

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4997

**FISCAL
NOTE**

By Delegates Martin, Burkhammer, Phillips, Hornby,
Funkhouser, Mallow, Butler, Ridenour, Zatezalo,
Anderson, and McGeehan

[Introduced January 30, 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 section,
2 designated §62-12-26a, relating to residency restrictions for persons convicted of
3 terroristic threats involving schools or children; prohibiting residence within one thousand
4 feet of educational facilities; providing for measurement; and establishing penalties for
5 violations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. PROBATION AND PAROLE.

**§62-12-26a. Residency restrictions for persons convicted of terroristic threats to schools
or children.**

1 (a) Any person convicted of a violation of §61-6-24(b) of this code, where the threat
2 involved an educational facility, students, or children at a school, preschool, daycare center, or
3 similar location, shall be prohibited from establishing or maintaining a residence within one
4 thousand feet of the property line of any public or private school, preschool, daycare center, or
5 other educational facility where children are regularly present, during any period of probation,
6 parole, supervised release, or as a condition of sentencing if no supervision is otherwise imposed.

7 (b) The prohibition in subsection (a) of this section applies as a mandatory condition of
8 probation or parole imposed by the court or parole board. If the person is not placed on probation
9 or parole, the sentencing court may impose the residency restriction as part of the judgment order.

10 (c) Proximity under this section shall be measured using reliable methods, including
11 geographic information systems (GIS), property records, or surveying data available to the court or
12 supervising authority.

13 (d) A violation of the residency restriction imposed under this section is a felony and, upon
14 conviction thereof, the person shall be confined in a state correctional facility for not less than one
15 nor more than five years, or fined not more than \$10,000, or both. In addition, the violation may
16 result in revocation of probation or parole.

NOTE: The purpose of this bill is to prohibit persons convicted of felony terroristic threats under §61-6-24 of this code involving schools or children from residing within 1,000 feet of an educational facility, consistent with existing residency restrictions for certain sex offenders under §62-12-26 of this code, to enhance public safety and prevent unsafe proximity to child-populated locations post-conviction.

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