

1 (1) The supervisor of each county and municipal law-enforcement
2 office and any campus police department in the city and county where
3 the registrant resides, owns or leases habitable real property that
4 he or she regularly visits, is employed or attends school or a
5 training facility;

6 (2) The county superintendent of schools in each county where
7 the registrant resides, owns or leases habitable real property that
8 he or she regularly visits, is employed or attends school or a
9 training facility;

10 (3) The child protective services office charged with
11 investigating allegations of child abuse or neglect in the county
12 where the registrant resides, owns or leases habitable real property
13 that he or she regularly visits, is employed or attends school or
14 a training facility;

15 (4) All community organizations or religious organizations
16 which regularly provide services to youths in the county where the
17 registrant resides, owns or leases habitable real property that he
18 or she regularly visits, is employed or attends school or a training
19 facility;

20 (5) Individuals and organizations which provide day care
21 services for youths or day care, residential or respite care, or
22 other supportive services for mentally or physically incapacitated
23 or infirm persons in the county where the registrant resides, owns
24 or leases habitable real property that he or she regularly visits,

1 is employed or attends school or a training facility; ~~and~~

2 (6) The Federal Bureau of Investigation (FBI); and

3 (7) The president, chief administrator or his or her designee
4 of any elementary school, secondary school and institution of higher
5 education, public or private, within the state where the registrant
6 is a student or is employed.

7 (b) Information concerning persons whose names are contained
8 in the sex offender registry is not subject to the requirements of
9 the West Virginia Freedom of Information Act, as set forth in
10 chapter twenty-nine-b of this code, and may be disclosed and
11 disseminated only as otherwise provided in this article and as
12 follows:

13 (1) When a person has been determined to be a sexually violent
14 predator under the terms of section two-a of this article, the State
15 Police shall notify the prosecuting attorney of the county in which
16 the person resides, owns or leases habitable real property that he
17 or she regularly visits, is employed or attends a school or training
18 facility. The prosecuting attorney shall cooperate with the State
19 Police in conducting a community notification program which is to
20 include publication of the offender's name, photograph, place of
21 residence, location of regularly visited habitable real property
22 owned or leased by the offender, county of employment and place at
23 which the offender attends school or a training facility, as well
24 as information concerning the legal rights and obligations of both

1 the offender and the community. Information relating to the victim
2 of an offense requiring registration may not be released to the
3 public except to the extent the prosecuting attorney and the State
4 Police consider it necessary to best educate the public as to the
5 nature of sexual offenses: *Provided*, That no victim's name may be
6 released in any public notification pursuant to this subsection.
7 No information relating to telephone or electronic paging device
8 numbers a registrant has or uses may be released to the public with
9 this notification program. The prosecuting attorney and State
10 Police may conduct a community notification program in the county
11 where a person who is required to register for life under the terms
12 of subdivision (2), subsection (a), section four of this article
13 resides, owns or leases habitable real property that he or she
14 regularly visits, is employed or attends a school or training
15 facility. Community notification may be repeated when determined
16 to be appropriate by the prosecuting attorney;

17 (2) The State Police shall maintain and make available to the
18 public at least quarterly the list of all persons who are required
19 to register for life according to the terms of subdivision (2),
20 subsection (a), section four of this article. No information
21 concerning the identity of a victim of an offense requiring
22 registration or telephone or electronic paging device numbers a
23 registrant has or uses may be released with this list. The method
24 of publication and access to this list are to be determined by the

1 superintendent; and

2 (3) A resident of a county may petition the circuit court for
3 an order requiring the State Police to release information about
4 persons that reside or own or lease habitable real property that the
5 persons regularly visit in that county and who are required to
6 register under section two of this article. The court shall
7 determine whether information contained on the list is relevant to
8 public safety and whether its relevance outweighs the importance of
9 confidentiality. If the court orders information to be released,
10 it may further order limitations upon secondary dissemination by the
11 resident seeking the information. In no event may information
12 concerning the identity of a victim of an offense requiring
13 registration or information relating to telephone or electronic
14 paging device numbers a registrant has or uses be released.

15 (c) The State Police may furnish information and documentation
16 required in connection with the registration to authorized
17 law-enforcement, campus police and governmental agencies of the
18 United States and its territories, of foreign countries duly
19 authorized to receive the same, of other states within the United
20 States and of the State of West Virginia upon proper request stating
21 that the records will be used solely for law-enforcement-related
22 purposes. The State Police may disclose information collected under
23 this article to federal, state and local governmental agencies
24 responsible for conducting preemployment checks. The State Police

1 ~~also~~ may disclose information collected under this article to the
2 Division of Motor Vehicles pursuant to the provisions of section
3 three, article two, chapter seventeen-b of this code. The State
4 Police may also disclose information collected under this article
5 to the president or chief administrator of any elementary school,
6 secondary school or higher education institution without a campus
7 police department pursuant to subdivision (7), subsection (a) of
8 this section.

9 (d) An elected public official, public employee or public
10 agency is immune from civil liability for damages arising out of any
11 action relating to the provisions of this section except when the
12 official, employee or agency acted with gross negligence or in bad
13 faith.

NOTE: The purpose of this bill is to provide sex offender registration information to elementary schools, secondary schools, higher education institutions that lack a campus police department where the registrant is employed or attends school.

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