

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5176

**FISCAL
NOTE**

By Delegates Akers, Hornby, Martin, Linville, Ferrell,
McGeehan, Heckert, Browning, Moore, Campbell,
and Maynor

[Introduced February 04, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §15-2F-1, relating to creating the animal abuse database within the West
3 Virginia State Police; specifying qualifying offenses for inclusion in the database; requiring
4 certain information to be included in the animal abuse database; creating a fee for inclusion
5 in the animal abuse database; providing for disposition of the fees in a special revenue
6 account of the State Police; requiring reporting of certain convictions by prosecuting
7 attorneys; and providing procedures for removal from the animal abuse database.

Be it enacted by the Legislature of West Virginia:

<u>ARTICLE</u>	<u>2F.</u>	<u>ANIMAL</u>	<u>ABUSE</u>	<u>DATABASE.</u>
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<u>§15-2F-1.</u>	<u>Animal</u>	<u>abuse</u>	<u>database.</u>
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1 (a) The State Police shall establish an animal abuse database which shall be posted on its
2 website, in a searchable format prescribed by the superintendent, the names of those individuals
3 who have been convicted of, or who have entered a plea of guilty or nolo contendere to, a violation
4 of §19-20-24, §61-8-19, §61-8-19a, §61-8-19b, or §61-8-19c of this code.

5 (b) The animal abuse database shall contain the following information:

6 (1) The individual's full name; and

7 (2) Identification of the criminal offense constituting animal abuse.

8 (c) Upon conviction in the criminal courts of this state of a misdemeanor or a felony offense
9 enumerated in subsection (a) of this section, the individual so convicted shall be listed in the
10 animal abuse database.

11 (d) A person required to be listed in the animal abuse database pursuant to this section
12 shall pay an annual fee of \$125, to be paid between January 1 and January 30 of each year. The
13 annual fee shall be paid to the State Police detachment in the county where the person currently
14 resides. The State Police shall compile and maintain a record of any payment made by a person
15 pursuant to the provisions of this section, and the fees collected shall be deposited in the West
16 Virginia State Police Criminal Justice Information Services Fund created in §15-2-3 of this code.

17 The State Police is hereby authorized to utilize the funds collected from these annual fees, to
18 defray the cost of maintaining the animal abuse database: Provided, That failure to pay the annual
19 fee, or provide proof of payment of the annual fee, pursuant to this subsection may not be
20 considered a violation of the person's supervised release: Provided, however, That written notice
21 by the State Police served upon the person, by certified mail at the last address provided by the
22 person, stating that that the annual fee has not been paid, may be recorded 30 days after the
23 notice was received by the person in the office of the county clerk where the person listed on the
24 animal abuse database resides. This notice shall have the effect of a judgment and shall be
25 recorded and indexed by the county clerk in the judgment lien docket. This judgment lien will be
26 released by the State Police within 30 days upon full and complete payment by the person.
27 Written verification of the release of the lien shall be provided to the person at the address last
28 provided by the person.

29 (e) The prosecuting attorneys in each of the 55 counties within the state, upon conviction of
30 a misdemeanor, a felony, or a lesser included misdemeanor offense for those specific offenses set
31 forth in subsection (a) of this section, shall report the conviction to the State Police, together with
32 additional information, provided in a form, as may be required for purposes of inclusion on the
33 animal abuse database. Reporting procedures shall be developed by the State Police in
34 conjunction with the Prosecuting Attorneys Institute and the office of the administrator of the
35 Supreme Court of Appeals.

36 (f)(1) Any person convicted of a qualifying offense as set forth in subsection (a) of this
37 section may petition for removal from the animal abuse database on the grounds that the
38 qualifying conviction that resulted in inclusion on the list has been vacated or overturned following
39 appeal by a court having jurisdiction, where the record of a conviction is expunged by a court
40 having jurisdiction, or in cases where the person so convicted is granted executive clemency with
41 respect to the conviction.

42 (2) The person seeking removal from the animal abuse database, either individually or

43 through an attorney, may petition the circuit court of the judicial district where the qualifying
44 conviction was obtained for removal. A copy of the petition for removal shall be served on the
45 prosecuting attorney for the judicial district in which the qualifying conviction was obtained not less
46 than 20 days prior to the date of the hearing on the petition. A certified copy of the order vacating,
47 reversing, or expunging the conviction, or documents reflecting the grant of executive clemency,
48 shall be attached to an order of removal.

49 (3) Upon receipt of an order of removal from the animal abuse database, the State Police
50 shall remove the applicable name from the list and all other identifiable information from the animal
51 abuse database covered by the order. If the individual has more than one entry in the animal
52 abuse database and databank, then only the entry covered by the applicable order shall be
53 deleted from the animal abuse database.

NOTE: The purpose of this bill is to create the animal abuse database within the West Virginia State Police.

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