WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2023 REGULAR SESSION

Introduced

House Bill 2181

By Delegate Skaff

[Introduced January 11, 2023; Referred to the Committee on Agriculture and Natural Resources then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, relating to establishing an animal abuser registry; establishing requirements for registration; directing the State Police to establish and maintain a state registry; providing what crimes require registration; requiring each law-enforcement agency to submit information relating to convicted animal abusers; and establishing a criminal penalty for failure to register;

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. animal abuser registry.

§15-15-1. Animal Abuser registry.

(a) For purposes of this section, "animal abuser" means a person 18 years of age or older who has been convicted of a felony violation of §19-20-12, §61-8-9, §61-8-9a, or §61-8-9b of this code, or of a comparable statute of another state.

(b) Any animal abuser present within the boundaries of the state for more than 10 consecutive days shall register with the primary law-enforcement agency for the locality in which the animal abuser is located before the end of the 11th day in the state. Any previously registered animal abuser shall reregister with the primary law-enforcement agency for the locality in which the animal abuser is located no later than 10 days after moving to a new location within the state.

(c) When an animal abuser registers with a primary law-enforcement agency, he or she shall provide the following registration information:

(1) The legal name and any other names or aliases that the animal abuser is using or has used;

(2) The date of birth of the animal abuser;

(3) The Social Security number of the animal abuser;

(4) The current address or location of the animal abuser;

(5) The place of employment of the animal abuser; and

(6) The animal protection offense for which the animal abuser was convicted and the date and place of conviction.

(d) When an animal abuser registers with the primary law-enforcement agency of a locality, the agency shall obtain a photograph of the animal abuser, a complete set of his or her fingerprints, and a description of any tattoos, scars, or other distinguishing features on his or her body that would assist in identifying him or her.

(e) Following an animal abuser’s initial registration pursuant to the provisions of this section, he or she shall annually renew his or her registration with the primary law-enforcement agency of the locality prior to December 31 of each subsequent calendar year for a period of 15 years.

(f) Any person required to register pursuant to this article who knowingly provides materially false information or who refuses to provide accurate information when so required by the terms of this article, or who knowingly fails to register or knowingly fails to provide a change in any required information as required by this article, is guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned in a state correctional facility for not more than one year. Any person convicted of a second or subsequent offense under this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than five years.

(g) The primary law-enforcement agency of each locality shall maintain a local registry of animal abusers in the agency’s jurisdiction required to register pursuant to this section. The agency shall forward all registration information obtained from animal abusers to the State Police within 10 days of receiving initial registration information from an animal abuser, the agency shall contact each residence, school, humane society, animal shelter, and business within one-half mile of the animal abuser’s residence or location and provide it with the animal abuser’s registration information, with the exception of his or her Social Security number.

(h) The State Police shall maintain a central registry of animal abusers required to register pursuant to the provisions of this section. Records of each animal abuser’s registration shall be maintained for the duration of the 15-year period in which he or she is required to be registered. All of the information contained in the central registry, with the exception of the Social Security numbers of animal abusers, shall be made available to the public through internet access, telephone access, written access, and in-person access.

NOTE: The purpose of this bill is to establish a state animal abuse register; the bill requires all those convicted of animal abuse to register and directs the State Police to maintain a registry of registered animal abusers; and establishes criminal penalty for failure to register.

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