

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2979

By Delegates Mallow, Heckert, Marple, DeVault,

Miller, and T. Clark

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Committee on the Judiciary]

19 (8) §61-14-2, §61-14-5, and §61-14-6 of this code: *Provided*, That as to §61-14-2 of this
20 code only those violations involving human trafficking for purposes of sexual servitude require
21 registration pursuant to this subdivision.

22 (c) Any person who has been convicted of a criminal offense where the sentencing judge
23 made a written finding that the offense was sexually motivated shall also register as set forth in this
24 article.

25 (d) A person required to register under the provisions of this article shall register in person
26 at the West Virginia State Police detachment responsible for covering the county of his or her
27 residence, and in doing so, provide or cooperate in providing, at a minimum, the following when
28 registering:

29 (1) The full name of the registrant, including any aliases, nicknames, or other names used
30 by the registrant;

31 (2) The address where the registrant intends to reside or resides at the time of registration,
32 the address of any habitable real property owned or leased by the registrant that he or she
33 regularly visits: *Provided*, That a post office box may not be provided in lieu of a physical
34 residential address, the name and address of the registrant's employer or place of occupation at
35 the time of registration, the names and addresses of any anticipated future employers or places of
36 occupation, the name and address of any school or training facility the registrant is attending at the
37 time of registration and the names and addresses of any schools or training facilities the registrant
38 expects to attend;

39 (3) The registrant's Social Security number;

40 (4) A full-face photograph of the registrant at the time of registration;

41 (5) A brief description of the crime or crimes for which the registrant was convicted;

42 (6) The registrant's fingerprints and palm prints;

43 (7) Information related to any motor vehicle, all terrain vehicle, utility terrain vehicle, trailer,
44 or motor home owned or regularly operated by a registrant, including vehicle make, model, color,

45 and license plate number: *Provided*, That for the purposes of this article, the term "trailer" means
46 travel trailer, fold-down camping trailer, and house trailer as those terms are defined in §17A-1-1 of
47 this code;

48 ~~(8) Information relating to any Internet accounts the registrant has and the screen names,~~
49 ~~user names, or aliases the registrant uses on the Internet;~~ Any "online identifier" used by the
50 registrant, which includes:

51 (A) Any email address information, instant message, or chat information;

52 (B) A social networking platform account name or identifier;

53 (C) Any identifier used for communicating on a mobile application or internet website;

54 (D) A mobile telephone number;

55 (E) Any mobile device identification information; and

56 (F) Any other similar internet communication name.

57 The registrant shall permit inspection of his or her mobile device to verify all identifiers for
58 mobile applications used by the registrant are provided.

59 (9) Information related to any telephone or electronic paging device numbers that the
60 registrant has or uses, including, but not limited to, residential, work, and mobile telephone
61 numbers;

62 (10) A photocopy of a valid driver's license or government-issued identification card,
63 including a tribal identification card;

64 (11) A photocopy of any passport and immigration documents;

65 (12) A photocopy of any professional licensing information that authorizes the registrant to
66 engage in an occupation or carry out a trade or business; and

67 (13) Any identifying information, including make, model, serial number, and photograph,
68 regarding any unmanned aerial vehicle owned or operated by a registrant.

69 (e) (1) On the date that any person convicted or found not guilty by reason of mental
70 illness, mental retardation, or addiction of any of the crimes listed in §15-12-2(b) of this code,

71 hereinafter referred to as a "qualifying offense", including those persons who are continuing under
72 some post-conviction supervisory status, are released, granted probation or a suspended
73 sentence, released on parole, probation, home detention, work release, conditional release or any
74 other release from confinement, the Commissioner of Corrections, regional jail administrator, city
75 official, or sheriff operating a jail or Secretary of the Department of Health Facilities who releases
76 the person and any parole or probation officer who releases the person or supervises the person
77 following the release shall obtain all information required by §15-12-2(d) of this code prior to the
78 release of the person, inform the person of his or her duty to register, and send written notice of the
79 release of the person to the State Police within three business days of receiving the information.
80 The notice must include the information required by §15-12-2(d) of this code. Any person having a
81 duty to register for a qualifying offense shall register upon conviction, unless that person is
82 confined or incarcerated, in which case he or she shall register within three business days of
83 release, transfer, or other change in disposition status. Any person currently registered who is
84 incarcerated for any offense shall re-register within three business days of his or her release.

85 (2) Notwithstanding any provision of this article to the contrary, a court of this state shall,
86 upon presiding over a criminal matter resulting in conviction or a finding of not guilty by reason of
87 mental illness, mental retardation, or addiction of a qualifying offense, cause, within 72 hours of
88 entry of the commitment or sentencing order, the transmittal to the sex offender registry for
89 inclusion in the registry all information required for registration by a registrant as well as the
90 following nonidentifying information regarding the victim or victims:

- 91 (A) His or her sex;
- 92 (B) His or her age at the time of the offense; and
- 93 (C) The relationship between the victim and the perpetrator.

94 The provisions of this subdivision do not relieve a person required to register pursuant to
95 this section from complying with any provision of this article.

96 (f) For any person determined to be a sexually violent predator, the notice required by §15-

97 12-2(d) of this code must also include:

98 (1) Identifying factors, including physical characteristics;

99 (2) History of the offense; and

100 (3) Documentation of any treatment received for the mental abnormality or personality
101 disorder.

102 (g) At the time the person is convicted or found not guilty by reason of mental illness,
103 mental retardation, or addiction in a court of this state of the crimes set forth in §15-12-2(b) of this
104 code, the person shall sign in open court a statement acknowledging that he or she understands
105 the requirements imposed by this article. The court shall inform the person so convicted of the
106 requirements to register imposed by this article and shall further satisfy itself by interrogation of the
107 defendant or his or her counsel that the defendant has received notice of the provisions of this
108 article and that the defendant understands the provisions. The statement, when signed and
109 witnessed, constitutes prima facie evidence that the person had knowledge of the requirements of
110 this article. Upon completion of the statement, the court shall provide a copy to the registry.
111 Persons who have not signed a statement under the provisions of this subsection and who are
112 subject to the registration requirements of this article must be informed of the requirement by the
113 State Police whenever the State Police obtain information that the person is subject to registration
114 requirements.

115 (h) The State Police shall maintain a central registry of all persons who register under this
116 article and shall release information only as provided in this article. The information required to be
117 made public by the State Police by §15-12-5(b)(2) of this code is to be accessible through the
118 Internet. Information relating to telephone or electronic paging device numbers a registrant has or
119 uses may not be released through the Internet.

120 (i) For the purpose of this article, "sexually violent offense" means:

121 (1) Sexual assault in the first degree as set forth in §61-8B-3 of this code, or of a similar
122 provision in another state, federal, or military jurisdiction;

123 (2) Sexual assault in the second degree as set forth §61-8B-4 of this code, or of a similar
124 provision in another state, federal, or military jurisdiction;

125 (3) Sexual assault of a spouse as set forth in the former provisions of §61-8B-6 of this
126 code, which was repealed by an act of the Legislature during the 2000 legislative session, or of a
127 similar provision in another state, federal, or military jurisdiction;

128 (4) Sexual abuse in the first degree as set forth in §61-8B-7 of this code, or of a similar
129 provision in another state, federal, or military jurisdiction;

130 (j) For purposes of this article, the term "sexually motivated" means that one of the
131 purposes for which a person committed the crime was for any person's sexual gratification.

132 (k) For purposes of this article, the term "sexually violent predator" means a person who
133 has been convicted or found not guilty by reason of mental illness, mental retardation, or addiction
134 of a sexually violent offense and who suffers from a mental abnormality or personality disorder that
135 makes the person likely to engage in predatory sexually violent offenses.

136 (l) For purposes of this article, the term "mental abnormality" means a congenital or
137 acquired condition of a person that affects the emotional or volitional capacity of the person in a
138 manner that predisposes that person to the commission of criminal sexual acts to a degree that
139 makes the person a menace to the health and safety of other persons.

140 (m) For purposes of this article, the term "predatory act" means an act directed at a
141 stranger or at a person with whom a relationship has been established or promoted for the primary
142 purpose of victimization.

143 (n) For the purposes of this article, the term "business days" means days exclusive of
144 Saturdays, Sundays, and legal holidays as defined in §2-2-1 of this code.

NOTE: The purpose of this bill is to require registrant to Sex Offender Registry to provide all online identifiers from internet and mobile application accounts; to permit State Police to inspect mobile phone to verify accuracy of information; and to requiring registrant provide information about All Terrain Vehicles and Utility Terrain Vehicles operated by the registrant.

Strike-throughs indicate language that would be stricken from a heading or the present law

and underscoring indicates new language that would be added.