

**A CENTRAL CRIMINAL RECORDS SYSTEM
REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL
to
THE GOVERNOR
and
THE GENERAL ASSEMBLY OF VIRGINIA**



SD 13, 1966

COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
RICHMOND
1965

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A CENTRAL CRIMINAL RECORDS SYSTEM
REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Richmond, Virginia, December 13, 1965.

To:

HONORABLE A. S. HARRISON, JR., *Governor of Virginia*
and
THE GENERAL ASSEMBLY OF VIRGINIA

If a person is arrested by a Virginia State Trooper, a record of the arrest is made and preserved at State Police Headquarters. If he is arrested by the county sheriff or a county or city policeman, a local record is made but normally no report would be made to the State Police. Only about one-half of the State and local law enforcement agencies contribute fingerprints and information concerning arrests to the files of the Federal Bureau of Investigation.

There has been for some years discussion of the desirability of establishing a central repository for records of arrests and convictions, with characteristic identifying information, and in 1964 the Governor directed the Virginia Advisory Legislative Council to make a study of the matter. The Governor's letter was as follows:

COMMONWEALTH OF VIRGINIA
GOVERNOR'S OFFICE
RICHMOND

April 9, 1964

Chairman
Virginia Advisory Legislative Council
In care of The Honorable John B. Boatwright, Jr.
State Capitol
Richmond, Virginia

Dear Sir:

For a number of years there has been discussion of the advisability of establishing a central criminal records file which would be available to law enforcement officers and Commonwealth's attorneys, and to registrars for assistance in purging their files. Such a central records file would facilitate the courts' consideration of prior records of habitual criminals.

Various suggestions have been advanced for the location of such a central records repository, including the Department of State Police and the State Division of Corrections.

The obvious advantages of such a system prompt me to request that the Virginia Advisory Legislative Council conduct a study of the need and advisability of a central criminal records file, the location of same, and the offenses to be reported. I shall appreciate the Council's consideration of this request.

Sincerely yours,

/s/ A. S. HARRISON, JR.

Pursuant to the Governor's request, the Council selected J. C. Hutcherson of Lawrenceville, member of the State Senate and member of the Council, to serve as Chairman of a Committee to make the preliminary investigation and report to it. Selected to serve as members of the Committee were the following: John Alexander, Warrenton, member of the Senate; E. Almer Ames, Jr., Onancock, member of the Senate; Frederick T. Gray, Richmond; William J. Hassan, Arlington, Commonwealth's Attorney of Arlington County; John Wingo Knowles, Richmond, Judge, Henrico Circuit Court; W. H. Overbey, Rustburg, County Judge, Campbell County; A. L. Philpott, Bassett, member of the House of Delegates; D. French Slaughter, Jr., Culpeper, member of the House of Delegates; John R. Snoddy, Jr., Dillwyn, Commonwealth's Attorney, Buckingham County; William F. Stone, Martinsville, member of the Senate; Harold C. Taylor, Windsor, Sheriff, Isle of Wight County; George M. Warren, Jr., Bristol, member of the Senate; and Alexander Wellford, Richmond. With the exception of Sheriff Taylor, all members of the Committee are attorneys at law. John B. Boatwright, Jr., and G. M. Lapsley served as Secretary and Recording Secretary, respectively, to the Committee.

The Committee secured information from 47 of the other states. It collected information from the several State agencies which have law enforcement responsibilities. It examined the record-keeping systems of the major State agencies which maintain criminal records. It secured information from the major firms which manufacture automatic data processing equipment. It held a public hearing at which the views of representatives of the local constitutional officers and other interested groups were solicited and obtained. The Committee completed its study and reported to the Council. Based upon the information before it, the Council now makes the recommendations summarized below.

RECOMMENDATIONS

1. That there be created as a division in the Attorney General's Office the Virginia Central Criminal Records Exchange.
2. That arrests for and convictions of all felonies, and certain serious misdemeanors with characteristic identifying information, be required to be reported to the Central Exchange by all State agencies having the power of arrest, all local law enforcement agencies, and the clerks of courts of record and courts not of record, and that the taking of fingerprints on arrest for such offenses be required.
3. That the Central Exchange be required to receive and file all such reports, and to furnish information from its files to all reporting agencies on request.
4. That the Department of State Police, the Division of Motor Vehicles, and all other State agencies be directed to make available to the Central Exchange such of their records and facilities as are pertinent to its functions, and to cooperate with the Central Exchange in the development of communication systems, data processing equipment, and record storage facilities on a State-wide basis, to the end that information in its files will be readily accessible to courts, law enforcement agencies and others having need therefor.
5. That no change be made in the present requirements for reporting traffic offense convictions and accidents to the Division of Motor Vehicles and the maintenance of its records in this respect.
6. That clerks of courts of record be allowed a fee for each report made to the Central Exchange; and that § 19.1-260 of the Code, which now requires the clerks to keep descriptive registers of felons, be repealed.

VALUE OF CENTRAL CRIMINAL RECORDS FILES

There is at the present time in Virginia no way to determine with certainty whether an individual has been arrested for or convicted of crime in this State. A man may have a long record of convictions for both major and minor offenses but unless he has been arrested in one of the approximately seventy jurisdictions which report to the Federal Bureau of Investigation, or has been sentenced to and confined in the State penal system, or comes twice before the same court, his record is impossible to determine without reference to the records of all the courts having criminal jurisdiction in the Commonwealth. Such information is frequently needed by law enforcement officers, by courts trying criminal cases, by probation and parole officers, and by election officials in the performance of their duties.

There are a number of reasons why we feel that the establishment of a central criminal records exchange would justify its cost. The most immediate beneficiaries of the establishment of such a file would be State and especially local law enforcement officials. A person who is so contemptuous of the law as to commit a major crime, will be likely to be equally anti-social as to minor offenses. Cases have been cited to us in which badly wanted criminals were apprehended and punished because of being picked up for misdemeanors. One case involved a man for whom the authorities had been searching for a long time and who was discovered, quite by accident, to be serving time in jail in an adjacent jurisdiction. It is true that posters and reward circulars are generally put out to all police agencies in the case of wanted criminals. However, appearances can change or be deliberately altered and the harsh and unflattering portrait taken by a prison camera is not nearly so certain a means of identification as a fingerprint classification.

The value of an exchange of information between different police agencies has been demonstrated by the establishment and activities of "crime clinics" in several areas in Virginia. These consist of seminars attended by local officers from adjacent localities, State Police, and federal officers at which ideas on techniques of crime detection and prevention are exchanged and the experience of each participating agency is made available to the others. We have been informed that the solution of a number of crimes has resulted from this exchange of information. This activity is to be highly commended and such exchanges would be greatly facilitated by the establishment of a central file.

"Police intelligence" would also be helped by such an exchange. With modern means of transport and communication, the activities of criminals are becoming more and more geographically diverse and planning for crime prevention would be greatly aided by better knowledge of what is happening throughout the State.

The agency maintaining the central criminal records file could foster the development on a State-wide basis of a law enforcement tool which has been found very helpful both by the State Police and by some local police departments—a "modus operandi" file. We are told that criminals tend to follow the same pattern in successive crimes, so much so that police officials are frequently able to establish, almost with certainty, that a specific offense has been committed by a named or wanted individual or group of criminals. Ready availability of such information would benefit law enforcement generally and particularly on the local level where the primary responsibility rests.

The proposed exchange will probably prove beneficial to authorities from other states and conversely, may assist in the apprehension of criminals who are fugitives from Virginia. The present police communication facilities are tied in with others throughout the country and a constant exchange of information takes place. It is obvious that the more complete this exchange is, the better it will be for law enforcement. It will be much more convenient for police of other states to determine the Virginia record of any person whom they suspect has a record in Virginia or who is wanted by the authorities of that State; if the central repository is properly utilized, it will be of aid to our police in locating offenders who may have fled this State.

Crime, organized and individual, has been steadily increasing throughout the nation in recent years. It is common knowledge that crime is "big business" and criminals have in many cases almost unlimited funds with which to acquire the tools of their trade. It seems to us that it is imperative for the welfare of the people of this State that sheriffs and local police be given the best available weapons with which to combat crime. We regard the central records repository in that category.

Law enforcement officers are not the only agencies which will benefit from the use of a central criminal record exchange. It will be invaluable to probation and parole officers in several ways. They can better know the type of individual with whom they are dealing and assess his potentiality for rehabilitation when he is being considered for parole; the courts and probation officers also will be able better to assess the potentialities for good or bad of those who are placed on probation and fix the terms of probation accordingly.

Virginia has a statute (§ 53-278.1 of the Code) under which courts may, and on request of the defendant must, direct a probation officer to thoroughly investigate and report upon the history of the accused and any and all relevant facts in the case. A probation officer is hampered at the present time by the fact that the criminal record of the subject being investigated may or may not be available to him from the police, FBI, and local court records. If the proposed exchange is able to secure complete coverage of the State, he will have only one place to search to ascertain the record of such person in Virginia and can be assured that the information which his investigation develops in this respect is complete.

We do not contemplate that the system which we propose would either duplicate or supplant equipment and facilities now in existence and being used by the several State agencies. Before discussing our recommendations in detail, it would appear appropriate to discuss briefly what is now being used in the way of (1) communications facilities (2) record storage facilities and (3) data processing equipment.

EXISTING FACILITIES—COMMUNICATIONS

The major State-wide noncommercial communications systems in Virginia are either owned and operated or maintained by the Department of State Police. The Division of Forestry has a mobile radio system which is privately maintained but this is less extensive than the State Police network.

The basic unit in the State Police network consists of a private line teletype system which extends from Virginia Beach in the east to Norton in the west and which interconnects the State Police headquarters, the six Division Headquarters, forty-five municipal and county police offices, and five sheriffs' offices. This system also is connected to the Division of Motor Vehicles office in Richmond.

In addition to the wire teletype system above referred to, which operates on leased wires, the Department of State Police has a microwave teletype system with some twenty stations. Access to this, however, is limited to State Police installations.

In addition to its teletype facilities the Department of State Police operates a radio network by means of which not only its several Division Headquarters and the State Headquarters but individual patrol cars are at all times in touch with one another. Enforcement personnel under the jurisdiction of the Alcoholic Beverage Control Board also have radio communication through this network and many local law enforcement offices have mobile radios tied into this system.

The Department of State Police is also in touch with twenty-four other states through the Eastern State Police Teletype System and, through T.W.X., with any other T.W.X. outlet in the nation.

A number of the larger counties and cities have their own radio systems and in most instances the police departments maintaining such systems are on the State teletype line. In only a very few of the counties is teletype or radio communication lacking. Enforcement officers in these counties must rely on the commercial telephone systems.

The Department of Highways also has a radio system with mobile units installed in many of the cars used by its field personnel. Although this is maintained by the Department of State Police it is separate and apart from the Police Communications network.

EXISTING FACILITIES—RECORD MAINTENANCE

Central repositories of records exist on a large scale at the present time in two State agencies. The Division of Motor Vehicles has by far the greater volume. During the last license year, which closed March 31, 1965, the Division issued registration certificates and license plates for more than 1,850,000 vehicles. In addition, it must annually issue original or renewal operator's and chauffeur's licenses to about 700,000 persons.

In addition to these activities, which affect every motor vehicle owner and driver in the State, the Division must receive and process accident reports on all accidents involving personal injury or property damage in excess of \$50. These reports are made by one or more of the drivers involved in accidents and by the investigating officer when an accident is investigated. At the present time approximately a quarter of a million such reports are handled annually.

The Division is also required to receive and process reports on convictions of certain traffic offenses. These now amount to approximately 350,000 annually.

The Division is required to furnish to law enforcement officers and courts such records as it has on convictions of traffic offenses by operators and chauffeurs. This it does free of charge and in addition it furnishes traffic records to insurance companies, lawyers, prospective employers and others and makes a charge for this service. The volume of these latter requests alone now amounts to about 40,000 a month.

The primary function of the Virginia Department of State Police is to patrol the highways. Most of the offenses with which members of this police force deal are traffic offenses, the great majority of which are misdemeanors.

The State police are, however, in many cases called upon by local authorities to render assistance in other criminal cases and, as mentioned

above, the communications networks of the State Police are frequently made use of by other agencies. The Department maintains a master name file in which is recorded information concerning individuals arrested by members of the Department or involved in criminal matters as victims, suspects, or accused. Such records are made whenever the name of an individual comes to the attention of the Department. The file presently contains in excess of two and one-quarter million indices.

The Department also currently maintains a criminal case file consisting of records of cases investigated by State Police or reported by local and out-of-state agencies, a file containing the names of owners of machine guns which are registered as required by law, records of offenses reported to the State Police or reported over the Virginia police teletype, and records concerning stolen property similarly reported. It has also developed a "modus operandi" file covering offenses reported to it which are subject to classification by methods of operation of the criminal and a personal appearance file giving the description of each criminal where such is available. It also has a file containing more than 57,000 fingerprint records and photographs of individuals arrested on or convicted of felony and selected misdemeanor charges.

A questionnaire sent to all State agencies developed the information that all agencies having law enforcement powers maintain records as to the activities of their enforcement officers and the disposition of cases with which they are concerned. The volume of these involving felonies or serious misdemeanors, however, is quite small and reporting of such cases to a central criminal records exchange would present no problem.

EXISTING FACILITIES—DATA PROCESSING EQUIPMENT

Many of the records in both the agencies maintaining a large volume of criminal records in Virginia at the present time are in such form that the files must be manually searched in order to produce information. Some of the records, such as the data contained on the master name file cards of the Department of State Police do not lend themselves to electronic processing. In other cases the information can be coded and key punched on cards which can be mechanically sorted at high speeds. The State Police have the equipment of this nature and to the extent that the desired information is available on punch cards, can produce it in a very short time.

At the present time the Division of Motor Vehicles has embarked on a program of automation of all of its records. As new licenses are issued, all of the information in their files concerning the licensee is key punched and then put on tape. This tape is electronically searched by computers, the desired information being extracted and printed automatically. Similar automation is proceeding with their accident records and motor vehicle records. When the program is completed, manual search of the records of the Division will be unnecessary and the only problem will be to keep them updated.

The next step in the program will be the transfer of information from the tape-type computer to random access "memory banks" from which it can be electronically retrieved in a matter of seconds. We are advised that, when the present program of automation is completed, this type of equipment will be in use.

SPECIFIC RECOMMENDATIONS

1. We have pointed out above that the value of a central criminal records repository lies, first, in State-wide coverage of all agencies and,

second, in ready accessibility to the stored data. We believe that these aims will be best achieved by the establishment as a division in the Attorney General's Office of a Virginia Central Criminal Records Exchange.

The physical location of the Exchange, its staffing, the equipment which it would need, and the mechanics of its operation are matters which will have to be determined after careful research and planning. In our view, the important thing is to get the agency established so that it can begin its task of assisting the courts, law enforcement agencies, and others who would make use of its facilities.

It is obvious that the immediate primary function of the Central Exchange will be the collection of information. However, with the large volume of records currently in existence in other departments, it will be able to begin the dissemination of what is available immediately.

2. We recommend that all State agencies having the power of arrest, all local law enforcement agencies, and the clerks of courts having criminal jurisdiction be required by law to furnish to the Central Criminal Records Exchange reports on arrests for, and final disposition of cases involving, all felonies and certain serious misdemeanors, with characteristic identifying information. This would result in a flow of information into the central file and guarantee that after a period of time, a current record of such offenses would be available. The agency, as an administrative procedure, would inevitably secure similar information which is currently of record locally and after a reasonable time should be able to provide such records covering previous years.

As a corollary to the above requirement, we recommend that the taking of fingerprints at the time of arrests for felonies be made mandatory, and that the provisions of §§ 15.1-135 and 52-4.1 be broadened to include the misdemeanors required to be reported to the Central Exchange.

As of the time of its creation, the central repository will exist only "on paper." It must have time to plan and develop the optimum methods of data collection, processing and storage, to establish lines of communication with the various contributing agencies, and to determine how its function of retrieving information from its files and transmitting it can best be accomplished. Experience in other states has indicated that a considerable period of time is required for the development of such systems. We accordingly further recommend that the requirement for the making of reports to the Central Exchange not become effective until January 1, 1968. The same would apply to the amendments of the statutes relating to fingerprints referred to in the preceding paragraph.

3. The statute creating the Exchange and requiring that information be furnished to it would also require the receipt and filing of such reports and would specify the duty of the agency to furnish data from its files on request to the various agencies which would be required to report to it. The mechanics by which this would be accomplished would be matters of detail to be worked out administratively by the Central Criminal Records Exchange.

4. We have discussed above the maintenance at the present time by certain State agencies of records that are of such a nature as would be required to be reported to the Central Exchange under our proposal. We recommend that the Department of State Police, the Division of Motor Vehicles, the Division of Corrections and all other State agencies be directed to make available to the Central Exchange such of their records as are pertinent to its functions. This would provide the Central Exchange with a nucleus around which a complete, State-wide system of central

records could be built. The mechanics by which existing records could be utilized would present a technical problem which should offer no difficulties. If, in the future, the Central Exchange were to develop electronic data processing systems of its own the data collected by the several State agencies could be readily fed into the central repository.

We have also discussed the existing communication systems available to State agencies. These should be made available to the Central Records Exchange and, with some possible enlargement to meet its peculiar requirements, should be adequate for its needs.

We envisage that, ultimately, to give Virginia a Central Records System second to none in the country, the use of electronic equipment will be necessary. A number of State agencies now are using computers and other electronic equipment. This is a highly technical and rapidly changing field and we are not in a position to state whether any existing equipment could be utilized initially or what would be ultimately desirable. We are, however, informed that information now being gathered can be readily and economically supplied to the files of the central repository. These would be problems which would have to be worked out by technical experts. One of the initial functions of the proposed Central Criminal Records Exchange would be to develop such systems as will be best suited to provide for the collection, storage, and dissemination of criminal records to courts, law enforcement agencies, and others having need therefor.

5. The law presently requires that certain traffic offense convictions be reported to the Division of Motor Vehicles and that certain motor vehicle accidents be similarly reported. We do not recommend that records of traffic offenses, other than those which are felonies, should be included in the central criminal records file. In the first place, sheer volume would seem to make this impractical. Secondly, the Division of Motor Vehicles receives records only of convictions. We contemplate that arrests, as well as convictions, for felonies and selected misdemeanors should be reported to the Central Exchange. In the third place, we do not regard speeding, or running through a stop sign, dangerous as these may be, as offenses against society comparable to burglary, murder or larceny. There are difficulties enough in the keeping of records of traffic offenses and their utilization for the purposes set forth in the Motor Vehicle Code. We do not want to complicate this operation further or to burden the central file with records which are in many cases of petty and unintentional offenses.

6. Any system involving human beings will be only as effective as the individuals who are involved make it. This is especially true of one which must, to be effective, rely upon a large number of widely scattered people. § 19.1-260 of the Code requires that descriptive registers of felons be kept by clerks of court. We are advised that the clerks have found it virtually impossible to comply with this statute and for practical purposes it is a nullity.

The reporting of offenses to a central criminal records exchange falls into a different category. The file will be of great use and benefit to the officials who are charged with responsibility for law enforcement and who will make the reports of arrests. It is primarily for their benefit that the recommended plan is proposed. The central file will improve law enforcement and we believe that local police agencies and sheriff's offices will cooperate to the fullest extent.

We propose reporting of final disposition of certain criminal cases by clerks as a mandatory duty upon the clerks but, since this would involve some additional work and these officers are on a fee basis, we recommend the allowance to the clerks of an appropriate fee to compensate them for the

performance of this duty. We have used a fee of fifty cents in the bill which accompanies this report.

We also recommend that the statute, § 19.1-260, which requires the maintenance by the clerks of the register of felons, be repealed.

COST OF THE PROPOSED CENTRAL CRIMINAL RECORDS EXCHANGE

Without a detailed analysis of the volume and nature of the records which will be required to be filed and furnished, and a complete plan of the system which will be put into effect, it is impossible to state accurately what the system will cost. Reports from other states indicated costs of their systems ranging from a few thousand dollars up to hundreds of thousands of dollars in some of the larger states.

However, we believe that the system can be inaugurated at a very modest cost. A cost analysis made of the master name file at the Department of State Police indicated a total cost for equipment and personnel of only about five cents per record entered, and assuming a record volume of 40,000 entries a year, this would give a minimal cost of two thousand dollars.

However, the file referred is a manual operation. We feel that to be of a maximum value, the Central Criminal Records Exchange would have to be largely automated. The cost of this depends, first, on the extent to which it is found desirable to go in automation and the extent to which existing equipment can be utilized. There is a general State policy for joint utilization of computer equipment which results in great savings to the State and which, we feel, could be utilized to keep down the cost of the Central Exchange, especially in its initial phases.

As computer installations become more sophisticated, the costs increase. However, it is probable that, by joint use of existing equipment, records sought from the Central Exchange could be made available on the next day at a cost which would be almost negligible. As the size of the file increases, this cost would rise; but when the file is large enough to justify it, it should be possible to convert to a system which would make any record in the file available in a matter of seconds for an equipment cost which would be little larger than the cost of electronically searching the file on a daily basis.

At first, the greatest cost would be in personnel. The ultimate utility of the system depends almost completely on the planning which would precede its installation. Highly skilled technicians would be necessary for this, both persons skilled in police and criminal investigation matters and technical staff trained in systems analysis and computer programming. In the bill accompanying this report we have allowed a period of eighteen months before any records are required to be furnished to the Central Exchange. This time would be spent in planning the system and in making arrangements for the collection of data and, as noted above, the cost incurred would be almost entirely for personnel, travel and communications.

We accordingly recommend an appropriation to the proposed Central Criminal Records Exchange in the amount of fifty thousand dollars for the first year of the biennium beginning July one, nineteen hundred sixty-six, and seventy-five thousand for the second. We feel that the first year's appropriation may be somewhat excessive but, since much equipment would have to be purchased, we deem it desirable to have sufficient funds available for this purpose. We believe that by the second year of

the biennium the cost of the agency should begin to stabilize and we feel that thereafter, for an operation of the type of system which we envisage the sum of seventy-five thousand dollars a year should be adequate until such time as experience has shown the desirability of expanding the operations of the agency into more expensive activities.

CONCLUSION

During the course of the study, forty-seven of the other states supplied information concerning the maintenance of criminal record files. Thirty-two of the reporting states have some form of central criminal records system. In almost all, reports of both arrests and convictions are kept. Generally, arrests for misdemeanors as well as felonies are reported. In all but two of the reporting states reports are furnished by local police, in most by state police also, and in some cases the files contain reports made by federal agents as well. In eighteen of the states reports are received from the courts as well as from law enforcement authorities. Most of the files are maintained by departments of justice or of public safety or similar state departments. In one state the records are maintained by the motor vehicle department. The state of Florida is unique in that the whole system of central records is maintained by the state sheriff's bureau; information from this file is, however, available to all law enforcement agencies.

It would thus appear that Virginia, in not having a State agency to which reports are required to be made by all law enforcement officials, is in the minority of the states. We feel that this is a condition which should not be allowed to continue and that especially in view of the increasing urbanization of the State with its attendant problems, our law enforcement officials, State and local, should be given the aid of this important tool in their unceasing battle against steady increase in the crime rate throughout the State.

Since Virginia has no department of Government which is comparable to the departments of public safety or justice in some other states, we have recommended making the proposed Exchange a division in the office of the Attorney General, who is the chief law enforcement officer of the Commonwealth.

In conclusion we should like to express our appreciation to the members of the Committee for their interest and for their contribution of their time toward the completion of this study, and to the many individuals and organizations who assisted the Committee during its study.

Respectfully submitted,

EDWARD E. WILLEY, *Chairman*

TOM FROST, *Vice-Chairman*

C. W. CLEATON

JOHN WARREN COOKE

JOHN H. DANIEL

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ARTHUR H. RICHARDSON

WILLIAM F. STONE

A BILL to create, as a division in the Attorney General's Office, the Central Criminal Records Exchange; to provide for the maintenance by it of records of persons arrested or convicted of felonies and certain misdemeanors, and the furnishing of such records to certain State and local officials and agencies on request; to require reports of arrests and convictions by law enforcement agencies and courts; to appropriate funds; and to repeal § 19.1-260 of the Code of Virginia, relating to the keeping of certain records by clerks of courts of record.

Be it enacted by the General Assembly of Virginia :

1. § 1. There is hereby established as a division within the office of the Attorney General of Virginia the Central Criminal Records Exchange. The Exchange shall be under the control of the Attorney General, who is hereby authorized to employ such personnel, establish such officers and acquire such equipment as shall be necessary to carry out the purposes of this act. The Attorney General is also authorized to enter into agreements with other State agencies for services to be performed for it by employees of such other agencies.

§ 2. (a) It shall be the duty of the Central Criminal Records Exchange to receive, classify and file records required to be reported to it by § 3 of this act. The Exchange is authorized to prepare and furnish to all State and local law enforcement officials and agencies, and to clerks of courts of record and courts not of record, forms which shall be used for the making of such reports.

(b) The Central Criminal Records Exchange shall, on request from any official or agency required to make reports to it, or from any other person having a legitimate interest therein, furnish copies of the records in its files. Such records shall not be made available to the public.

§ 3. (a) On and after January one, nineteen hundred sixty-eight, every State official or agency having the power of arrest, the sheriffs of counties, the police officials of cities and towns, and any other local law enforcement officer or conservator of the peace having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange, on forms provided by it, of any arrest on a charge of treason or of any felony or of any of the following offenses punishable as misdemeanors: bribery; petit larceny; obtaining money or property under false pretenses; indecent exposure; carrying concealed weapons; vagrancy; or any violation of the laws relating to the manufacture, possession or sale of narcotics, prostitution, the keeping of bawdy places, or obscenity. Such reports shall contain such information as shall be required by the Exchange and shall be accompanied by fingerprints of the individual arrested and information as to whether a photograph of the individual is available.

(b) On and after January one, nineteen hundred sixty-seven, the clerk of each court of record and court not of record shall make a report to the Central Criminal Records Exchange of any dismissal, nolle prosequere, acquittal, or conviction of, or failure of a grand jury to return a true bill as to, any person charged with an offense listed in subsection (a) of this section. No such report of conviction shall be made by the clerk of a court not of record unless the period allowed for an appeal has elapsed and no appeal has been perfected. In the event that the records in the office of any clerk show that any conviction has been nullified in any manner, he shall also make a report of that fact. For each such report made by a clerk of a court of record, he shall be allowed a fee of fifty cents, to be taxed as a part of the costs of the case. In the event that such

costs are not collected from the person convicted, or the fee cannot be taxed as part of the costs, the fee shall be paid from the appropriation for criminal charges.

(c) If the Attorney General certifies to the Governor, prior to January one, nineteen hundred sixty-eight, that it has not been possible to establish and equip their files to receive, store, retrieve and disseminate the information required by this section to be reported to the Central Exchange, or any part thereof, then reports of such information shall not be required until the Governor, after receiving information that such files are so established and equipped, proclaims such reports to be required.

§ 4. Each State official and agency shall make available to the Central Criminal Records Exchange such of their records as are pertinent to its functions and shall cooperate with the Exchange in the development and use of equipment and facilities on a joint basis, where feasible. On and after January one, nineteen hundred sixty-eight, no State official or agency shall maintain records which are a duplication of the records on deposit in the Central Criminal Records Exchange, except to the extent necessary for efficient internal administration of such agency.

2. There is hereby appropriated from the general fund in the State treasury to the Attorney General's Office the sum of fifty thousand dollars, or so much thereof as may be necessary, for the first year of the biennium beginning July one, nineteen hundred sixty-six, and seventy-five thousand dollars for the second year of the biennium.

3. § 19.1-260 of the Code of Virginia is repealed.

A BILL to amend and reenact §§ 15.1-135 and 52-4.1, as amended, of the Code of Virginia, relating to the taking of fingerprints and photographs of persons arrested and charged with crime.

Be it enacted by the General Assembly of Virginia :

1. That §§ 15.1-135 and 51-4.1, as amended, of the Code of Virginia, be amended and reenacted as follows :

§ 15.1-135. All duly constituted police authorities of counties, cities and towns are hereby authorized to take the fingerprints and photograph of any person arrested and charged by them with a felony *or with any misdemeanor an arrest for which is required to be reported by them to the Central Criminal Records Exchange*, and such authorities of cities having a population of more than seventy thousand and any county having a population of more than four thousand per square mile are further authorized to take the fingerprints of any person arrested and charged by them with a misdemeanor, other than a misdemeanor under Title 46.1, where such person is taken into physical custody by such police authorities.

§ 52-4.1. The Department of State Police and the several officers and employees thereof may take the fingerprints of any person arrested *by them* and charged with a felony *or with any misdemeanor an arrest for which is required to be reported by them to the Central Criminal Records Exchange*; and on the request of any duly appointed law enforcement officers *may take the fingerprints of any such persons arrested by such officers*. * The Department shall * *make such records * available to the Central Criminal Records Exchange*. The Department is authorized to provide, on the request of duly appointed law enforcement officers, copies of any fingerprint records it may have, and to furnish services and technical advice in connection with the taking, classifying and preserving of fingerprints and fingerprint records.

2. This act shall become effective January one, nineteen hundred sixty-eight.

