

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 3316**

By Delegates Flanigan and Ridenour

[Introduced March 12, 2025; referred to the  
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §15-12-3b, relating to the sex offender registration act; and providing a sexual  
3 offender convicted of a misdemeanor sexual abuse in the third degree and registered on  
4 the sex offender registry to petition to have their information removed after certain  
5 requirements are met.

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

## **ARTICLE 12. SEX OFFENDER REGISTRATION ACT.**

### **§15-12-3b. Petition for removal from registration.**

1 (a) Any registrant convicted of a misdemeanor offense sexual abuse in the third degree  
2 pursuant to §61-8B-9 of this code, may petition the original sentencing court to have his or her  
3 name and information removed from the public list. The petition shall not be filed prior to the  
4 completion of all the terms and conditions of the sentence and in no case earlier than 10 years  
5 after the date of release. The petition shall be accompanied by a risk assessment prepared by a  
6 qualified psychiatrist or psychologist at the offender's expense. The court may grant the petition if  
7 the offender has not been convicted of any felony, misdemeanor, sex offense, or offense against a  
8 child, has successfully completed any periods of supervised release, probation, or parole, and has  
9 successfully completed an appropriate sex offender treatment program as determined by the  
10 court. If the court denies the petition, the offender shall not file another petition for 10 years from  
11 the date of denial.

12 (b) Prior to granting any petition to remove a registrant from the public list, the court shall  
13 provide notice to the county prosecuting attorney who prosecuted the case, the victim advocate,  
14 and the victim or victim's family, and permit those parties to be heard on the petition. Prior to any  
15 release, probation, or parole, has successfully completed an appropriate sex offender treatment  
16 decision granting the application, the court shall provide the victim with the opportunity to address  
17 the court. The victim may appear personally, or by counsel, or may provide a written statement to  
18 reasonably express his or her views concerning the offense, the person responsible, and the need

19 for maintaining the registration requirement. The judge shall consider the statements of the victim  
20 pursuant to this section when making a decision regarding the application. The judge shall grant  
21 the application, after a hearing, only where, in the opinion of the court, removal from the  
22 registration requirements will assist the individual in the individual's rehabilitation and will be  
23 consistent with the public welfare.

24 (c) The court may grant the petition if the registrant has not been convicted of any  
25 subsequent offense requiring registration, has successfully completed any period of supervised  
26 program as determined by the court, and has demonstrated that he or she is no longer a danger to  
27 the public and no longer poses a risk sufficient to justify continued registration. If the court denies  
28 the petition, the offender shall not file another petition for 10 years from the date of denial.

NOTE: The purpose of this bill is to allow a person convicted of the misdemeanor sexual abuse in the third degree to petition to have their information removed after certain requirements are met.

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