

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5016**

By Delegates Pinson, Chiarelli, Young, and B. Ward

[Introduced February 02, 2026; referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended, and by  
2 adding a new section, designated §15-12-1b, relating to the registration requirements in  
3 the Sex Offender Registration Act; providing for definitions; and clarifying how those  
4 required to register sex offenders, who have no permanent residence, can satisfy their  
5 legal obligation.

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

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

### **§15-12-1b. Definitions.**

1 As used in this article:

2 (1) "Business days" means days exclusive of Saturdays, Sundays, and legal holidays as  
3 defined in §2-2-1 of this code.

4 (2) "Mental abnormality" means a congenital or acquired condition of a person that affects  
5 the emotional or volitional capacity of the person in a manner that predisposes that person to the  
6 commission of criminal sexual acts to a degree the makes the person a menace to the health and  
7 safety of other persons.

8 (3) "Predatory act" means an act directed at a stranger or at a person with whom a  
9 relationship has been established or promoted for the primary purpose of victimization.

10 (4) "Sexually motivated" means that one of the purposes for which a person committed the  
11 crime was for any person's sexual gratification.

12 (5) "Sexually violent offense" means:

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

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

17 (C) Sexual assault of a spouse as set forth in the former provisions of §61-8B-6 of this  
18 code, which was repealed by an act of the Legislature during the 2000 legislative session, or of a

similar provision in another state, federal, or military jurisdiction; or

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

(6) "Sexually violent predator" means a person who has been convicted or found not guilty by reason of mental illness, mental retardation, or addiction of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

(7) "Transient residence" means a location where a person lives, or is located for a period of three or more days in the aggregate during a calendar year, and which is not the person's temporary or permanent address. The term includes, but is not limited to, a place where the person sleeps or receives shelter, and a location that has no specific street address.

<b>ARTICLE</b>	<b>12.</b>	<b>SEX</b>	<b>OFFENDER</b>	<b>REGISTRATION</b>	<b>ACT.</b>
<b>§15-12-2.</b>	<b>Registration;</b>	<b>fees</b>	<b>and</b>	<b>use</b>	<b>thereof.</b>

(a) The provisions of this article apply both retroactively and prospectively.

(b) Any person who has been convicted of an offense or an attempted offense or has been found not guilty by reason of mental illness, mental retardation, or addiction of an offense under any of the following provisions of this code or under a statutory provision of another state, the United States Code or the Uniform Code of Military Justice which requires proof of the same essential elements shall register as set forth in §15-12-2(d) of this code and according to the internal management rules promulgated by the superintendent under authority of §15-2-25 of this code:

(1) §61-8A-1 *et seq.* of this code;

(2) §61-8B-1 *et seq.* of this code;

(3) The provisions of former §61-8B-6 of this code, relating to the offense of sexual assault of a spouse, which was repealed by an act of the Legislature during the 2000 legislative session;

(4) §61-8C-1 *et seq.* of this code;

(5) §61-8D-5 and §61-8D-6 of this code;

(6) §61-2-14(a) of this code;

(7) §61-8-6, §61-8-7, §61-8-12, and §61-8-13 of this code;

(8) §61-3C-14b of this code, as it relates to violations of those provisions of chapter 61 listed in this subsection; or

(9) §61-14-2, §61-14-5, and §61-14-6 of this code: *Provided*, That as to §61-14-2 of this code only those violations involving human trafficking for purposes of sexual servitude require registration pursuant to this subdivision.

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

(d) A person required to register under the provisions of this article shall register in person at the West Virginia State Police detachment responsible for covering the county of his or her residence, and ensure their information is updated within 10 days of any registration change. and ~~in~~ In doing so, provide or cooperate in providing, at a minimum, the following when registering or updating:

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

(2) The address where the registrant intends to reside or resides at the time of registration if no permanent address or temporary address exists, any transient residence within the state;

~~(3) the~~ The address of any habitable real property owned or leased by the registrant that he or she regularly visits: *Provided*, That a post office box may not be provided in lieu of a physical residential address, the name and address of the registrant's employer or place of occupation at the time of registration, the names and addresses of any anticipated future employers or places of occupation, the name and address of any school or training facility the registrant is attending at the time of registration and the names and addresses of any schools or training facilities the registrant

expects to attend;

~~(3)~~ (4) The registrant's Social Security number;

~~(4)~~ (5) A full-face photograph of the registrant at the time of registration;

~~(5)~~ (6) A brief description of the crime or crimes for which the registrant was convicted;

~~(6)~~ (7) The registrant's fingerprints and palm prints;

~~(7)~~ (8) Information related to any motor vehicle, trailer, or motor home owned or regularly operated by a registrant, including vehicle make, model, color, and license plate number:

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

~~(8)~~ (9) Information relating to any Internet accounts the registrant has and the screen names, user names, or aliases the registrant uses on the Internet;

~~(9)~~ (10) Information related to any telephone or electronic paging device numbers that the registrant has or uses, including, but not limited to, residential, work, and mobile telephone numbers;

~~(10)~~ (11) A photocopy of a valid driver's license or government-issued identification card, including a tribal identification card;

~~(11)~~ (12) A photocopy of any passport and immigration documents;

~~(12)~~ (13) A photocopy of any professional licensing information that authorizes the registrant to engage in an occupation or carry out a trade or business; and

~~(13)~~ (14) Any identifying information, including make, model, serial number, and photograph, regarding any unmanned aerial vehicle owned or operated by a registrant.

(e) (1) On the date that any person convicted or found not guilty by reason of mental illness, mental retardation, or addiction of any of the crimes listed in §15-12-2(b) of this code, hereinafter referred to as a "qualifying offense", including those persons who are continuing under some post-conviction supervisory status, are released, granted probation or a suspended sentence, released on parole, probation, home detention, work release, conditional release or any

66 other release from confinement, the Commissioner of Corrections and Rehabilitation, regional jail  
67 ~~administrator~~ supervisor, city official, or sheriff operating a jail or Secretary of the Department of  
68 Health Facilities who releases the person and any parole or probation officer who releases the  
69 person or supervises the person following the release shall obtain all information required by §15-  
70 12-2(d) of this code prior to the release of the person, inform the person of his or her duty to  
71 register, and send written notice of the release of the person to the State Police within three  
72 business days of receiving the information. The notice must include the information required by  
73 §15-12-2(d) of this code. Any person having a duty to register for a qualifying offense shall register  
74 upon conviction, unless that person is confined or incarcerated, in which case he or she shall  
75 register within three business days of release, transfer, or other change in disposition status. Any  
76 person currently registered who is incarcerated for any offense shall re-register within three  
77 business days of his or her release.

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

84 (A) His or her sex;

85 (B) His or her age at the time of the offense; and

86 (C) The relationship between the victim and the perpetrator.

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

89 (f) For any person determined to be a sexually violent predator, the notice required by §15-  
90 12-2(d) of this code must also include:

91 (1) Identifying factors, including physical characteristics;

92 (2) History of the offense; and

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(o)~~ (i) A person required to register pursuant to this article shall pay an annual fee of \$125, to be paid between January 1 and June 30 of each year. The annual fee shall be paid to the circuit clerk of the circuit court where the registrant currently resides, and the registrant will provide written proof of payment of the annual fee within ten days of the payment to the State Police detachment monitoring the registrant. The circuit clerk shall compile and maintain a record of any payment made by a registrant to which the State Police shall have access. The circuit clerk shall



144 remit the entirety of a payment made pursuant to this subsection to the state treasurer who shall  
145 deposit these funds into the State Treasury and credit said funds to the account of the State Police.  
146 The State Police is hereby authorized to utilize the funds collected from these annual fees, first to  
147 enhance mental health services for current and former employees of the West Virginia State  
148 Police, including but not limited to hiring, or contracting, mental health professionals, conducting  
149 periodic educational seminars, meetings, training or conferences addressing mental health issues  
150 that affect persons that are, or have been, employed as law enforcement, and then for any other  
151 use essential to the general operations of the State Police: *Provided*, That failure to pay the annual  
152 fee, or provide proof of payment of the annual fee, pursuant to this subsection may not be  
153 considered a violation of the person's supervised release: *Provided, however*, That written notice  
154 by the State Police served upon the registrant, by certified mail at the last address provided by the  
155 registrant, stating that that the annual fee has not been paid, may be recorded 30 days after the  
156 notice was received by the registrant in the office of the county clerk where the person required to  
157 register resides. This notice shall have the effect of a judgment and shall be recorded and indexed  
158 by the county clerk in the judgment lien docket. This judgment lien will be released by the State  
159 Police within 30 days upon full and complete payment by the registrant. Written verification of the  
160 release of the lien shall be provided to the registrant at the address last provided by the registrant.

NOTE: The purpose of this bill is to clarify how those required to register sex offenders, who have no permanent residence, can satisfy their legal obligation.

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