

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 174

By Senator Weld

[Introduced January 14, 2026; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §15-12-2, §61-8-9, and §61-11-18 of the Code of West Virginia,
 2 1931, as amended, requiring registration as sex offender for those convicted of newly
 3 created felony offense of indecent exposure to certain minors; declaring that indecent
 4 exposure requires exposing one's nude penis, vagina, or anus; authorizing a person
 5 convicted of third offense indecent exposure for purposes of sexual gratification to be both
 6 fined and imprisoned; creating enhanced penalties for second and subsequent violations;
 7 creating the criminal offense of indecent exposure in front of minors; removing breast-
 8 feeding exemption as unnecessary due to definition clarification; defining terms;
 9 establishing criminal penalties for the new offense; and declaring that the felony offenses
 10 of indecent exposure are qualifying offenses for the purpose of recidivist sentencing
 11 enhancements.

Be it enacted by the Legislature of West Virginia:

CHAPTER 15. PUBLIC SAFETY.

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

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;

(2) §61-8B-1 *et seq.* of this code, including the provisions of former §61-8B-6 of this code, relating to the offense of sexual assault of a spouse, which was repealed by an act of the Legislature during the 2000 legislative session;

(3) §61-8C-1 *et seq.* of this code;

(4) §61-8D-5 and §61-8D-6 of this code;

(5) §61-2-14(a) of this code;

(6) §61-8-6, §61-8-7, §61-8-9(d), §61-8-12, and §61-8-13 of this code;

(7) §61-3C-14b of this code, as it relates to violations of those provisions of chapter 61 listed in this subsection; or

(8) §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 in doing so, provide or cooperate in providing, at a minimum, the following when registering:

(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, 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

36 occupation, the name and address of any school or training facility the registrant is attending at the
37 time of registration and the names and addresses of any schools or training facilities the registrant
38 expects to attend;

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

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

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

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

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

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

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

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

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

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

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

59 (e) (1) On the date that any person convicted or found not guilty by reason of mental
60 illness, mental retardation, or addiction of any of the crimes listed in §15-12-2(b) of this code,
61 hereinafter referred to as a "qualifying offense", including those persons who are continuing under

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

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

- (1) Identifying factors, including physical characteristics;
- (2) History of the offense; and
- (3) Documentation of any treatment received for the mental abnormality or personality disorder.

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

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

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

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

(2) Sexual assault in the second degree as set forth §61-8B-4 of this code, or of a similar 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.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY, AND DECENCY.****§61-8-9. Indecent exposure.**

(a) A person is guilty of indecent exposure when ~~such~~ that person intentionally exposes his or her sex organs or anus, or the sex organs or anus of another person, or intentionally causes such exposure by another or engages in any overt act of sexual gratification, and does so under circumstances in which the person knows that the conduct is likely to cause affront or alarm to a person or persons to whom he or she exposes himself or herself. ~~Provided, That it is not considered indecent exposure for a mother to breast feed a child in any location, public or private~~

(b) ~~Except as provided in subsection (c), any~~ Any person who violates the provisions of this section ~~§61-8-9(a) of this code shall be~~ is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not more than 90 days, or fined not more than \$250, or both fined and confined.

(c) ~~Notwithstanding the provisions of §61-8-9(a) and §61-8-9(b) of this code, Any any person who violates the provisions of subsection (a) of this section by intentionally exposing himself or herself~~ exposes his or her sex organs or anus, to another person and the exposure was done for the purpose of sexual gratification without that person's consent, and the exposure was is done for the purpose of sexual gratification, or the person engages in an overt act of sexual gratification involving his or her nude sex organs or anus towards another person, including, but not limited to, masturbation, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in jail not more than ~~12 months~~ one year, or both fined and confined. For a second offense under this subsection, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, and or confined in jail for not less than 30 days nor more than ~~12 months~~ one year, or both fined and confined. For a third or subsequent offense under this subsection, the person is guilty of a felony and, upon conviction

thereof, shall be fined not more than \$3,000, ~~and~~ or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned.

(d) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, any adult who intentionally exposes his or her sex organs or anus to another person, who knows or should know that any of the persons present are younger than 16 years of age, does so under circumstances in which the person knows that the conduct is likely to cause affront or alarm to a person or persons to whom he or she exposes himself or herself, and the exposure is done for the purpose of sexual gratification, is guilty of a felony and, upon conviction thereof, shall be fined not more than \$3,000 and imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned.

(e) As used in this section, "intentionally exposes his or her sex organs or anus" means to willfully display one's nude penis, vagina, or anus to another person.

ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.

§61-11-18. Punishment for second or third offense of felony.

(a) For purposes of this section, "qualifying offense" means any offense or an attempt or conspiracy to commit any of the offenses in the following provisions of this code:

(1) §60A-4-401(a)(i) and §60A-4-401(a)(ii);

(2) §60A-4-406;

(3) §60A-4-409(b)(1) and §60A-4-409 (b)(2);

(4) §60A-4-411;

(5) §60A-4-414;

(6) §60A-4-415;

(7) §60A-4-416(a);

(8) §61-2-1;

(9) §61-2-4;

(10) §61-2-7;

- 13 (11) §61-2-9(a);
- 14 (12) §61-2-9a(d) and §61-2-9a(e);
- 15 (13) §61-2-9b;
- 16 (14) §61-2-9c;
- 17 (15) §61-2-9d;
- 18 (16) §61-2-10;
- 19 (17) §61-2-10b(b) and §61-2-10b(c);
- 20 (18) Felony provisions of §61-2-10b(d);
- 21 (19) §61-2-12;
- 22 (20) Felony provisions of §61-2-13;
- 23 (21) §61-2-14;
- 24 (22) §61-2-14a(a) and §61-2-14a(d);
- 25 (23) §61-2-14c;
- 26 (24) §61-2-14d(a) and §61-2-14d(b);
- 27 (25) §61-2-14f;
- 28 (26) §61-2-14h(a), §61-2-14h(b), and §61-2-14h(c);
- 29 (27) §61-2-16a(a) and §61-2-16a(b);
- 30 (28) Felony provisions of §61-2-16a(c);
- 31 (29) §61-2-28(d);
- 32 (30) §61-2-29(d) and §61-2-29(e);
- 33 (31) §61-2-29a;
- 34 (32) §61-3-1;
- 35 (33) §61-3-2;
- 36 (34) §61-3-3;
- 37 (35) §61-3-4;
- 38 (36) §61-3-5;

- 39 (37) §61-3-6;
- 40 (38) §61-3-7;
- 41 (39) §61-3-11;
- 42 (40) Felony violation of 61-3-12;
- 43 (41) §61-3-13(a);
- 44 (42) Felony violation of §61-3-18;
- 45 (43) Felony violation of §61-3-19;
- 46 (44) Felony violation of §61-3-20;
- 47 (45) Felony violation of §61-3-20a;
- 48 (46) Felony violation of §61-3-21;
- 49 (47) §61-3-22;
- 50 (48) Felony violation of §61-3-24;
- 51 (49) Felony violation of §61-3-24a;
- 52 (50) §61-3-27;
- 53 (51) §61-3-54;
- 54 (52) §61-3C-14b;
- 55 (53) §61-3E-5;
- 56 (54) Felony violation of §61-5-10;
- 57 (55) ~~§61-5-17(b), §61-5-17(f), §61-5-17(h), and §61-5-17(i);~~ Felony provisions of §61-5-17;
- 58 (56) §61-5-27;
- 59 (57) §61-6-24;
- 60 (58) Felony provisions of §61-7-7;
- 61 (59) §61-7-12;
- 62 (60) §61-7-15;
- 63 (61) §61-7-15a;
- 64 (62) §61-8-12;

65 (63) §61-8-19(b);
66 (64) §61-8A-2;
67 (65) §61-8A-4;
68 (66) §61-8A-5;
69 (67) §61-8B-3;
70 (68) §61-8B-4;
71 (69) §61-8B-5;
72 (70) §61-8B-7;
73 (71) §61-8B-10;
74 (72) §61-8B-11b;
75 (73) §61-8C-2;
76 (74) §61-8C-3;
77 (75) §61-8C-3a;
78 (76) §61-8D-2;
79 (77) §61-8D-2a;
80 (78) §61-8D-3;
81 (79) §61-8D-3a;
82 (80) §61-8D-4;
83 (81) §61-8D-4a;
84 (82) §61-8D-5;
85 (83) §61-8D-6;
86 (84) §61-10-31;
87 (85) §61-11-8;
88 (86) §61-11-8a;
89 (87) §61-14-2; and
90 (88) §17C-5-2(b), driving under the influence causing death;
91 (89) Felony provisions of §61-2-10c; and

92 (90) Felony provisions of §61-8-9.

93 (b) Except as provided by subsection (c) of this section, when any person is convicted of a
94 qualifying offense and is subject to imprisonment in a state correctional facility for the qualifying
95 offender and it is determined, as provided in §61-11-19 of this code, that the person had been
96 previously convicted in the United States of a crime punishable by imprisonment in a state or
97 federal correctional facility, the court shall, if the sentence to be imposed is for a definite term of
98 years, add five years to the time for which the person is or would be otherwise sentenced.
99 Whenever in that case the court imposes an indeterminate sentence, the minimum term shall be
100 twice the term of years otherwise provided for under the sentence.

101 (c) Notwithstanding any provision of this code to the contrary, when any person is
102 convicted of first degree murder or second degree murder or a violation of §61-8B-3 of this code
103 and it is determined, as provided in §61-11-19 of this code, that the person had been previously
104 convicted in this state of first degree murder, second degree murder, or a violation of §61-8B-3 of
105 this code, or has been so convicted under any law of the United States or any other state for an
106 offense which has the same or substantially similar elements as any offense described in this
107 subsection, the person shall be punished by imprisonment in a state correctional facility for life and
108 is not eligible for parole.

109 (d) When it is determined, as provided in §61-11-19 of this code, that the person has been
110 twice previously convicted in the United States of a crime punishable by imprisonment in a state or
111 federal correctional facility which has the same or substantially similar elements as a qualifying
112 offense, the person shall be sentenced to imprisonment in a state correctional facility for
113 life: Provided, That prior convictions arising from the same transaction or series of transactions
114 shall be considered a single offense for purposes of this section: Provided, however, That the most
115 recent previous qualifying offense which would otherwise constitute a qualifying offense for
116 purposes of this subsection may not be considered if more than 20 years have elapsed between:
117 (1) The release of the person from his or her term of imprisonment or period of supervision

- 118 resulting from the most recent qualifying offense or the expiration of a period of supervised release
- 119 resulting from the offense; and (2) the conduct underlying the current charge.

NOTE: The purpose of this bill is to change language concerning indecent exposure and increase the penalties associated with it.

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