

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2181

FISCAL
NOTE

By Delegate Skaff

[Introduced January 11, 2023; Referred to the
Committee on Agriculture and Natural Resources
then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §15-15-1, relating to establishing an animal abuser registry; establishing
 3 requirements for registration; directing the State Police to establish and maintain a state
 4 registry; providing what crimes require registration; requiring each law-enforcement
 5 agency to submit information relating to convicted animal abusers; and establishing a
 6 criminal penalty for failure to register;

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. ANIMAL ABUSER REGISTRY.

§15-15-1. Animal Abuser registry.

1 (a) For purposes of this section, "animal abuser" means a person 18 years of age or older
 2 who has been convicted of a felony violation of §19-20-12, §61-8-9, §61-8-9a, or §61-8-9b of this
 3 code, or of a comparable statute of another state.

4 (b) Any animal abuser present within the boundaries of the state for more than 10
 5 consecutive days shall register with the primary law-enforcement agency for the locality in which
 6 the animal abuser is located before the end of the 11th day in the state. Any previously registered
 7 animal abuser shall reregister with the primary law-enforcement agency for the locality in which
 8 the animal abuser is located no later than 10 days after moving to a new location within the state.

9 (c) When an animal abuser registers with a primary law-enforcement agency, he or she
 10 shall provide the following registration information:

11 (1) The legal name and any other names or aliases that the animal abuser is using or has
 12 used;

13 (2) The date of birth of the animal abuser;

14 (3) The Social Security number of the animal abuser;

15 (4) The current address or location of the animal abuser;

16 (5) The place of employment of the animal abuser; and

17 (6) The animal protection offense for which the animal abuser was convicted and the date

18 and place of conviction.

19 (d) When an animal abuser registers with the primary law-enforcement agency of a locality,
20 the agency shall obtain a photograph of the animal abuser, a complete set of his or her
21 fingerprints, and a description of any tattoos, scars, or other distinguishing features on his or her
22 body that would assist in identifying him or her.

23 (e) Following an animal abuser's initial registration pursuant to the provisions of this
24 section, he or she shall annually renew his or her registration with the primary law-enforcement
25 agency of the locality prior to December 31 of each subsequent calendar year for a period of 15
26 years.

27 (f) Any person required to register pursuant to this article who knowingly provides
28 materially false information or who refuses to provide accurate information when so required by
29 the terms of this article, or who knowingly fails to register or knowingly fails to provide a change in
30 any required information as required by this article, is guilty of a misdemeanor and, upon
31 conviction thereof, shall be imprisoned in a state correctional facility for not more than one year.
32 Any person convicted of a second or subsequent offense under this subsection is guilty of a felony
33 and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than
34 one nor more than five years.

35 (g) The primary law-enforcement agency of each locality shall maintain a local registry of
36 animal abusers in the agency's jurisdiction required to register pursuant to this section. The
37 agency shall forward all registration information obtained from animal abusers to the State Police
38 within 10 days of receiving initial registration information from an animal abuser, the agency shall
39 contact each residence, school, humane society, animal shelter, and business within one-half mile
40 of the animal abuser's residence or location and provide it with the animal abuser's registration
41 information, with the exception of his or her Social Security number.

42 (h) The State Police shall maintain a central registry of animal abusers required to register
43 pursuant to the provisions of this section. Records of each animal abuser's registration shall be

44 maintained for the duration of the 15-year period in which he or she is required to be registered. All
45 of the information contained in the central registry, with the exception of the Social Security
46 numbers of animal abusers, shall be made available to the public through internet access,
47 telephone access, written access, and in-person access.

NOTE: The purpose of this bill is to establish a state animal abuse register; the bill requires all those convicted of animal abuse to register and directs the State Police to maintain a registry of registered animal abusers; and establishes criminal penalty for failure to register.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.