

1 illness, mental retardation or addiction of an offense under any of
2 the following provisions of chapter sixty-one or under a statutory
3 provision of another state, the United States Code or the Uniform
4 Code of Military Justice which requires proof of the same essential
5 elements shall register as set forth in subsection (d) of this
6 section and according to the internal management rules promulgated
7 by the superintendent under authority of section twenty-five,
8 article two of this chapter:

9 (1) Article eight, including the provisions of former section
10 six of said article, relating to the offense of sexual assault of
11 a spouse, which was repealed by an act of the Legislature during
12 the year 2000 legislative session;

13 (2) Article eight-c;

14 (3) Sections five and six, article eight-d;

15 (4) Section fourteen, article two;

16 (5) Sections six, seven, twelve and thirteen, article eight;

17 or

18 (6) Section fourteen-b, article three-c, as it relates to
19 violations of those provisions of chapter sixty-one listed in this
20 subsection.

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

1 (d) Persons required to register under the provisions of this
2 article shall register in person at the West Virginia State Police
3 detachment in the county of his or her residence, the county in
4 which he or she owns or leases habitable real property that he or
5 she visits regularly, the county of his or her place of employment
6 or occupation and the county in which he or she attends school or
7 a training facility, and in doing so, provide or cooperate in
8 providing, at a minimum, the following when registering:

9 (1) The full name of the registrant, including any aliases,
10 nicknames or other names used by the registrant;

11 (2) The address where the registrant intends to reside or
12 resides at the time of registration, the address of any habitable
13 real property owned or leased by the registrant that he or she
14 regularly visits: *Provided*, That a post office box may not be
15 provided in lieu of a physical residential address, the name and
16 address of the registrant's employer or place of occupation at the
17 time of registration, the names and addresses of any anticipated
18 future employers or places of occupation, the name and address of
19 any school or training facility the registrant is attending at the
20 time of registration and the names and addresses of any schools or
21 training facilities the registrant expects to attend;

22 (3) The registrant's social security number;

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

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

3 (6) Fingerprints;

4 (7) Information related to any motor vehicle, trailer or motor
5 home owned or regularly operated by a registrant, including vehicle
6 make, model, color and license plate number: *Provided*, That for
7 the purposes of this article, the term "trailer" ~~shall mean~~ means
8 travel trailer, fold-down camping trailer and house trailer as
9 those terms are defined in section one, article one of chapter
10 seventeen-a: Provided, however, That the West Virginia State
11 Police shall provide the Division of Motor Vehicles a list of
12 persons registered under this section and in the event a registrant
13 purchases, trades or registers a motor vehicle the Division of
14 Motor Vehicles shall so notify the State Police;

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

18 (9) Information related to any telephone or electronic paging
19 device numbers that the registrant has or uses, including, but not
20 limited to, residential, work and mobile telephone numbers.

21 (e) (1) On the date that any person convicted or found not
22 guilty by reason of mental illness, mental retardation or addiction
23 of any of the crimes listed in subsection (b) of this section,
24 hereinafter referred to as a "qualifying offense", including those

1 persons who are continuing under some post-conviction supervisory
2 status, are released, granted probation or a suspended sentence,
3 released on parole, probation, home detention, work release,
4 conditional release or any other release from confinement, the
5 Commissioner of Corrections, regional jail administrator, city
6 official or sheriff operating a jail or Secretary of the Department
7 of Health and Human Resources who releases the person and any
8 parole or probation officer who releases the person or supervises
9 the person following the release, shall obtain all information
10 required by subsection (d) of this section prior to the release of
11 the person, inform the person of his or her duty to register and
12 send written notice of the release of the person to the State
13 Police within three business days of receiving the information.
14 The notice must include the information required by said
15 subsection. Any person having a duty to register for a qualifying
16 offense shall register upon conviction, unless that person is
17 confined or incarcerated, in which case he or she shall register
18 within three business days of release, transfer or other change in
19 disposition status.

20 (2) Notwithstanding any provision of this article to the
21 contrary, a court of this state shall, upon presiding over a
22 criminal matter resulting in conviction or a finding of not guilty
23 by reason of mental illness, mental retardation or addiction of a
24 qualifying offense, cause, within seventy-two hours of entry of the

1 commitment or sentencing order, the transmittal to the sex offender
2 registry for inclusion in the registry all information required for
3 registration by a registrant as well as the following
4 nonidentifying information regarding the victim or victims:

- 5 (A) His or her sex;
- 6 (B) His or her age at the time of the offense; and
- 7 (C) The relationship between the victim and the perpetrator.

8 The provisions of this paragraph do not relieve a person
9 required to register pursuant to this section from complying with
10 any provision of this article.

11 (f) For any person determined to be a sexually violent
12 predator, the notice required by subsection (d) of this section
13 must also include:

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

18 (g) At the time the person is convicted or found not guilty by
19 reason of mental illness, mental retardation or addiction in a
20 court of this state of the crimes set forth in subsection (b) of
21 this section, the person shall sign in open court a statement
22 acknowledging that he or she understands the requirements imposed
23 by this article. The court shall inform the person so convicted of
24 the requirements to register imposed by this article and shall

1 further satisfy itself by interrogation of the defendant or his or
2 her counsel that the defendant has received notice of the
3 provisions of this article and that the defendant understands the
4 provisions. The statement, when signed and witnessed, constitutes
5 prima facie evidence that the person had knowledge of the
6 requirements of this article. Upon completion of the statement,
7 the court shall provide a copy to the registry. Persons who have
8 not signed a statement under the provisions of this subsection and
9 who are subject to the registration requirements of this article
10 must be informed of the requirement by the State Police whenever
11 the State Police obtain information that the person is subject to
12 registration requirements.

13 (h) The State Police shall maintain a central registry of all
14 persons who register under this article and shall release
15 information only as provided in this article. The information
16 required to be made public by the State Police by subdivision (2),
17 subsection (b), section five of this article is to be accessible
18 through the Internet. No information relating to telephone or
19 electronic paging device numbers a registrant has or uses may be
20 released through the Internet.

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

23 (1) Sexual assault in the first degree as set forth in section
24 three, article eight-b, chapter sixty-one or of a similar provision

1 in another state, federal or military jurisdiction;

2 (2) Sexual assault in the second degree as set forth in
3 section four, article eight-b, chapter sixty-one or of a similar
4 provision in another state, federal or military jurisdiction;

5 (3) Sexual assault of a spouse as set forth in the former
6 provisions of section six, article eight-b, chapter sixty-one,
7 which was repealed by an act of the Legislature during the 2000
8 legislative session, or of a similar provision in another state,
9 federal or military jurisdiction;

10 (4) Sexual abuse in the first degree as set forth in section
11 seven, article eight-b, chapter sixty-one or of a similar provision
12 in another state, federal or military jurisdiction.

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

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

22 (l) For purposes of this article, the term "mental
23 abnormality" means a congenital or acquired condition of a person,
24 that affects the emotional or volitional capacity of the person in

1 a manner that predisposes that person to the commission of criminal
2 sexual acts to a degree that makes the person a menace to the
3 health and safety of other persons.

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

8 (n) For the purposes of this article, the term "business
9 days", means days exclusive of Saturdays, Sundays and legal
10 holidays as defined in section one, article two of chapter two.

NOTE: The purpose of this bill is to require the Division of
Motor Vehicles to notify the West Virginia State Police when a
registered sex offender purchases, trades or registers a motor
vehicle.

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