tier III offenses and murder, verify and report to the attorney for the Commonwealth in the jurisdiction in which the person resides that the person continues to suffer from the physical condition that resulted in such termination.

The court shall promptly notify the State Police upon entry of an order granting the petition to terminate the duty to reregister.

If the petition is denied, the duty to reregister shall continue. An appeal from the denial of a petition shall be to the Court of Appeals.

A petition for relief pursuant to this subsection may not be filed within three years from the date on which any previous petition for such relief was denied.

If, at any time, the person's physical condition changes so that he is capable of reoffending, reregistering, or verifying his registration information, the attorney for the Commonwealth shall file a petition with the circuit court in the jurisdiction where the person resides and the court shall hold a hearing on the petition, with notice to the person and his guardian, to determine whether the person still suffers from a physical condition that makes the person (i) no longer a menace to the health and safety of others and (ii) incapable of reregistering or verifying his registration information. If the petition is granted, the duty to reregister shall commence from the date of the court's order. An appeal from the denial or granting of a petition shall be to the Court of Appeals. Prior to the hearing the court shall order a comprehensive assessment of the applicant by at least two licensed physicians other than the person's primary care physician. A report of the assessment shall be filed with the court prior to the hearing. The costs of the assessment shall be taxed as costs of the proceeding.

Credits

Acts 2003, c. 584; Acts 2006, c. 857; Acts 2006, c. 914. Amended by Acts 2020, c. 829; Acts 2021, Sp. S. I, c. 489, eff. Jan. 1, 2022.

VA Code Ann. § 9.1-909, VA ST § 9.1-909

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West's Annotated Code of Virginia

Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-910

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

Currentness

A. Any person required to register, other than a person who has been convicted of any (i) Tier III 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 person who is required to register for a single Tier I offense may petition the court no earlier than 15 years from the later of the date of initial registration or the date of his last conviction for (a) a violation of § 18.2-472.1 or (b) any felony. A person who is required to register for a single Tier II offense may petition the court no earlier than 25 years from the later of the date of initial registration or the date of his last conviction for (1) a violation of § 18.2-472.1 or (2) any felony.

B. 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, reregistration, and verification of registration information 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.

C. 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 B.

Credits

Acts 2003, c. 584; Acts 2005, c. 631; Acts 2006, c. 857; Acts 2006, c. 914; Acts 2007, c. 718; Acts 2008, c. 877. Amended by Acts 2018, c. 68; Acts 2020, c. 829.

VA Code Ann. § 9.1-910, VA ST § 9.1-910

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Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-911

§ 9.1-911. Registry maintenance

Currentness

The Registry shall include conviction data received from the courts, including the disposition records for juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, on convictions for offenses for which registration is required and registrations, reregistrations, and verifications of registration information received from persons required to do so. The Registry shall also include a separate indication that a person has been convicted of a Tier III offense. The State Police shall forthwith transmit the appropriate information as required by the Federal Bureau of Investigation for inclusion in the National Sex Offender Registry.

Credits

Acts 2003, c. 584. Amended by Acts 2020, c. 829.

VA Code Ann. § 9.1-911, VA ST § 9.1-911

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Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-912

§ 9.1-912. Registry access and dissemination; fees

Currentness

A. Except as provided in § 9.1-913 and subsection B or C of this section, Registry information shall be disseminated upon request made directly to the State Police or to the State Police through a local law-enforcement agency. Such information may be disclosed to any person requesting information on a specific individual in accordance with subsection B. The State Police shall make Registry information available, upon request, to criminal justice agencies including local law-enforcement agencies through the Virginia Criminal Information Network (VCIN). Registry information provided under this section shall be used for the purposes of the administration of criminal justice, for the screening of current or prospective employees or volunteers or otherwise for the protection of the public in general and children in particular. The Superintendent of State Police may by regulation establish a fee not to exceed \$15 for responding to requests for information from the Registry. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the Registry.

B. Information regarding a specific person shall be disseminated upon receipt of an official request form that may be submitted directly to the State Police or to the State Police through a local law-enforcement agency. The official request form shall include a statement of the reason for the request; the name and address of the person requesting the information; the name, address and, if known, the social security number of the person about whom information is sought; and such other information as the State Police may require to ensure reliable identification.

C. Registry information regarding all registered offender's electronic mail address information, any instant message, chat or other Internet communication name or identity information may be electronically transmitted by the Department of State Police to a business or organization that offers electronic communication or remote computing services for the purpose of prescreening users or for comparison with information held by the requesting business or organization. In order to obtain the information from the Department of State Police, the requesting business or organization that offers electronic communication or remote computing services shall agree to notify the Department of State Police forthwith when a comparison indicates that any such registered offender's electronic mail address information, any instant message, chat or other Internet communication name or identity information is being used on their system. The requesting business or organization shall also agree that the information will not be further disseminated.

Credits

Acts 2003, c. 584; Acts 2007, c. 759; Acts 2007, c. 823. Amended by Acts 2020, c. 829.

VA Code Ann. § 9.1-912, VA ST § 9.1-912

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West's Annotated Code of Virginia

Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-913

§ 9.1-913. Public dissemination by means of the Internet

Currentness

The State Police shall develop and maintain a system for making certain Registry information on persons convicted of an offense for which registration is required publicly available by means of the Internet. The information to be made available shall include the offender's name; all aliases that he has used or under which he may have been known; the date and locality of the conviction and a brief description of the offense; his age, current address, and photograph; his current work address; the name of any institution of higher education at which he is currently enrolled; and such other information as the State Police may from time to time determine is necessary to preserve public safety, including but not limited to the fact that an individual is wanted for failing to register, reregister, or verify his registration information. The system shall be secure and not capable of being altered except by the State Police. The system shall be updated each business day with newly received registrations, reregistrations and verifications of registration information. The State Police shall remove all information that it knows to be inaccurate from the Internet system.

Credits

Acts 2003, c. 584; Acts 2005, c. 603; Acts 2006, c. 857; Acts 2006, c. 914. Amended by Acts 2016, c. 335; Acts 2020, c. 829.

VA Code Ann. § 9.1-913, VA ST § 9.1-913

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Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-914

§ 9.1-914. Automatic notification of registration to certain entities; electronic notification to requesting persons

Currentness

Any school or day-care service and child-minding service; state-regulated or state-licensed child day center, child day program, or family day home as those terms are defined in § 22.1-289.02; assisted living facility, children's residential facility, or foster home as those terms are defined in § 63.2-100; nursing home or certified nursing facility as those terms are defined in § 32.1-123; association of a common interest community as defined in § 54.1-2345; and institution of higher education may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration, reregistration, or verification of registration information of any offender and if such entities do not have the capability of receiving such electronic notice, the entity may register with the State Police to receive written notification of offender registration, reregistration, or verification of registration information. Within three business days of receipt by the State Police of registration, reregistration, or verification of registration information, the State Police shall electronically or in writing notify an entity listed above that has requested such notification, has complied with the requirements established by the State Police and is located in the same or a contiguous zip code area as the address of the offender as shown on the registration.

The Virginia Council for Private Education shall annually provide the State Police, in an electronic format approved by the State Police, with the location of every private school in the Commonwealth that is accredited through one of the approved accrediting agencies of the Council, and an electronic mail address for each school if available, for purposes of receiving notice under this section.

Any person may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration, reregistration, or verification of registration information of any offender. Within three business days of receipt by the State Police of registration, reregistration, or verification of registration information, the State Police shall electronically notify a person who has requested such notification, has complied with the requirements established by the State Police and is located in the same or a contiguous zip code area as the address of the offender as shown on the registration.

The State Police shall establish reasonable guidelines governing the automatic dissemination of Registry information, which may include the payment of a fee, whether a one-time fee or a regular assessment, to maintain the electronic access. The fee, if any, shall defray the costs of establishing and maintaining the electronic notification system and notice by mail.

For the purposes of this section:

“Child-minding service” means provision of temporary custodial care or supervisory services for the minor child of another;

“Day-care service” means provision of supplementary care and protection during a part of the day for the minor child of another; and

“School” means any public, religious or private educational institution, including any preschool, elementary school, secondary school, post-secondary school, trade or professional institution, or institution of higher education.

Credits

Acts 2003, c. 584; Acts 2005, c. 928; Acts 2006, c. 857; Acts 2006, c. 914; Acts 2007, c. 119; Acts 2007, c. 164. Amended by Acts 2016, c. 424; Acts 2020, c. 829; Acts 2020, c. 860, eff. July 1, 2021; Acts 2020, c. 861, eff. July 1, 2021.

VA Code Ann. § 9.1-914, VA ST § 9.1-914

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Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-915

§ 9.1-915. Regulations

Currentness

The Superintendent of State Police shall promulgate regulations and develop forms to implement and enforce this chapter; including the operation and maintenance of the Registry and the removal of records on persons who are deceased, whose convictions have been reversed or who have been pardoned, and those for whom an order of removal or relief from frequent registration has been entered. Such regulations and forms shall not be subject to the provisions of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.

Credits

Acts 2003, c. 584.

VA Code Ann. § 9.1-915, VA ST § 9.1-915

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Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-916

§ 9.1-916. Requests for Registry data by Virginia Criminal Sentencing Commission; confidentiality

Currentness

Upon request of the Virginia Criminal Sentencing Commission, the Department of State Police shall provide the Commission with Registry data in an electronic format. The Commission may use the data for research, evaluative or statistical purposes only and shall ensure the confidentiality and security of the data.

Credits

Acts 2003, c. 391.

VA Code Ann. § 9.1-916, VA ST § 9.1-916

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Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-917

§ 9.1-917. Limitation on liability

Currentness

No liability shall be imposed upon any law-enforcement official who disseminates information or fails to disseminate information in good faith compliance with the requirements of this chapter, but this provision shall not be construed to grant immunity for gross negligence or willful misconduct.

Credits

Acts 2003, c. 584.

VA Code Ann. § 9.1-917, VA ST § 9.1-917

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Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-918

§ 9.1-918. Misuse of registry or supplement information; penalty

Currentness

Use of registry information or information from the Supplement to the Registry established pursuant to § 9.1-923 for purposes not authorized by this chapter is prohibited, the unlawful use of the information contained in or derived from the Registry or Supplement for purposes of intimidating or harassing another is prohibited, and a willful violation of this chapter is a Class 1 misdemeanor. For purposes of this section, absent other aggravating circumstances, the mere republication or reasonable distribution of material contained on or derived from the publicly available Internet offender database shall not be deemed intimidation or harassment.

Credits

Acts 2003, c. 584; Acts 2006, c. 857; Acts 2006, c. 914. Amended by Acts 2015, c. 594; Acts 2015, c. 603; Acts 2020, c. 829.

VA Code Ann. § 9.1-918, VA ST § 9.1-918

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Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-919

§ 9.1-919. Notice of penalty on forms and documents

Currentness

The Virginia Criminal Information Network and any form or document used by the Department of State Police to disseminate information from the Registry shall provide notice that any unauthorized use of the information with the intent to harass or intimidate another is a crime punishable as a Class 1 misdemeanor.

Credits

Acts 2003, c. 391.

VA Code Ann. § 9.1-919, VA ST § 9.1-919

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Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-920

§ 9.1-920. Liberal construction

Currentness

This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof.

Credits

Acts 2003, c. 584. Amended by Acts 2015, c. 709.

VA Code Ann. § 9.1-920, VA ST § 9.1-920

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Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-921

§ 9.1-921. Exemption of information systems from provisions related to the Virginia Information Technologies Agency

Currentness

The provisions of Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 shall not apply to the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, operated by the Department of State Police or to information technology as defined in § 2.2-2006 operated by the Department of Juvenile Justice, Department of Corrections or the Virginia Compensation Board that interact, furnish, update, contain or exchange information with the Sex Offender and Crimes Against Minors Registry.

Credits

Acts 2006, c. 857; Acts 2006, c. 914.

VA Code Ann. § 9.1-921, VA ST § 9.1-921

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West's Annotated Code of Virginia

Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-922

§ 9.1-922. Use of Registry data by Statewide Automated Victim Notification (SAVIN) system; confidentiality

Currentness

Upon request of the Compensation Board, the Department of State Police shall provide the Statewide Automated Victim Notification (SAVIN) system with Registry data in an electronic format. The Board or its contractor may use the data for verification of registrant status and notification of victims and law enforcement regarding changes in status of persons on the Registry and shall ensure the confidentiality and security of the data.

Credits

Acts 2008, c. 76, eff. March 2, 2008; Acts 2008, c. 338, eff. March 4, 2008.

VA Code Ann. § 9.1-922, VA ST § 9.1-922

The statutes and Constitution are current through the 2025 Regular and Reconvened Sessions.

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Title 9.1. Commonwealth Public Safety (Refs & Annos)

Chapter 9. Sex Offender and Crimes Against Minors Registry Act (Refs & Annos)

VA Code Ann. § 9.1-923

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

Currentness

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, 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, 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.

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

D. A person whose name and conviction information appear on the Supplement may, regardless of the date of conviction, petition the circuit court in which he was convicted or the circuit court where he then resides for removal of his name and conviction information from the Supplement if the offense he was convicted of would qualify for removal from the Registry under § 9.1-910. 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 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 subsection. If after such a hearing, the court is satisfied that such person does not pose 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 denial to file a new petition for removal from the Supplement. The State Police shall remove from the Supplement the name and conviction information upon receipt of an order granting a petition pursuant to this subsection.

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

Credits

Added by Acts 2015, c. 594; Acts 2015, c. 603.

VA Code Ann. § 9.1-923, VA ST § 9.1-923

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