

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5413

FISCAL
NOTE

By Delegates Akers, Masters, Kimble, Mallow,
Flanigan, Jennings, Marple, Funkhouser, Shamblin,
Zatezalo, and Phillips

[Introduced February 10, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §15-2C-2 and §15-12-2 of the Code of West Virginia, 1931, as
 2 amended, relating to the Central Abuse Registry; paying fees; and obligations of the West
 3 Virginia State Police for the Central Abuse Registry.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2C. CENTRAL ABUSE REGISTRY.

§15-2C-2. Central Abuse Registry; required information; procedures; fees and use thereof.

1 (a) The Criminal Identification Bureau of the West Virginia State Police shall establish a
 2 Central Abuse Registry, to contain information relating to criminal convictions involving child
 3 abuse or neglect, abuse or neglect of an incapacitated adult or an adult receiving behavioral health
 4 services and misappropriation of property by individuals specified in subsection (b) of this section
 5 and information relating to individuals required to be registered as a sex offender.

6 (b) The Central Abuse Registry shall contain, at a minimum, information relating to:
 7 Convictions of a misdemeanor or a felony involving abuse, neglect or misappropriation of property,
 8 by an individual performing services for compensation, within the scope of the individual's
 9 employment or contract to provide services, in a residential care facility, in a licensed day care
 10 center in connection with providing behavioral health services, or in connection with the provision
 11 of home care services; information relating to individuals convicted of specific offenses
 12 enumerated in §15-2C-3 (a) of this code with respect to a child or an incapacitated adult or an adult
 13 receiving behavioral health services; information relating to all individuals required to register with
 14 the Child Abuse and Neglect Registry established pursuant to §15-13-1 *et seq.* of this code; and
 15 information relating to all individuals required to register with the West Virginia State Police as sex
 16 offenders pursuant to the provisions of §15-12-1 *et seq.* of this code. The Central Abuse Registry
 17 shall contain the following information:

18 (1) The individual's full name;

19 (2) Sufficient information to identify the individual, including date of birth, social security
 20 number and fingerprints if available;

21 (3) Identification of the criminal offense constituting abuse, neglect or misappropriation of
22 property of a child or an incapacitated adult or an adult receiving behavioral health services;

23 (4) For cases involving abuse, neglect or misappropriation of property of a child or an
24 incapacitated adult or an adult receiving behavioral health services in a residential care facility or a
25 day care center, or of a child or an incapacitated adult or an adult receiving behavioral health
26 services receiving home care services, sufficient information to identify the location where the
27 documentation of any investigation by the Department of Human Services is on file and the
28 location of pertinent court files; and

29 (5) Any statement by the individual disputing the conviction, if he or she chooses to make
30 and file one.

31 (c) Upon conviction in the criminal courts of this state of a misdemeanor or a felony offense
32 constituting child abuse or neglect or abuse or neglect of an incapacitated adult or an adult
33 receiving behavioral health services, the individual so convicted shall be placed on the Central
34 Abuse Registry.

35 (d) A person required to be placed on the Central Abuse Registry pursuant to this section
36 shall pay an annual fee of \$125, to be paid between January 1 and ~~January~~ June 30 of each year.
37 ~~The annual fee shall be paid to the circuit clerk of the circuit court where the registrant currently~~
38 ~~resides, and the registrant will provide written proof of payment of the annual fee within ten days of~~
39 ~~the payment to a State Police detachment located in the county where the registrant currently~~
40 ~~resides~~ State Police. The State Police shall provide the registrant with a written receipt of each
41 payment made by the registrant towards this annual fee. Once the annual fee is paid in full, the
42 State Police will provide the registrant with a receipt that specifically provides that the annual fee
43 contemplated in this article has been satisfied. ~~The circuit clerk~~ West Virginia State Police shall
44 compile and maintain a record of any payment made by a registrant to which the State Police shall
45 have access.

46 (e) ~~The circuit clerk~~ State Police shall remit the entirety of a payment of the annual fee,

47 made pursuant to this ~~subsection~~ section, to the state treasurer who shall deposit these funds into
 48 the State Treasury and credit said funds to the account of the State Police. The State Police is
 49 hereby authorized to utilize the funds collected from these annual fees, first to enhance mental
 50 health services for current and former employees of the West Virginia State Police, including but
 51 not limited to hiring, or contracting, mental health professionals, conducting periodic educational
 52 seminars, meetings, trainings or conferences addressing mental health issues that affect persons
 53 that are, or have been, employed as law enforcement, and then for any other use essential to the
 54 general operations of the State Police: *Provided*, That failure to pay the annual fee, or provide
 55 proof of payment of the annual fee, pursuant to this subsection may not be considered a violation
 56 of the person’s supervised release: *Provided, however, That a person required to register*
 57 pursuant to both this article and §15-12-2 of this code shall pay only one such annual fee of \$125,
 58 which fee shall satisfy the registration requirements and payment obligations under both articles:
 59 *Provided further*, That written notice by the State Police served upon the registrant, by certified
 60 mail at the last address provided by the registrant, stating that that the annual fee has not been
 61 paid, may be recorded 30 days after the notice was received by the registrant in the office of the
 62 county clerk where the person required to register resides. This notice shall have the effect of a
 63 judgment and shall be recorded and indexed by the county clerk in the judgment lien docket. This
 64 judgment lien will be released by the State Police within 30 days upon full and complete payment
 65 by the registrant. The State Police shall provide written verification of the release of the lien ~~shall~~
 66 ~~be provided~~ to the registrant at the ~~address~~ last address provided by the registrant.

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

- 1 (a) The provisions of this article apply both retroactively and prospectively.
- 2 (b) Any person who has been convicted of an offense or an attempted offense or has been
- 3 found not guilty by reason of mental illness, mental retardation, or addiction of an offense under
- 4 any of the following provisions of this code or under a statutory provision of another state, the

5 United States Code or the Uniform Code of Military Justice which requires proof of the same
6 essential elements shall register as set forth in §15-12-2(d) of this code and according to the
7 internal management rules promulgated by the superintendent under authority of §15-2-25 of this
8 code:

9 (1) §61-8A-1 *et seq.* of this code;

10 (2) §61-8B-1 *et seq.* of this code, including the current provisions of §61-8B-6 of this code
11 relating to the crimes of sexual extortion and aggravated sexual extortion;

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

14 (4) §61-8C-1 *et seq.* of this code;

15 (5) §61-8D-5 and §61-8D-6 of this code;

16 (6) §61-2-14(a) of this code;

17 (7) §61-8-6, §61-8-7, §61-8-12, and §61-8-13, §61-8-28a, and §61-8-32 of this code;

18 (8) §61-3C-14b of this code, as it relates to violations of those provisions of chapter 61
19 listed in this subsection; or

20 (9) §61-14-2, §61-14-5, and §61-14-6 of this code: *Provided*, That as to §61-14-2 of this
21 code only those violations involving human trafficking for purposes of sexual servitude require
22 registration pursuant to this subdivision.

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

26 (d) A person required to register under the provisions of this article shall register in person
27 at the West Virginia State Police detachment responsible for covering the county of his or her
28 residence, and in doing so, provide or cooperate in providing, at a minimum, the following when
29 registering:

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

31 by the registrant;

32 (2) The address where the registrant intends to reside or resides at the time of registration,
33 the address of any habitable real property owned or leased by the registrant that he or she
34 regularly visits: *Provided*, That a post office box may not be provided in lieu of a physical
35 residential address, the name and address of the registrant's employer or place of occupation at
36 the time of registration, the names and addresses of any anticipated future employers or places of
37 occupation, the name and address of any school or training facility the registrant is attending at the
38 time of registration and the names and addresses of any schools or training facilities the registrant
39 expects to attend;

40 (3) The registrant's Social Security number;

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

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

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

44 (7) Information related to any motor vehicle, trailer, or motor home owned or regularly
45 operated by a registrant, including vehicle make, model, color, and license plate number:
46 *Provided*, That for the purposes of this article, the term "trailer" means travel trailer, fold-down
47 camping trailer, and house trailer as those terms are defined in §17A-1-1 of this code;

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

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

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

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

56 (12) A photocopy of any professional licensing information that authorizes the registrant to

57 engage in an occupation or carry out a trade or business; and

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

60 (e) (1) On the date that any person convicted or found not guilty by reason of mental
61 illness, mental retardation, or addiction of any of the crimes listed in §15-12-2(b) of this code,
62 hereinafter referred to as a "qualifying offense", including those persons who are continuing under
63 some post-conviction supervisory status, are released, granted probation or a suspended
64 sentence, released on parole, probation, home detention, work release, conditional release or any
65 other release from confinement, the Commissioner of Corrections, regional jail administrator, city
66 official, or sheriff operating a jail or Secretary of the Department of Health Facilities who releases
67 the person and any parole or probation officer who releases the person or supervises the person
68 following the release shall obtain all information required by §15-12-2(d) of this code prior to the
69 release of the person, inform the person of his or her duty to register, and send written notice of the
70 release of the person to the State Police within three business days of receiving the information.
71 The notice must include the information required by §15-12-2(d) of this code. Any person having a
72 duty to register for a qualifying offense shall register upon conviction, unless that person is
73 confined or incarcerated, in which case he or she shall register within three business days of
74 release, transfer, or other change in disposition status. Any person currently registered who is
75 incarcerated for any offense shall re-register within three business days of his or her release.

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

82 (A) His or her sex;

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

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

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

87 (f) For any person determined to be a sexually violent predator, the notice required by §15-
88 12-2(d) of this code must also include:

89 (1) Identifying factors, including physical characteristics;

90 (2) History of the offense; and

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

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

106 (h) The State Police shall maintain a central registry of all persons who register under this
107 article and shall release information only as provided in this article. The information required to be
108 made public by the State Police by §15-12-5(b)(2) of this code is to be accessible through the

109 Internet. Information relating to telephone or electronic paging device numbers a registrant has or
110 uses may not be released through the Internet.

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

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

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

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

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

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

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

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

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

134 (n) For the purposes of this article, the term "business days" means days exclusive of

135 Saturdays, Sundays, and legal holidays as defined in §2-2-1 of this code.

136 (o) A person required to register pursuant to this article shall pay an annual fee of \$125, to
137 be paid between January 1 and June 30 of each year. The annual fee shall be paid to the ~~circuit~~
138 ~~clerk of the circuit court where the registrant currently resides, and the registrant will provide~~
139 ~~written proof of payment of the annual fee within ten days of the payment to a State Police~~
140 ~~detachment monitoring the registrant.~~ State Police. The State Police shall provide the registrant
141 with a written receipt of each payment made by the registrant towards this annual fee. Once the
142 annual fee is paid in full, the State Police will provide the registrant with a receipt that specifically
143 provides that the annual fee contemplated in this article has been satisfied. ~~The circuit clerk~~ State
144 Police shall compile and maintain a record of any payment made by a registrant. ~~to which the State~~
145 ~~Police shall have access.~~

146 (p) ~~The circuit clerk~~ State Police shall remit the entirety of a payment of the annual fee,
147 made pursuant to this subsection section, to the state treasurer who shall deposit these funds into
148 the State Treasury and credit said funds to the account of the State Police. The State Police is
149 hereby authorized to utilize the funds collected from these annual fees, first to enhance mental
150 health services for current and former employees of the West Virginia State Police, including but
151 not limited to hiring, or contracting, mental health professionals, conducting periodic educational
152 seminars, meetings, trainings, or conferences addressing mental health issues that affect persons
153 that are, or have been, employed as law enforcement, and then for any other use essential to the
154 general operations of the State Police: *Provided*, That failure to pay the annual fee, or provide
155 proof of payment of the annual fee, pursuant to this subsection may not be considered a violation
156 of the person's supervised release: *Provided, however,* That a person required to register
157 pursuant to both this article and §15-2C-2 of this code shall pay only one such annual fee of \$125,
158 which fee shall satisfy the registration requirements and payment obligations under both articles:
159 *Provided further,* That written notice by the State Police served upon the registrant, by certified
160 mail at the last address provided by the registrant, stating that that the annual fee has not been

161 paid, may be recorded 30 days after the notice was received by the registrant in the office of the
162 county clerk where the person required to register resides. This notice shall have the effect of a
163 judgment and shall be recorded and indexed by the county clerk in the judgment lien docket. This
164 judgment lien will be released by the State Police within 30 days upon full and complete payment
165 by the registrant. ~~Written~~ The State Police shall provide written verification of the release of the lien
166 ~~shall be provided~~ to the registrant at the ~~address~~ last address provided by the registrant.

NOTE: The purpose of this bill is to clarify the obligations of the West Virginia State Police regarding the Central Abuse Registry and the collection of fees for the same.

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