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SENATE BILL NO. 1261

Offered January 8, 2025

Prefiled January 8, 2025

A BILL to amend and reenact § 16.1-299 of the Code of Virginia, relating to fingerprints, palm prints, and photographs of juveniles.

Patron—Bagby

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-299 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-299. Fingerprints, palm prints, and photographs of juveniles.

A. All duly constituted police authorities having the power of arrest shall take obtain, electronically when possible, fingerprints, palm prints with accompanying distal prints, and photographs of any juvenile who is taken into custody and charged with a delinquent act an arrest for which, if committed by an adult, is required to be reported to the Central Criminal Records Exchange pursuant to subsection A of § 19.2-390. Whenever fingerprints, palm prints, or photographs are taken, (i) they shall be maintained separately from adult records and; (ii) a copy containing the document control number (DCN) shall be filed with the juvenile court on forms provided by the Central Criminal Records Exchange; and (iii) a copy shall be submitted, electronically when possible, to the State Police, who shall maintain all records received under this section in a confidential and secure area within the system in which the record is maintained that is inaccessible from routine use. Such records shall only be accessible by the manager of the records or his designee.

B. If a juvenile of any age (i) is convicted of a felony, (ii) is adjudicated delinquent of an offense that would be a felony if committed by an adult, (iii) has a case involving an offense, which would be a felony if committed by an adult, that is dismissed pursuant to the deferred disposition provisions of § 16.1-278.8, or (iv) is convicted or adjudicated delinquent of any other offense for which a report to the Central Criminal Records Exchange is required by subsection C of § 19.2-390 if the offense were committed by an adult, copies of his fingerprints and a report of the disposition shall be forwarded electronically to the Central Criminal Records Exchange and to the jurisdiction making the arrest by the clerk of the court which that heard the case.

C. If a petition or warrant is not filed against a juvenile whose fingerprints, palm prints, or photographs have been taken in connection with an alleged violation of law, the fingerprint card; and all copies of the fingerprints, palm prints, and all photographs shall be destroyed 60 days after fingerprints were taken. The police authority making the arrest, as identified by its originating agency identification (ORI), that obtained the fingerprints, palm prints, or photographs of the juvenile shall notify, electronically when possible, the State Police to destroy the records. The State Police shall destroy such records as soon as possible after receiving the notification. If a juvenile charged with a delinquent act other than a violent juvenile felony or a crime ancillary thereto is found not guilty, or in any other case resulting in a disposition for which fingerprints are not required to be forwarded to the Central Criminal Records Exchange, the court shall order that the fingerprint card; and all copies of the fingerprints, palm prints, and all photographs be destroyed within six months of the date of disposition of the case and shall electronically notify the Central Criminal Records Exchange.

2. That the provisions of § 16.1-299 of the Code of Virginia, as amended by this act, shall be implemented by local law-enforcement agencies and the State Police no later than July 1, 2026.

INTRODUCED

SB1261