Selected Acts of the 2020 Virginia General Assembly
Relating to the
Virginia Crimes Against Minors and Sex Offender Registry

This Selected Acts training is in addition to the Selected Acts 2020 criminal and traffic laws training and covers legislation passed by the 2019 and 2020 Session of the Virginia General Assembly that is relevant to the administration and enforcement of the Virginia Crimes Against Minors and Sex Offender Registry, Chapter 900 of Title 9.1 of the Code of Virginia. Sworn members who work with the SOR or SOIU must complete both training. Civilian employees who work for the SOR and SOIU must complete the SOR training.
The SOR Selected Acts book is available on the Departments Webpage. It includes the full text of the Bills summarized in this training as well as a breakdown of the offenses that require registration in each of the Four Categories: Murder, Tier I, Tier II, and Tier III.
• This Bill amended § 9.1-904 thereby changing the dates for required reregistration of persons on the Sex Offender and Crimes Against Minors Registry (the Registry) from a repeating specified number of days after initial registration to time periods corresponding to such person's birth month and the first letter of such person's last name. The time intervals for reregistration for each of the following four categories of reregistration do not materially change. The bill provides that:

  (i) a person required to register, other than those persons convicted of a sexually violent offense (Tier III) or murder, shall reregister once each year during such person's birth month; current law is once each year from the date of initial registration;

  (ii) a person convicted of a sexually violent offense (Tier III) or murder shall reregister every three months, beginning in such person's birth month; current law is every 90 days from the date of initial registration;

  (iii) a person convicted of providing false information or failing to provide registration information, but not convicted of a sexually violent offense (Tier III) or murder, shall reregister every six months beginning with such person's birth month; current law is every 180 days from the date of such conviction; and
• (iv) a person convicted of providing false information or failing to provide registration information, when such person was included in the Registry for a sexually violent offense (Tier III) or murder, shall reregister every month; current law is every 30 days from the date of such conviction.

• The bill requires persons with a last name beginning with
  • A through L to register from the first to the fifteenth of each required reporting month and
  • M through Z to register from the sixteenth to the last day of the month of each required reporting month.

• The bill also requires that 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, at which time such person shall continue reregistering with the new schedule.

• Copies of all SOR Forms must be available from VSP, Local LEO, and ON THE VSP WEBSITE

• The bill had a delayed effective date of July 1, 2020.
Chapter 829
Senate Bill 579  (2020 Session)

The bill changes the number of classifications of offenders who are required to register under the Registry to match the number of classifications under federal law and re-designates the classifications as:

• Murder
• Tier I
• Tier II, and
• Tier III offenses.
The bill also

• streamlines the reregistration process,
• eliminates the need for lower-level offenders to reregister annually,
• allows offenders to electronically verify their registration information,
• Makes many technical corrections throughout the Code substituting the Term “Tier II Offense” for Sexually Violent Offense” and “register as a sex offender” to “register with the Sex Offender and Crimes Against Minors Registry”.

• READ THE Title 9.1 PORTIONS OF THIS BILL CAREFULLY!!!!!!!
§ 9.1-900 – removed the word “sex” so it now reads “repeat offenders”.

§ 9.1-901 - Introduces the verification process and makes it a requirement just like registration and reregistration.

§ 9.1-902
• Creates the four categories of registrants:
  ▪ Murder
  ▪ Tier I
  ▪ Tier II
  ▪ Tier III
and redistributes the registerable offenses into those categories.
A summary sheet is in the SOR Selected Acts book and will be distributed to SOR and SOIU staff.
Chapter 829, Senate Bill 579 (Continued)

§ 9.1-902 (Continued)

• Adds only one new offense added: §18.2-374.3 (E) (TIER II)
  • Use of a communications system by adult to solicit a minor for
    (i) any activity in violation of § 18.2-355 (Human trafficking) or 18.2-361 (crimes against nature)
    (ii) any activity in violation of § 18.2-374.1 (Production, publication, sale, financing, of child pornography), or
    (iii) a violation of § 18.2-374.1:1 (Possession, reproduction, distribution, solicitation, and facilitation of child pornography)
  • §18.2-374.3 (B) remains TIER I
  • §18.2-374.3 (C) and (D) moved and are also now TIER II

• THIS CHANGE IS RETROACTIVE pursuant to §9.1-901 (C).
Chapter 829, Senate Bill 579 (Continued)

§9.1-903

• A - Adds requirement to verify registration information
• B - Adds requirement to notify of duty to verify registration information
• C through G – No changes
• H – Photo requirement moved from former § 9.1-904 (B) (every 2 years)
• I – Consent form related to electronic communications moved from former § 9.1-904 (A) (now every 2 years)
• J and K renumbered.
§ 9.1-904 - Retitled “Periodic Verification”

A - “Periodic Verification” defined and reregistration removed.

B - Creates verification requirement
   1. Tier III and Murder four times each year (3 month interval including birth month)
   2. Convicted of fail to register and Tier III or Murder monthly

C - VSP to make forms available from VSP, LEA, and internet

FORMER paragraphs B and C deleted (moved to § 9.1-903)

D - Verification dates in each month based upon last name (on registry):
   - A-L from the 1st to the 15th
   - M-Z from the 16th to last day of the month

E – From July 1, 2020 till July 1, 2021 persons will verify on old schedule until they fall into the new one (may have to verify twice in a short period of time to get on the new schedule)
§ 9.1-905 - No changes
§ 9.1-906 - Adds verification requirements
§ 9.1-907 - Adds verification requirements
§ 9.1-908 - Adds verification requirements
§ 9.1-909 - Adds verification requirements, incorporates Tier system into requirements, and substitutes “Tier III” for “sexually violent”.
§ 9.1-910 - Incorporates Tier system into requirements, and substitutes “Tier III” for “sexually violent”.

• (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 - NOT ELEGIBLE!
• Tier I – 15 years following last conviction for initial registration, fail to register, or any new felony.
• Tier II - 25 years following last conviction for Initial registration, fail to register, or any new felony.
§ 9.1-911 - Adds verification requirements and substitutes “Tier III” for “sexually violent”.

§ 9.1-912 - Adds verification requirements, removed the word “sex” so paragraph C now reads “registered offenders”.

§ 9.1-913 - Adds verification requirements.

§ 9.1-914 - Adds verification requirement.

§ 9.1-918 – Removes the word “sex” from in front of “offender”.

§ 18.2-472.1 - Adds verification requirements and the Tier system

- The remainder of the statutes in the Bill are changed to require verification and to conform to the new Tier system replacing references to “sexually violent” with “Tier III”.
Chapter 826
Senate Bill 492

Amends §9.1-902 to clarify the registration and reregistration obligations imposed upon a person convicted of a foreign sex offense for the purposes of registration with the Sex Offender and Crimes Against Minors Registry.

• Requires registration for federal, other state, tribal, and foreign convictions that are SIMILAR to a Virginia offense requiring registration (by Tier)

• Requires registration for federal, other state, tribal, and foreign convictions that requiring registration in the jurisdiction of conviction.
Chapter 826, Senate Bill 492 (Continued)

• ONE MAJOR CHANGE

Virginia will now require the person to be classified at a level (closest duration and frequency of registration by Virginia Tier system) under whichever jurisdiction (Virginia or other) imposes the most strict requirements.

• Examples:

1. Person would be a Tier I in Virginia but was a Tier III equivalent in the state of conviction – that person will be Tier III in Virginia as well.

2. Person would be a Tier I equivalent in the jurisdiction of conviction but the similar offense in Virginia is Tier III – that person is a Tier III in Virginia.

3. Person is convicted of an offense for which there is no similar offense but the jurisdiction requires them to register for that offense - Register at the Virginia Tier that is most similar for duration and frequency imposed in the jurisdiction of conviction.
This Bill amends § 9.1-902 to add a third or subsequent conviction of unlawful dissemination or sale of images of another, § 18.2-386.2, to the list of offenses requiring registration under the Sex Offender and Crimes Against Minors Registry if the offense was committed on or after July 1, 2020. The bill contains technical amendments.

- No requirement for being at liberty between convictions
- Tier I
QUESTIONS?

Contact SOR or SOIU supervision.