

# WEST VIRGINIA SEX-OFFENDER REGISTRATION AND NOTIFICATION

## CONTACT INFORMATION

**West Virginia State Police**  
Sex-Offender Registry  
725 Jefferson Road  
South Charleston, WV 25309-1638  
**Telephone:** 304-746-2133  
<http://www.wvstatepolice.com/sexoff/websearchform.cfm>

## NUMBER OF REGISTERED SEX OFFENDERS

1,700 as of March 26, 2003.

### **1. WHO IS REQUIRED TO REGISTER?**

Any person who has been convicted of an offense; attempted offense; or found not guilty due to mental illness, mental retardation, or addiction of any of the following offenses or under the laws of another state, United States, or Uniform Code of Military Justice, that requires proof of the same essential elements must register:

- (1) committing a sexual offense, including the repealed offense of sexual assault of a spouse;
- (2) filming sexually explicit conduct of minors;
- (3) sexual abuse by a parent, guardian, or custodian;
- (4) being a parent, guardian, or custodian who allows sexual abuse to be inflicted upon a minor;
- (5) displaying of sex organs by a parent, guardian, or custodian;
- (6) sending, distributing, exhibiting, possessing, displaying, or transporting material by a parent, guardian, or custodian, depicting a minor engaged in sexually explicit conduct;
- (7) abduction;
- (8) kidnapping or concealing a minor;
- (9) detaining a person in place of prostitution;
- (10) procuring a person for house of prostitution; and
- (11) incest.

*(W. Va. Code Ann. § 15-12-2(b))*

Any person who has been convicted of a criminal offense that the offense was sexually motivated must also register.

*(W. Va. Code Ann. § 15-12-2(c))*

### **2. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?**

Please contact the West Virginia State Police or local law enforcement for information on juvenile offenders.

### **3. WHEN AND WHERE DOES AN OFFENDER REGISTER?**

On the date that any person convicted or found not guilty by reason of mental illness, mental retardation, or addiction of an offense requiring registration, including offenders who are continuing under some postconviction supervisory status, are released, granted probation or a suspended sentence, released on parole, probation, home detention, work release, conditional release, or any other release from confinement, the commissioner of corrections, regional jail administrator, city or sheriff operating a jail, or secretary of the Department of Health and Human Resources that releases the offender, and any

parole or probation officer who releases the offender or supervises the offender following the release, must obtain all required registration information from the offender prior to his or her release and send written notice of his or her release to the state police within three days of receiving the information.  
(*W. Va. Code Ann. § 15-12-2(e)*)

#### **4. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?**

Offenders required to register must provide the following information:

- (1) his or her full name, including any aliases, nicknames, or other names used;
- (2) the address where he or she intends to live or the address where he or she resides at the time of registration;
- (3) the name and address of his or her employer or place of occupation at the time of registration;
- (4) the names and addresses of any anticipated future employers or places of occupation;
- (5) the name and address of any school or training facility he or she is attending at the time of registration;
- (6) the names and addresses of any schools or training facilities he or she expects to attend;
- (7) his or her social-security number;
- (8) a full-face photograph at the time of registration;
- (9) a brief description of the offense(s) for which he or she was convicted;
- (10) his or her fingerprints; and
- (11) information relating to any Internet accounts he or she has and the screen names, user names, or aliases he or she uses on the Internet.

(*W. Va. Code Ann. § 15-12-2(d)*)

Sexually violent predators must also provide:

- (1) identifying factors, including physical characteristics;
- (2) offense history; and
- (3) documentation of any treatment he or she has received for his or her mental abnormality or personality disorder.

(*W. Va. Code Ann. § 15-12-2(f)*)

#### **5. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?**

When an offender who is required to register changes his or her residence, address, place of employment or occupation, or school or training facility he or she is attending, he or she must, within 10 days of making the change, inform the West Virginia State Police of the change.

(*W. Va. Code Ann. § 15-12-3*)

#### **6. WHAT HAPPENS IF AN OFFENDER MOVES FROM WEST VIRGINIA TO ANOTHER STATE?**

An offender who is required to register and who intends to move to another state or country must, at least 10 days prior to moving, notify the state police of his or her intent to move and of the location to which he or she intends to move. If the offender is incarcerated, he or she must notify correctional officials of his or her intent to reside in some other state or country upon his or her release and of the location to which he or she intends to move. Upon such notification, the state police must notify law-enforcement officials in the jurisdiction where the offender indicates he or she intends to reside of the information he or she provided for purposes of registration.

(*W. Va. Code Ann. § 15-12-7*)

**7. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO WEST VIRGINIA REQUIRED TO REGISTER?**

An offender who changes residence to West Virginia from another state or federal or military jurisdiction and who is required to register as a sex offender under the laws of that state or federal or military jurisdiction must register as a sex offender in West Virginia.

*(W. Va. Code Ann. § 15-12-9(c))*

**8. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN WEST VIRGINIA?**

An offender who lives in another state or federal or military jurisdiction but who is employed, carries on a vocation, is a student, or is a visitor in West Virginia for a period of more than 15 continuous days and who is required by the state, federal, or military jurisdiction in which he or she resides to register in that state, federal, or military jurisdiction as a sex offender, or has been convicted of a violation in that state, federal, or military jurisdiction that is similar to a violation requiring registration as a sex offender in West Virginia, must register.

*(W. Va. Code Ann. § 15-12-9(b))*

**9. IS REGISTRATION A LIFETIME REQUIREMENT?**

Registration is a lifetime requirement for an offender who has:

- (1) one or more prior convictions or has previously been found not guilty due to mental illness, mental retardation, or addiction for an offense requiring registration;
- (2) been convicted or has been found not guilty by reason of mental illness, mental retardation, or addiction of:
  - (a) an offense requiring registration that involved multiple victims or multiple violations of the offense;
  - (b) an offense requiring registration that involved a minor victim; or
  - (c) a sexually violent offense; or
- (3) been determined to be a sexually violent predator.

*(W. Va. Code Ann. § 15-12-4(a)(2))*

All other offenders must continue to register until 10 years have elapsed since he or she was released from prison, jail, or a mental-health facility, or 10 years since he or she was placed on probation, parole, or supervised or conditional release.

*(W. Va. Code Ann. § 15-12-4(a)(1))*

**10. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?**

An offender who is required to register and who knowingly provides false information or who refuses to provide accurate information, or who knowingly fails to register or knowingly fails to provide a change in any information, is guilty of a misdemeanor and upon conviction will be fined no less than \$250 and no more than \$10,000, or imprisoned in the county or regional jail for no more than one year, or both.

*(W. Va. Code Ann. § 15-12-8(a))*

An offender who is required to register and who is convicted of a second or subsequent offense of failing to register or provide a change in any information, or an offender who is required to register for life and who fails to register or provide a change in information, is guilty of a felony. Upon conviction, the offender will be imprisoned in a state correctional facility for no less than one year and no more than five years.

*(W. Va. Code Ann. § 15-12-8(b))*

An offender who is required to register as a sexual predator and who fails to register or provide a change in information is guilty of a felony and upon conviction will, for a first offense, be confined in a state correctional facility for no less than two years and no more than 10 years. For a second or subsequent offense, the offender will be guilty of a felony and will be confined in a state correctional facility for no less than five years and no more than 20 years.

*(W. Va. Code Ann. § 15-12-8(c))*

An offender who is under the supervision of a probation officer, parole officer, or any other sanction short of confinement in jail or prison, who knowingly refuses to register or who knowingly fails to provide a change in information will be subject to immediate revocation of probation or parole and returned to confinement for the remainder of any suspended or unserved portion of his or her original sentence.

*(W. Va. Code Ann. § 15-12-8(d))*

## **11. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?**

Within five working days after receiving notification on a registered offender, the state police must distribute a copy of the notification statement to:

- (1) the supervisor of each county and municipal law-enforcement office and any campus-police department in the city and county where the offender resides, is employed, or attends school or a training facility;
- (2) the county superintendent of schools where the offender resides, is employed, or attends school or a training facility;
- (3) the child protective services office charged with investigating allegations of child abuse or neglect in the county where the offender resides, is employed, or attends school or a training facility;
- (4) all community organizations or religious organizations that regularly provide services to youth in the county where the offender resides, is employed, or attends school or a training facility; and
- (5) individuals and organizations that provide daycare services for youth or daycare, residential or respite care, or other supportive services for mentally or physically incapacitated or infirm persons in the county where the offender resides, is employed, or attends school or a training facility.

*(W. Va. Code Ann. § 15-12-5(a))*

The state police maintain a central registry of all offenders who are required to register.

*(W. Va. Code Ann. § 15-12-2(h))*

When an offender has been determined to be a sexually violent predator, the prosecuting attorney must cooperate with the state police in conducting a community-notification program. Community notification includes the offender's:

- (1) name;
- (2) photograph;
- (3) place of residence;
- (4) employment and education or training;
- (5) information concerning the legal rights and obligations of both the offender and the community; and
- (6) information relating to the victim of an offense, except his or her name, to the extent that it is considered necessary to best educate the public as to the nature of sexual offenses.

*(W. Va. Code Ann. § 15-12-5(b)(1))*

The state police must maintain and make available to the public on at least a quarterly basis a list of all offenders who are required to register for life.

*(W. Va. Code Ann. § 15-12-5(b)(2))*

**12. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?**

The West Virginia State Police keeps a list of offenders who are required to register for life that is accessible through the Internet at <http://www.wvstatepolice.com/sexoff/websearchform.cfm>.

The web site can be searched by last name, county, or whether the sex offender is “wanted.”

Information available includes the offender’s:

- (1) photograph;
- (2) name;
- (3) date of birth;
- (4) sex;
- (5) height and weight;
- (6) hair and eye color;
- (7) race;
- (8) ethnicity;
- (9) permanent county and city;
- (10) work county and city;
- (11) school county and city;
- (12) visiting county and city;
- (13) offense for which registration is required;
- (14) conviction year;
- (15) victim relation;
- (16) victim sex;
- (17) victim age; and
- (18) whether or not he or she is under supervision.