

Senate Bill No. 468

(By Senators Unger, Laird, Kessler (Mr. President), Stollings,
Snyder and Fitzsimmons)

[Introduced March 6, 2013; referred to the Committee on the
Judiciary; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §15-14-1, §15-14-2,
§15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-14-8,
§15-14-9, §15-14-10 and §15-14-11, all relating to creating a
State Animal Abuse Registry; defining terms; creating a
registry of all persons convicted of animal abuse; requiring
all persons convicted of animal abuse to register; setting
forth the information to be provided when registering;
requiring a registrant to pay a fee; creating the Central
Abuse Registry Fund; determining how the money in the fund
will be used; requiring the registry information to be public;
providing an exception from being required to register;
setting forth duties of animal breeders, animal shelters and

1 pet stores; and providing criminal penalties.

2 *Be it enacted by the Legislature of West Virginia:*

3 That the Code of West Virginia, 1931, as amended, be amended
4 by adding thereto a new article, designated §15-14-1, §15-14-2,
5 §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-14-8,
6 §15-14-9, §15-14-10 and §15-14-11, all to read as follows:

7 **ARTICLE 14. ANIMAL ABUSE REGISTRY.**

8 **§15-14-1. Definitions.**

9 As used in this article, unless the context otherwise
10 requires:

11 "Animal abuse crime" means: A violation of any animal
12 protection statute in this code, including section nineteen,
13 nineteen-a or twenty of article eight, chapter sixty-one of this
14 code or of section twenty-seven, article three of that chapter, or
15 a violation of any comparable animal protection statute of another
16 state; an attempt to commit an offense listed in this subdivision;
17 or a crime committed in a federal, state, or foreign jurisdiction
18 that, if committed in this state, would constitute one of the
19 crimes listed in this subdivision.

20 "Animal breeder" means an entity engaged in the practice of
21 facilitating the reproduction of animals for the purpose of
22 distributing the resulting offspring to one or more other
23 individuals or entities.

1 "Animal shelter" means a public animal control facility or any
2 other facility that is operated by an organization or individual
3 for the purpose of protecting animals from cruelty, neglect or
4 abuse.

5 "Fund" means the Central Abuse Registry Fund established under
6 this article.

7 "Offender" means a person required to register under section
8 four of this article.

9 "Pet store" means a place or premises where birds, mammals, or
10 reptiles are kept for the purpose of sale, at either wholesale or
11 retail, import, export, barter, exchange or gift.

12 **§15-14-2. When convicted.**

13 For the purpose of this article, a person is convicted when
14 the person:

15 (1) Is found guilty of a crime by a jury or judicial officer;

16 (2) Enters a plea of guilty or nolo contendere;

17 (3) Is granted probation before judgment after a finding of
18 guilt for a crime if the court, as a condition of probation, orders
19 compliance with the requirements of this article; or

20 (4) Is found to have committed a criminal act but is found not
21 criminally responsible for the act.

22 **§15-14-3. West Virginia Animal Abuse Registry.**

23 (a) The West Virginia State Police shall establish and

1 maintain a central computerized registry of all persons convicted
2 of an animal abuse crime who are required to register in accordance
3 with section four of this article, to be known as the West Virginia
4 Animal Abuse Registry.

5 (b) The registry shall be updated based on information made
6 available to the State Police, including information acquired in
7 accordance with the registration provisions of section five of this
8 article.

9 (c) The registry shall include the offender's name, the
10 offender's residential address, the date and a description of the
11 crime for which registration is required, and a photograph of the
12 offender's head and shoulders from the front.

13 **§15-14-4. Persons required to register; when registration**
14 **required.**

15 A person convicted of an animal abuse crime shall register
16 with the State Police within ten days after the conviction.

17 **§15-14-5. Information to be supplied to the State Police; State**
18 **Police to obtain photograph; updates to information**
19 **required.**

20 (a) A registrant shall provide the State Police with the
21 registrant's legal name, the registrant's current address or
22 location, the crime of which the registrant was convicted, and the

1 date and location of the crime.

2 (b) The State Police shall obtain a photograph of the
3 registrant's head and shoulders from the front.

4 (c) A person required to register under this article shall
5 update the information and reflect any change in name or address
6 within ten days of the change.

7 **§15-14-6. Registrant to pay fee; fees remitted to State Treasurer.**

8 (a) In addition to any fine, fee, or penalty levied or imposed
9 as provided by law, each registrant shall pay an annual
10 registration fee of \$50.

11 (b) The State Police shall collect and remit the annual
12 registration fees required under subsection (a) of this section to
13 the State Treasurer for deposit into the fund.

14 **§15-14-7. Central Abuse Registry Fund created.**

15 (a) There is hereby created in the State Treasury a special
16 revenue account designated the Central Abuse Registry Fund which
17 shall consist of money deposited into the fund from annual
18 registration fees collected under section six of this article, fees
19 collected by other abuse registries and moneys appropriated by the
20 legislature. Additional financial support may come from gifts,
21 grants, contributions, bequests and endowment either public or
22 private.

23 (b) Funds appropriated to the fund in accordance with this

1 section that remain unallocated or unexpended at the end of a
2 fiscal year do not expire, but remain in the line item to which
3 they were originally appropriated and are available in the next
4 fiscal year to be used for the purposes of operating and
5 maintaining the Animal Abuse Registry authorized by this article
6 and other abuse registries operated by the State Police.

7 (c) Expenditures from the fund may be made from collections
8 and may only be used to pay for expenses of administering the
9 Animal Abuse Registry as provided in this article and other abuse
10 registries operated by the State Police.

11 **§15-14-8. Registry information to be made public.**

12 The State Police shall make information contained in the West
13 Virginia Animal Abuse Registry available to the public through the
14 Internet, by telephone, by written access and in person.

15 **§15-14-9. Appeal of level of danger; court-ordered removal of**
16 **registration upon certain finding.**

17 (a) A person convicted of an animal abuse crime who would
18 otherwise be required to register under section four of this
19 article may appeal to the circuit court for a determination of the
20 level of danger posed by the offender.

21 (b) The circuit court may make a finding that the
22 circumstances of the crime, in conjunction with the offender's
23 criminal history, do not indicate a risk of reoffending by the

1 offender or that the offender is a danger to the public. The
2 circuit court shall specify in writing the reasons for its finding.
3 On making its finding as described herein, the circuit court shall
4 notify the offender and, if the finding is in the offender's favor,
5 order the State Police to remove the offender's registration
6 information from the registry.

7 **§15-14-10. Acts required by a person subject to registration;**
8 **penalties.**

9 (a) A person who is subject to registration under section four
10 of this article may not knowingly fail to:

11 (1) Register with the State Police; or

12 (2) Provide accurate information when registering under
13 section five of this article.

14 (b) A person who violates this section:

15 (1) For a first offense, is guilty of a misdemeanor and, upon
16 conviction, shall be fined not more than \$1,000 or confined in jail
17 not more than six months, or both fined and confined; and

18 (2) For a second or subsequent offense, is guilty of a
19 misdemeanor and, upon conviction, shall be fined not more than
20 \$5,000 or confined in jail not more than one year, or both fined
21 and confined.

22 **§15-14-11. Duties of animal breeders and owners or managers of**
23 **animal shelters or pet stores; penalties.**

1 (a) Animal breeders and owners or managers of animal shelters
2 and pet stores in this state shall determine whether the name and
3 address of a person seeking to purchase or adopt an animal appears
4 on the registry.

5 (b) An animal breeder, or owner or manager responsible for an
6 animal shelter or a pet store may not knowingly offer, sell,
7 deliver, give or provide an animal to a person registered on the
8 registry.

9 (c) A person violating provisions of this section is guilty of
10 a misdemeanor and, upon conviction, is subject to:

11 (1) For a first offense, a fine not exceeding \$1,000; or

12 (2) For a second or subsequent offense, a fine not exceeding
13 \$10,000.

NOTE: The purpose of this bill is to establish a West Virginia Animal Abuse Registry, requires registration of persons convicted of certain crimes of animal abuse. The bill defines terms. The bill creates a registry of all persons convicted of animal abuse. The bill requires all persons convicted of an abuse to register. The bill sets forth the information to be provided when registering. The bill requires a registrant to pay a fee. The bill creates the Central Abuse Registry Fund. The bill determines how the money in the fund will be used. The bill requires the registry information to be public. The bill provides an exception from the registration requirement. The bill provides criminal penalties. The bill sets forth duties of animal breeders, animal shelters and pet stores. The bill also provides criminal penalties.

This article is new. therefore, strike-throughs and underscoring have been omitted.

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