

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 5341

By Delegates Kyle, Parsons, Chiarelli, Browning,
Moore, Crouse, Leavitt, Drennan, Heckert, and
Funkhouser

[Originating in the Committee on the Judiciary;

Reported on February 18, 2026]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §15-17-1 and §15-17-2, relating to the creation of a domestic violence offender
3 registry; creating duties of the State Police to maintain the registry; creating duties of the
4 court clerks to process information required for the registry; specifying the crimes for which
5 a person must be placed on the registry; creating a fee for those persons required to
6 register; providing for removal from the registry; providing effective dates; clarifying that
7 crimes requiring registering must occur after the effective date; clarifying that prior crimes
8 may be used for enhancement and requirements to register; clarifying legislative intent;
9 creating a special revenue account; and providing for authorized use of funds in the special
10 revenue account.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. DOMESTIC VIOLENCE OFFENDER REGISTRY.

**§15-17-1. Domestic violence offender registry; persons required to register; procedures for
registration; fees; removal from registry; applicability.**

1 (a) There is created within the State Police a registry of domestic violence offenders.
2 (b) The State Police shall maintain this registry based upon information supplied to the
3 State Police by the court clerks pursuant to subsections (c) and (d) of this section and information
4 available to the State Police from the Division of Corrections and Rehabilitation and West Virginia
5 law enforcement agencies. The State Police shall make the registry available for public inquiry on
6 the internet.
7 (c) The registry must consist of the domestic violence offender's name, date of birth,
8 conviction date, county or counties of convictions, and a current photograph of the domestic
9 violence offender. If available after reasonable inquiry, the court clerk shall provide the State Police
10 with a copy of the domestic violence offender's driver license, or other state or federal
11 identification, and such other identifying data as the State Police determines is necessary to
12 properly identify the domestic violence offender and exclude innocent persons. However, the

registry available for public inquiry must not include the domestic violence offender's address, social security number, driver license number, or any other state or federal identification number.

(d)(1) If a person is convicted of an offense committed against an intimate partner as that term is defined in §48-26-210 of this code and the person convicted has at least one prior conviction for an offense committed against an intimate partner, then the court shall, upon proof of any prior convictions committed against an intimate partner, order the defendant to register as a domestic violence offender under this article. If a person is convicted of an offense committed against an intimate partner as that term is defined in §48-26-210 of this code and the offense was a sexual assault or sexual abuse as those terms are defined in §61-8B-1 *et seq.* and §61-8D-1 *et seq.* of this code, or if the offense resulted in serious bodily injury to the victim as that term is defined in §61-8B-1 of this code, then the court may order the defendant to register as a domestic violence offender under this article without proof of a prior conviction for an offense committed against an intimate partner.

(2) If a court orders a defendant to register under this article, then the court clerk shall forward to the State Police a certified copy of the qualifying conviction and the date of birth of the defendant. The court clerk shall forward the information to the State Police within seven days of the date of the conviction.

(e) In addition to any other punishment that may be imposed for a conviction of the offense, any person required to register under this article must be assessed a registration fee in the amount of \$150, which must be paid to the clerk of the court imposing the sentence, who shall:

(1) Remit \$50 of the fee to the State Treasury for deposit in the Family Court Fund established in §51-2A-22 of this code; and

(2) Remit \$100 of the fee to the State Treasury for deposit in the Domestic Violence Legal Services Fund established in §48-26-603 of this code for the purposes set forth in that section. The funding shall not revert to the general fund at the end of the fiscal year and must be carried forward for the purposes authorized by this subdivision.

39 (f)(1) The State Police shall remove from the registry the name and other identifying
40 information of a domestic violence offender required to register under this article:

41 (A) Five years after the date of the most recent conviction for an offense committed against
42 an intimate partner if the defendant has one prior conviction for an offense committed against an
43 intimate partner; and

44 (B) 10 years after the date of the most recent conviction for an offense committed against
45 an intimate partner if the defendant has two prior convictions for an offense committed against an
46 intimate partner or if the conviction was for a sexual assault or sexual abuse as those terms are
47 defined in §61-8B-1 et seq. and §61-8D-1 et seq. of this code, or resulted in serious bodily injury to
48 the victim as that term is defined in §61-8B-1 of this code.

49 (2) Notwithstanding the provisions of subdivision (1) of this subsection, any defendant shall
50 be registered for life if convicted of an offense committed against an intimate partner and the
51 defendant has three or more prior convictions for an offense committed against an intimate
52 partner.

53 (g) This section applies only to persons convicted of an offense committed against an
54 intimate partner that occurred on or after July 1, 2026; *Provided, However,* that a prior conviction is
55 not required to occur on or after July 1, 2026.

56 (h) An elected public official, public employee or public agency is immune from civil liability
57 for damages arising out of any action relating to the provisions of this section except when the
58 official, employee, or agency acted with gross negligence or in bad faith.

59 (i) It is the intent of the Legislature that this article apply primarily to offenses involving
60 intimate partner violence and patterns of abuse that pose an ongoing risk to victims and the public.
61 This article is not intended to apply to isolated or situational family conflicts that do not reflect such
62 ongoing risk.

§15-17-2. Victims of Domestic Violence Fund created; authorized expenditures.

2 The State Police Victims of Domestic Violence Fund is hereby created within the Treasury
3 of the state. The fund shall be administered by the superintendent and shall consist of all moneys
4 made available for the operations of the domestic violence registry from any source, including, but
5 not limited to, all fees, gifts, grants, bequests, or transfers from any source, any moneys that may
6 be appropriated and designated for the domestic violence registry by the Legislature and all
7 interest or other return earned from investment of the fund. Expenditures from the fund shall be for
8 the operations of the domestic violence registry and are not authorized from collections but are to
9 be made only in accordance with appropriation by the Legislature and in accordance with the
10 provisions of §12-3-1 et seq. of this code and upon the fulfillment of the provisions set forth in
11 §11B-2-1 et seq. of this code: *Provided*, That for the fiscal year ending June 30, 2027,
12 expenditures are authorized from collections rather than pursuant to an explicit appropriation by
13 the Legislature.