

**Senate Bill No. 92**

(By Senators Barnes, Miller, Walters and Nohe)

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[Introduced January 8, 2014; referred to the Committee on  
Agriculture and Rural Development; and then to the Committee on  
Finance.]

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11 A BILL to amend the Code of West Virginia, 1931, as amended, by  
12 adding thereto a new article, designated §15-14-1, §15-14-2,  
13 §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-14-8,  
14 §15-14-9, §15-14-10 and §15-14-11, all relating to creating  
15 the State Animal Abuse Registry; defining terms; creating a  
16 registry of all persons convicted of animal abuse; requiring  
17 all persons convicted of animal abuse to register; setting  
18 forth the information to be provided when registering;  
19 requiring a registrant to pay a fee; creating the Central  
20 Abuse Registry Fund; determining how the money in the fund  
21 will be used; requiring the registry information to be public;  
22 providing an exception from being required to register;  
23 setting forth duties of animal breeders, animal shelters and

1 pet stores; and providing criminal penalties.

2 *Be it enacted by the Legislature of West Virginia:*

3 That the Code of West Virginia, 1931, as amended, be amended  
4 by adding thereto a new article, designated §15-14-1, §15-14-2,  
5 §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-14-8, §15-14-  
6 9, §15-14-10 and §15-14-11, all to read as follows:

7 **ARTICLE 14. ANIMAL ABUSE REGISTRY.**

8 **§15-14-1. Definitions.**

9 As used in this article, unless the context otherwise  
10 requires:

11 "Animal abuse crime" means a violation of any animal  
12 protection statute in this code, including section nineteen,  
13 nineteen-a or twenty of article eight, chapter sixty-one of this  
14 code or of section twenty-seven, article three of that chapter, or  
15 a violation of any comparable animal protection statute of another  
16 state; an attempt to commit an offense listed in this subdivision;  
17 or a crime committed in a federal, state, or foreign jurisdiction  
18 that, if committed in this state, would constitute one of the  
19 crimes listed in this subdivision.

20 "Animal breeder" means an entity engaged in the practice of  
21 facilitating the reproduction of animals for the purpose of  
22 distributing the resulting offspring to one or more other  
23 individuals or entities.

1 "Animal shelter" means a public animal control facility or any  
2 other facility that is operated by an organization or individual  
3 for the purpose of protecting animals from cruelty, neglect or  
4 abuse.

5 "Fund" means the Central Abuse Registry Fund established under  
6 this article.

7 "Offender" means a person required to register under section  
8 four of this article.

9 "Pet store" means a place or premises where birds, mammals, or  
10 reptiles are kept for the purpose of sale, at either wholesale or  
11 retail, import, export, barter, exchange or gift.

12 **§15-14-2. When convicted.**

13 For the purpose of this article, a person is convicted when  
14 the person:

15 (1) Is found guilty of a crime by a jury or judicial officer;

16 (2) Enters a plea of guilty or nolo contendere;

17 (3) Is granted probation before judgment after a finding of  
18 guilt for a crime if the court, as a condition of probation, orders  
19 compliance with the requirements of this article; or

20 (4) Is found to have committed a criminal act but is found not  
21 criminally responsible for the act.

22 **§15-14-3. West Virginia Animal Abuse Registry.**

23 (a) The West Virginia State Police shall establish and

1 maintain a central computerized registry of all persons convicted  
2 of an animal abuse crime who are required to register in accordance  
3 with section four of this article, to be known as the West Virginia  
4 Animal Abuse Registry.

5 (b) The registry shall be updated based on information made  
6 available to the State Police, including information acquired in  
7 accordance with the registration provisions of section five of this  
8 article.

9 (c) The registry shall include the offender's name, the  
10 offender's residential address, the date and a description of the  
11 crime for which registration is required, and a photograph of the  
12 offender's head and shoulders from the front.

13 **§15-14-4. Persons required to register; when registration**  
14 **required.**

15 A person convicted of an animal abuse crime shall register  
16 with the State Police within ten days after the conviction.

17 **§15-14-5. Information to be supplied to the State Police; State**  
18 **Police to obtain photograph; updates to information**  
19 **required.**

20 (a) A registrant shall provide the State Police with the  
21 registrant's legal name, the registrant's current address or  
22 location, the crime of which the registrant was convicted, and the

1 date and location of the crime.

2 (b) The State Police shall obtain a photograph of the  
3 registrant's head and shoulders from the front.

4 (c) A person required to register under this article shall  
5 update the information and reflect any change in name or address  
6 within ten days of the change.

7 **§15-14-6. Registrant to pay fee; fees remitted to State Treasurer.**

8 (a) In addition to any fine, fee, or penalty levied or imposed  
9 as provided by law, each registrant shall pay an annual  
10 registration fee of \$50.

11 (b) The State Police shall collect and remit the annual  
12 registration fees required under subsection (a) of this section to  
13 the State Treasurer for deposit into the fund.

14 **§15-14-7. Central Abuse Registry Fund created.**

15 (a) There is hereby created in the State Treasury a special  
16 revenue account designated the Central Abuse Registry Fund which  
17 shall consist of money deposited into the fund from annual  
18 registration fees collected under section six of this article, fees  
19 collected by other abuse registries and moneys appropriated by the  
20 Legislature. Additional financial support may come from gifts,  
21 grants, contributions, bequests and endowment either public or  
22 private.

23 (b) Funds appropriated to the fund in accordance with this

1 section that remain unallocated or unexpended at the end of a  
2 fiscal year do not expire, but remain in the line item to which  
3 they were originally appropriated and are available in the next  
4 fiscal year to be used for the purposes of operating and  
5 maintaining the Animal Abuse Registry authorized by this article  
6 and other abuse registries operated by the State Police.

7 (c) Expenditures from the fund may be made from collections  
8 and may only be used to pay for expenses of administering the  
9 Animal Abuse Registry as provided in this article and other abuse  
10 registries operated by the State Police.

11 **§15-14-8. Registry information to be made public.**

12 The State Police shall make information contained in the West  
13 Virginia Animal Abuse Registry available to the public through the  
14 Internet, by telephone, by written access and in person.

15 **§15-14-9. Appeal of level of danger; court-ordered removal of**  
16 **registration upon certain finding.**

17 (a) A person convicted of an animal abuse crime who would  
18 otherwise be required to register under section four of this  
19 article may appeal to the circuit court for a determination of the  
20 level of danger posed by the offender.

21 (b) The circuit court may make a finding that the  
22 circumstances of the crime, in conjunction with the offender's  
23 criminal history, do not indicate a risk of reoffending by the

1 offender or that the offender is a danger to the public. The  
2 circuit court shall specify in writing the reasons for its finding.  
3 On making its finding as described herein, the circuit court shall  
4 notify the offender and, if the finding is in the offender's favor,  
5 order the State Police to remove the offender's registration  
6 information from the registry.

7 **§15-14-10. Acts required by a person subject to registration;**  
8 **penalties.**

9 (a) A person who is subject to registration under section four  
10 of this article may not knowingly fail to:

11 (1) Register with the State Police; or

12 (2) Provide accurate information when registering under  
13 section five of this article.

14 (b) A person who violates this section:

15 (1) For a first offense, is guilty of a misdemeanor and, upon  
16 conviction, shall be fined not more than \$1,000 or confined in jail  
17 not more than six months, or both fined and confined; and

18 (2) For a second or subsequent offense, is guilty of a  
19 misdemeanor and, upon conviction, shall be fined not more than  
20 \$5,000 or confined in jail not more than one year, or both fined  
21 and confined.

22 **§15-14-11. Duties of animal breeders and owners or managers of**  
23 **animal shelters or pet stores; penalties.**

1 (a) Animal breeders and owners or managers of animal shelters  
2 and pet stores in this state shall determine whether the name and  
3 address of a person seeking to purchase or adopt an animal appears  
4 on the registry.

5 (b) An animal breeder, or owner or manager responsible for an  
6 animal shelter or a pet store may not knowingly offer, sell,  
7 deliver, give or provide an animal to a person registered on the  
8 registry.

9 (c) A person violating provisions of this section is guilty of  
10 a misdemeanor and, upon conviction, is subject to:

11 (1) For a first offense, a fine not exceeding \$1,000; or

12 (2) For a second or subsequent offense, a fine not exceeding  
13 \$10,000.

NOTE: The purpose of this bill is to establish a West Virginia Animal Abuse Registry requiring registration of persons convicted of certain crimes of animal abuse. The bill defines terms, creates a registry of all persons convicted of animal abuse, requires all persons convicted of an abuse to register, sets forth the information to be provided when registering, requires a registrant to pay a fee, creates the Central Abuse Registry Fund, determines how the money in the fund will be used, requires the registry information to be public, provides an exception from the registration requirement, provides criminal penalties, and sets forth duties of animal breeders, animal shelters and pet stores.

This article is new. therefore, strike-throughs and underscoring have been omitted.