

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 5176

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

[Originating in the Committee on the Judiciary;

Reported on February 12, 2026]

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; providing procedures for removal from the animal abuse database; and creating
8 certain immunities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2F. ANIMAL ABUSE DATABASE.
§15-2F-1. Animal abuse database.

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, §61-3E-6, §61-8-19, §61-8-19a, §61-8-19b, §61-8-19c, or §61-8-20 of this code.

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

6 (1) The individual's full legal name and date of birth; and

7 (2) Identification of the criminal offense constituting animal abuse and the county in which
8 the offense occurred.

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

12 (d) A person required to be listed in the animal abuse database pursuant to this section
13 shall pay an annual fee of \$125, to be paid between January 1 and January 30 of each year. The
14 annual fee shall be paid to the State Police detachment in the county where the person currently
15 resides. The State Police shall compile and maintain a record of any payment made by a person

16 pursuant to the provisions of this section, and the fees collected shall be deposited in the West
17 Virginia State Police Criminal Justice Information Services Fund created in §15-2-3 of this code.
18 The State Police is hereby authorized to utilize the funds collected from these annual fees, to
19 defray the cost of maintaining the animal abuse database: *Provided*, That failure to pay the annual
20 fee, or provide proof of payment of the annual fee, pursuant to this subsection may not be
21 considered a violation of the person's supervised release: *Provided, however*, That written notice
22 by the State Police served upon the person, by certified mail at the last address provided by the
23 person, stating that that the annual fee has not been paid, may be recorded 30 days after the
24 notice was received by the person in the office of the county clerk where the person listed on the
25 animal abuse database resides. This notice shall have the effect of a judgment and shall be
26 recorded and indexed by the county clerk in the judgment lien docket. This judgment lien will be
27 released by the State Police within 30 days upon full and complete payment by the person.
28 Written verification of the release of the lien shall be provided to the person at the address last
29 provided by the person.

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

37 (f) *Petition for removal.*

38 (1) Any person convicted of a qualifying offense as set forth in subsection (a) of this section
39 may petition for removal from the animal abuse database on the grounds that the qualifying
40 conviction that resulted in inclusion on the list has been expunged or set aside, or that the person
41 has received an unconditional pardon for the qualifying conviction.

42 (2) Any person may also petition for removal from the animal abuse database five years
43 after a conviction of a qualifying misdemeanor offense and 15 years after a conviction of a
44 qualifying felony offense: *Provided*, that the burden of proof shall be on the petitioner to prove by
45 clear and convincing evidence:

46 (A) That the requisite time has passed since the conviction;

47 (B) That the petitioner has no other criminal charges pending against him or her which
48 would result in inclusion on the animal abuse database;

49 (C) That the removal is consistent with the public welfare;

50 (D) That the petitioner has, by his or her behavior since the conviction or convictions,
51 evidenced that he or she has been rehabilitated and is law-abiding; and

52 (E) Any other facts considered appropriate or necessary by the court to make a
53 determination regarding the petition for removal.

54 (3) The person seeking removal from the animal abuse database, either individually or
55 through an attorney, may petition the circuit court of the judicial district where the qualifying
56 conviction was obtained for removal. A copy of the petition for removal shall be served on the
57 prosecuting attorney for the judicial district in which the qualifying conviction was obtained not less
58 than 20 days prior to the date of the hearing on the petition. A certified copy of the order vacating,
59 reversing, or expunging the conviction, or documents reflecting the grant of executive clemency, or
60 any other information required by the court, shall be attached to an order of removal.

61 (4) Upon receipt of an order of removal from the animal abuse database, the State Police
62 shall remove the applicable name from the list and all other identifiable information from the animal
63 abuse database covered by the order. If the individual has more than one entry in the animal
64 abuse database and databank, then only the entry covered by the applicable order shall be
65 deleted from the animal abuse database.

66 (g)(1) An elected public official, public employee or public agency is immune from civil
67 liability for damages arising out of any action relating to the provisions of this section except when

68 the official, employee or agency acted with gross negligence or in bad faith.

69 (2) Any person, firm, corporation, or organization which sells or conveys animals is

70 immune from civil liability for damages arising out of any action or failure to act relating to the

71 information contained in the animal abuse database.