

1 **ARTICLE 12. SEX OFFENDER REGISTRATION ACT.**

2 **§15-12-11. Juvenile sex offender registration.**

3 (a) Juvenile sex offenders who are required to register by
4 court order pursuant to subdivision (5), subsection (a), section
5 thirteen-b, article five, chapter forty-nine of this code, shall
6 register in person, accompanied by his or her parent or guardian
7 unless emancipated, at the West Virginia State Police detachment in
8 the county of his or her residence and the county in which he or
9 she attends school or training facility and shall provide the
10 following information:

11 (1) Full name including aliases, nicknames or other names
12 used by the registrant;

13 (2) The physical address where the registrant intends to
14 reside or does reside at the time of registration;

15 (3) The name and address of the school or training facility
16 attended by the registrant or the school or training facility where
17 the registrant intends to enroll and attend;

18 (4) The registrant's social security number;

19 (5) A full-face photograph of the registrant at the time of
20 registration;

21 (6) Fingerprints;

22 (7) Information related to any motor vehicle regularly
23 operated by the registrant including vehicle make, model, color and
24 license plate number;

1 (8) The physical address and telephone of the registrant's
2 parent(s) or legal guardian(s) and any other relative or person
3 with whom the registrant regularly engages in overnight visits;

4 (9) Information relating to any Internet accounts the
5 registrant has and the screen names, user names or aliases the
6 registrant uses on the Internet; and

7 (10) Information relating to any telephone number that the
8 registrant has or uses including, but not limited to, residential,
9 work, school and mobile telephone numbers.

10 (b) When a juvenile sex offender who is required to register
11 under this section has been placed in an inpatient treatment
12 facility or detention facility prior to registration, the
13 administrator of the treatment or detention facility shall, prior
14 to the discharge of the juvenile, obtain all information required
15 under subsection (a) of this section and forward to the appropriate
16 West Virginia State Police detachment along with notice of
17 scheduled discharge date. The facility administrator shall also
18 inform the juvenile of his or her duty to register within three
19 business days of his or her discharge.

20 (c) When a court orders a juvenile sex offender registration
21 as a condition of disposition under subdivision (5), subsection
22 (a), section thirteen-b, article five, chapter forty-nine of this
23 code, it shall, within seventy-two hours of entry of the
24 disposition order, forward to the appropriate West Virginia State

1 Police detachment all information required under subsection (a) of
2 this section and the following nonidentifying information regarding
3 the victim or victims:

4 (1) His or her sex;

5 (2) His or her age at the time of the offense; and

6 (3) The relationship between the victim and the juvenile
7 offender.

8 (d) At the time of entering a disposition order under
9 subdivision (5), subsection (a), section thirteen-b, article five,
10 chapter forty-nine of this code, requiring a juvenile to register
11 as described in this section, the court shall inform the juvenile
12 of the requirements to register under this section and shall
13 satisfy itself by interrogation of the juvenile or his or her
14 counsel that the juvenile received notice of the provisions of this
15 section and understands the provisions. The juvenile and his or
16 her counsel shall sign a statement in open court acknowledging that
17 the requirements are understood. A copy of this statement shall be
18 included and forwarded along with the information required under
19 subsection (c) of this section.

20 (e) Information maintained on the juvenile sex offender
21 registration is confidential and may not be disclosed except to the
22 superintendent of the county school system where the juvenile
23 attends school or intends to attend school or to the administrator
24 of a training facility where the juvenile is enrolled or intends to

1 enroll and to counsel for the juvenile, upon request. The State
2 Police detachment shall notify the superintendent of the county
3 school system where the juvenile attends school or intends to
4 attend or the administrator of a training facility where the
5 juvenile attends or intends to attend that a juvenile has
6 registered on the juvenile sexual offender registration who does or
7 will attend the school or training facility. The notification
8 shall inform that the information may be disclosed to the school or
9 training facility, upon request, and is strictly confidential.

10 (f) Each time that a registered juvenile sex offender has a
11 change in any of the registration information required by this
12 section, he or she shall inform the State Police detachment, in
13 person.

14 (g) If a juvenile fails to register as ordered under
15 subdivision (5), subsection (a), section thirteen-b, article five,
16 chapter forty-nine of this code, the State Police detachment that
17 is the recipient of court notification under subsection (c) of this
18 section, shall notify the court of the failure within five business
19 days following the last day upon which the juvenile had the duty to
20 register and mail copy of this notification, by certified mail, to
21 the juvenile, his or her parents and counsel for the juvenile.

22 **CHAPTER 49. CHILD WELFARE.**

23 **ARTICLE 5. JUVENILE PROCEEDINGS.**

24 **§49-5-13b. Authority of the courts to order fines; revocation of**

1 **vehicle privileges and restitution; and register on**
2 **juvenile sex offender registration.**

3 (a) In addition to the methods of disposition provided in
4 section thirteen of this article, the court may enter an order
5 imposing one or more of the following penalties, conditions and
6 limitations:

7 (1) Impose a fine not to exceed \$100 upon ~~such~~ the child;

8 (2) Require the child to make restitution or reparation to the
9 aggrieved party or parties for actual damages or loss caused by the
10 offense for which the child was found to be delinquent, or if the
11 child does not make full restitution, require the custodial parent
12 or parents, as defined in section two, article seven-a, chapter
13 fifty-five, of the child to make partial or full restitution to the
14 victim to the extent the child fails to make full restitution;

15 (3) Require the child to participate in a public service
16 project under ~~such~~ conditions as the court prescribes, including
17 participation in the litter control program established pursuant to
18 the authority of section three, article fifteen-a, chapter
19 twenty-two of this code;

20 (4) When the child is fifteen years of age or younger and has
21 been adjudged delinquent, the court may order that the child is not
22 eligible to be issued a junior probationary operator's license or
23 when the child is between the ages of sixteen and eighteen years
24 and has been adjudged delinquent, the court may order that the

1 child is not eligible to operate a motor vehicle in this state and
2 any junior or probationary operator's license shall be surrendered
3 to the court. ~~Such~~ The child's driving privileges shall be
4 suspended for a period not to exceed two years and the clerk of the
5 court shall notify the Commissioner of the Division of Motor
6 Vehicles of ~~such~~ the order;

7 (5) Require the child, if convicted of a sexual offense which
8 constitutes a first or second degree sexual assault and if sixteen
9 years of age or older, to register on the juvenile sex offender
10 list under section eleven, article twelve, chapter fifteen of this
11 code.

12 (b) ~~Nothing herein stated shall~~ This section does not limit
13 the discretion of the court in disposing of a juvenile case
14 ~~Provided, except that the juvenile shall not be denied~~ court may
15 not deny probation or any other disposition pursuant to this
16 article because the juvenile is financially unable to pay a fine or
17 make restitution or reparation ~~Provided, however,~~ and that all
18 penalties, conditions and limitations imposed under this section
19 shall be based upon a consideration by the court of the seriousness
20 of the offense, the child's ability to pay and a program of
21 rehabilitation consistent with the best interests of the child.

22 (c) Notwithstanding any other provisions of this code to the
23 contrary, in the event a child charged with delinquency under this
24 chapter is transferred to adult jurisdiction and there convicted,

1 the court may nevertheless, in lieu of sentencing such person as an
2 adult, make its disposition in accordance with this section.

NOTE: The purpose of this bill is to create a juvenile sex offender registration and to authorize courts to order a juvenile, if sixteen years of age or older and whose offense constitutes a first or second degree sexual assault, to register as a condition of its disposition order.

§15-12-11 is new; therefore, it has been completely underscored.

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