

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4138

By Delegates Akers and Pinson

[Originating in the Committee on the Judiciary;

Reported on January 27, 2026]

1 A BILL to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended, relating to
2 providing that any person convicted of a crime pursuant to §61-8B-1 *et seq.* shall be
3 required to register pursuant to this article, including the current provisions relating to the
4 crimes of sexual extortion and aggravated sexual extortion contained within §61-8B-6 of
5 this code, shall be required to be registered pursuant to this article, and also relating to
6 clarifying that a person convicted of the former §61-8B-6, relating to the offense of sexual
7 assault of a spouse, which was repealed by an act of the Legislature during the 2000
8 legislative session, shall be required to continue to be registered pursuant to this article;
9 also relating to clarifying that a person convicted of a crime pursuant to §61-8-28a of this
10 code, relating to nonconsensual disclosure of private intimate images, shall be required to
11 be registered pursuant to this article; and also related to clarifying that a person convicted
12 of any crime contained within §61-8-32 of this code, shall be required to be registered
13 pursuant to this article.

Be it enacted by the Legislature of West Virginia:

ARTICLE	12.	SEX	OFFENDER	REGISTRATION	ACT.
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§15-12-2.					Registration.
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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:

- (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.

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 the State Police
140 detachment monitoring the registrant. The circuit clerk shall compile and maintain a record of any

141 payment made by a registrant to which the State Police shall have access. The circuit clerk shall
142 remit the entirety of a payment made pursuant to this subsection to the state treasurer who shall
143 deposit these funds into the State Treasury and credit said funds to the account of the State Police.
144 The State Police is hereby authorized to utilize the funds collected from these annual fees, first to
145 enhance mental health services for current and former employees of the West Virginia State
146 Police, including but not limited to hiring, or contracting, mental health professionals, conducting
147 periodic educational seminars, meetings, training or conferences addressing mental health issues
148 that affect persons that are, or have been, employed as law enforcement, and then for any other
149 use essential to the general operations of the State Police: Provided, That failure to pay the annual
150 fee, or provide proof of payment of the annual fee, pursuant to this subsection may not be
151 considered a violation of the person's supervised release: Provided, however, That written notice
152 by the State Police served upon the registrant, by certified mail at the last address provided by the
153 registrant, stating that that the annual fee has not been paid, may be recorded 30 days after the
154 notice was received by the registrant in the office of the county clerk where the person required to
155 register resides. This notice shall have the effect of a judgment and shall be recorded and indexed
156 by the county clerk in the judgment lien docket. This judgment lien will be released by the State
157 Police within 30 days upon full and complete payment by the registrant. Written verification of the
158 release of the lien shall be provided to the registrant at the address last provided by the registrant.

NOTE: The purpose of this bill is to address Code consistency given the passage of SB240 during 2025 Regular Session to ensure that the current crimes of "sexual extortion" and "aggravated sexual extortion" are offenses that require registration as a sex offender by person convicted of one of these offenses and also clarifies that a prior conviction for the crime of sexual assault of a spouse, which was repealed by an act of the Legislature during the 2000 legislative session shall remain an offense that requires registration as a sex offender.

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