

# WEST VIRGINIA LEGISLATURE

## 2024 REGULAR SESSION

Introduced

### House Bill 5502

FISCAL  
NOTE

By Delegate Young

[Introduced February 07, 2024; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended, to repeal  
 2 §15-12-2b of said code; and to amend and reenact §15-12-3, §15-12-4, §15-12-5, §15-12-  
 3 7, §15-12-8 and §15-12-10 of said code, all relating to the sex offender registration act;  
 4 allowing minors convicted of certain sexual offenses be required to register; expanding the  
 5 information relating to registrant criminal history to be submitted by registrant; modifying  
 6 the timing of required registration; requiring collection of registrants DNA sample;  
 7 modifying periodic registrant reporting requirements; repealing the sex offender  
 8 registration advisory board; changing time periods for registration; modifying certain  
 9 crimes reporting requirements; and establishing a criminal penalty for living near a public  
 10 or private school or a daycare facility.

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

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

**§15-12-2. Registration.**

- 1 (a) The provisions of this article apply both retroactively and prospectively.
- 2 (b) Any person who has been convicted of an offense or an attempted offense or has been
- 3 found not guilty by reason of mental illness, mental retardation, or addiction of an offense under
- 4 any of the following provisions of this code or under a statutory provision of another state, the
- 5 United States Code or the Uniform Code of Military Justice which requires proof of the same
- 6 essential elements shall register as set forth in §15-12-2(d) of this code and according to the
- 7 internal management rules promulgated by the superintendent under authority of §15-2-25 of this
- 8 code:
- 9 (1) §61-8A-1 *et seq.* of this code;
- 10 (2) §61-8B-1 *et seq.* of this code, including the provisions of former §61-8B-6 of this code,
- 11 relating to the offense of sexual assault of a spouse, which was repealed by an act of the
- 12 Legislature during the 2000 legislative session;
- 13 (3) §61-8C-1 *et seq.* of this code;

- 14 (4) §61-8D-5 and §61-8D-6 of this code;
- 15 (5) §61-2-14(a) of this code;
- 16 (6) §61-8-6, §61-8-7, §61-8-12, and §61-8-13 of this code;
- 17 (7) §61-3C-14b of this code, as it relates to violations of those provisions of chapter 61  
18 listed in this subsection; or
- 19 (8) §61-14-2, §61-14-5, and §61-14-6 of this code: *Provided*, That as to §61-14-2 of this  
20 code only those violations involving human trafficking for purposes of sexual servitude require  
21 registration pursuant to this subdivision.
- 22 (9) Any of the following federal crimes which require registration:
- 23 (A) 18 U.S.C. § 1801 (video voyeurism of a minor);
- 24 (B) 18 U.S.C. § 2245 (offenses resulting in death);
- 25 (C) 18 U.S.C. §2251A (selling or buying children);
- 26 (D) 18 U.S.C. §2252B (misleading domain names on the internet);
- 27 (E) 18 U.S.C. §2252C (misleading words or digital images on the internet);
- 28 (F) 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import in to the  
29 United States; or
- 30 (G) 18 U.S.C. §2424 (failure to file factual statement about an alien individual).
- 31 (c) Any person who has been convicted of a criminal offense where the sentencing judge  
32 made a written finding that the offense was sexually motivated shall also register as set forth in this  
33 article.
- 34 (d) A person required to register under the provisions of this article shall register in person  
35 at the West Virginia State Police detachment responsible for covering the county of his or her  
36 residence, and in doing so, provide or cooperate in providing, at a minimum, the following when  
37 registering:
- 38 (1) The full name of the registrant, including any aliases, nicknames, or other names used  
39 by the registrant;

40 (2) The address where the registrant intends to reside or resides at the time of registration,  
41 including any temporary lodging, the address of any habitable real property owned or leased by  
42 the registrant that he or she regularly visits: *Provided*, That a post office box may not be provided in  
43 lieu of a physical residential address, the name and address of the registrant's employer or place  
44 of occupation at the time of registration, the names and addresses of any anticipated future  
45 employers or places of occupation, the name and address of any school or training facility the  
46 registrant is attending at the time of registration and the names and addresses of any schools or  
47 training facilities the registrant expects to attend;

48 (3) The registrant's Social Security number;

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

50 ~~(5) A brief description of the crime or crimes for which the registrant was convicted~~

51 The following information relating to the criminal history of the registrant:

52 (A) Date of all arrests;

53 (B) Date of all convictions;

54 (C) Status of parole, probation or supervised release; and

55 (D) Outstanding arrest warrants.-;

56 (6) The registrant's fingerprints and palm prints;

57 (7) Information related to any motor vehicle, trailer, or motor home owned or regularly  
58 operated by a registrant, including vehicle make, model, color, and license plate number:  
59 *Provided*, That for the purposes of this article, the term "trailer" means travel trailer, fold-down  
60 camping trailer, and house trailer as those terms are defined in §17A-1-1 of this code;

61 (8) Information relating to any Internet accounts, Internet Protocol (IP) addresses of any  
62 computer or electronic device of the registrant; ~~has and the screen names, user names, or aliases~~  
63 ~~the registrant uses on the Internet~~

64 (9) Information related to any telephone or electronic paging device numbers that the  
65 registrant has or uses, including, but not limited to, residential, work, and mobile telephone  
66 numbers;

67 (10) A photocopy of a valid driver's license or government-issued identification card,  
68 including a tribal identification card;

69 (11) A photocopy of any passport and immigration documents;

70 (12) A photocopy of any professional licensing information that authorizes the registrant to  
71 engage in an occupation or carry out a trade or business; and

72 (13) Any identifying information, including make, model, serial number, and photograph,  
73 regarding any unmanned aerial vehicle owned or operated by a registrant.

74 (e) (1) On the date that any person convicted or found not guilty by reason of mental  
75 illness, mental retardation, or addiction of any of the crimes listed in §15-12-2(b) of this code,  
76 hereinafter referred to as a "qualifying offense", including those persons who are continuing under  
77 some post-conviction supervisory status, are released, granted probation or a suspended  
78 sentence, released on parole, probation, home detention, work release, conditional release or any  
79 other release from confinement, the Commissioner of Corrections, regional jail administrator, city  
80 official, or sheriff operating a jail or Secretary of the Department of Health and Human Resources  
81 Facilities who releases the person and any parole or probation officer who releases the person or  
82 supervises the person following the release shall obtain the registrant's DNA sample and all  
83 information required by §15-12-2(d) of this code prior to the release of the person, inform the  
84 person of his or her duty to register, and send written notice of the release of the person to the  
85 State Police within three business days of receiving the information. The notice must include the  
86 information required by §15-12-2(d) of this code. Any person having a duty to register for a  
87 qualifying offense shall register upon conviction, unless that person is confined or incarcerated, in  
88 which case he or she shall register within three business days of prior to release, transfer, or other

89 change in disposition status. Any person currently registered who is incarcerated for any offense  
90 shall re-register within three business days ~~et~~ prior to his or her release.

91 (2) Notwithstanding any provision of this article to the contrary, a court of this state shall,  
92 upon presiding over a criminal matter resulting in conviction or a finding of not guilty by reason of  
93 mental illness, mental retardation, or addiction of a qualifying offense, cause, within 72 hours of  
94 entry of the commitment or sentencing order, the transmittal to the sex offender registry for  
95 inclusion in the registry all information required for registration by a registrant as well as the  
96 following nonidentifying information regarding the victim or victims:

97 (A) His or her sex;

98 (B) His or her age at the time of the offense; and

99 (C) The relationship between the victim and the perpetrator.

100 The provisions of this subdivision do not relieve a person required to register pursuant to  
101 this section from complying with any provision of this article.

102 (f) For any person determined to be a sexually violent predator, the notice required by §15-  
103 12-2(d) of this code must also include:

104 (1) Identifying factors, including physical characteristics;

105 (2) History of the offense; and

106 (3) Documentation of any treatment received for the mental abnormality or personality  
107 disorder.

108 (g) At the time the person is convicted or found not guilty by reason of mental illness,  
109 mental retardation, or addiction in a court of this state of the crimes set forth in §15-12-2(b) of this  
110 code, the person shall sign in open court a statement acknowledging that he or she understands  
111 the requirements imposed by this article. The court shall inform the person so convicted of the  
112 requirements to register imposed by this article and shall further satisfy itself by interrogation of the  
113 defendant or his or her counsel that the defendant has received notice of the provisions of this  
114 article and that the defendant understands the provisions. The statement, when signed and

115 witnessed, constitutes prima facie evidence that the person had knowledge of the requirements of  
116 this article. Upon completion of the statement, the court shall provide a copy to the registry.  
117 Persons who have not signed a statement under the provisions of this subsection and who are  
118 subject to the registration requirements of this article must be informed of the requirement by the  
119 State Police whenever the State Police obtain information that the person is subject to registration  
120 requirements.

121 (h) The State Police shall maintain a central registry of all persons who register under this  
122 article and shall release information only as provided in this article. The information required to be  
123 made public by the State Police by §15-12-5(b)(2) of this code is to be accessible through the  
124 Internet. Information relating to telephone or electronic paging device numbers a registrant has or  
125 uses may not be released through the Internet.

126 (i) Any person who had registered prior to when a DNA sample was required to be provided  
127 shall provide a DNA sample within 30 days of receipt of notice from the State Police.

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

129 (1) Sexual assault in the first degree as set forth in §61-8B-3 of this code, or of a similar  
130 provision in another state, federal, or military jurisdiction;

131 (2) Sexual assault in the second degree as set forth §61-8B-4 of this code, or of a similar  
132 provision in another state, federal, or military jurisdiction;

133 (3) Sexual assault of a spouse as set forth in the former provisions of §61-8B-6 of this  
134 code, which was repealed by an act of the Legislature during the 2000 legislative session, or of a  
135 similar provision in another state, federal, or military jurisdiction;

136 (4) Sexual abuse in the first degree as set forth in §61-8B-7 of this code, or of a similar  
137 provision in another state, federal, or military jurisdiction;

138 (j) (k) For purposes of this article, the term "sexually motivated" means that one of the  
139 purposes for which a person committed the crime was for any person's sexual gratification;

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

144           ~~(l)~~ (m) For purposes of this article, the term "mental abnormality" means a congenital or  
 145 acquired condition of a person that affects the emotional or volitional capacity of the person in a  
 146 manner that predisposes that person to the commission of criminal sexual acts to a degree that  
 147 makes the person a menace to the health and safety of other persons.

148           ~~(m)~~ (n) For purposes of this article, the term "predatory act" means an act directed at a  
 149 stranger or at a person with whom a relationship has been established or promoted for the primary  
 150 purpose of victimization.

151           ~~(n)~~ (o) For the purposes of this article, the term "business days" means days exclusive of  
 152 Saturdays, Sundays, and legal holidays as defined in §2-2-1 of this code.

153           (p) For the purposes of this article, the term "DNA sample" means a tissue, fluid, or other  
 154 bodily sample of an individual on which a DNA analysis can be carried out.

**§15-12-2b. Creation of sex offender registration advisory board.**

1           [Repealed]

**§15-12-3. Change in registry information.**

1           (a) When any person required to register under this article changes his or her residence,  
 2 address, place of employment or occupation, motor vehicle, trailer or motor home information  
 3 required by section two of this article, or school or training facility which he or she is attending, or  
 4 when any of the other information required by this article changes, he or she shall, within ~~ten~~ three  
 5 business days, inform the West Virginia State Police of the changes in the manner prescribed by  
 6 the Superintendent of State Police in procedural rules promulgated in accordance with the  
 7 provisions of §29A-3-1 *et seq.* of this code: *Provided*, That when any person required to register  
 8 under this article changes his or her residence, place of employment or occupation or school or



9 training facility he or she is attending from one county of this state to another county of this state,  
 10 he or she shall in person inform the West Virginia State Police detachment responsible for  
 11 covering the county of his or her residence within ~~ten~~ three business days of the change in the  
 12 manner prescribed by the superintendent in procedural rules promulgated in accordance with the  
 13 provisions of §29A-3-1 *et seq.* of this code.

14 (b) Each person required to register for 15 years shall personally appear annually at the  
 15 State Police detachment to confirm that all information is still complete and accurate. Persons  
 16 required to register for 25 years shall appear every six months at the State Police detachment to  
 17 confirm that all information is still complete and accurate. Persons required to register for life shall  
 18 personally appear four times a year to confirm that all information is still complete and accurate.

**§15-12-4. Duration.**

1 (a) A person required to register under the terms of this article shall continue to comply with  
 2 this section, except during ensuing periods of incarceration or confinement, until:

3 (1) ~~Ten~~ Fifteen years have elapsed since the person was released from prison, jail, or a  
 4 mental health facility or ~~40~~ 15 years have elapsed since the person was placed on probation,  
 5 parole, or supervised or conditional release. The ~~40-year~~ 15-year registration period may not be  
 6 reduced by the sex offender's release from probation, parole, or supervised or conditional release;  
 7 or

8 (2) Twenty-five years have elapsed since the person was released from prison, jail, or a  
 9 mental health facility or 25 years have elapsed since the person was placed on probation, parole,  
 10 or supervised or conditional release, and the conviction was for one of the following offenses.

11 (A) Sexual assault in the third degree when the victim was a minor pursuant to §61-8B-5 of  
 12 this code;

13 (B) Soliciting a minor pursuant to §61-3C-14b of this code;

14 (C) Commission of certain sexual offenses against a minor pursuant to §61-8B-9a of this  
 15 code;

16           (D) Human trafficking pursuant to §61-14-3, §61-14-4, §61-14-5, §61-14-6 or §61-14-7 of  
17 this code; or

18           (E) Sexual abuse and other acts by a person of trust against a child pursuant to §61-8D-5  
19 and §61-8D-6 of this code;

20           The 25-year registration period may not be reduced by the sex offender's release from  
21 probation, parole, or supervised or conditional release; or

22           (2) (3) For the life of that person, if that person: (A) Has one or more prior convictions or has  
23 previously been found not guilty by reason of mental illness, mental retardation, or addiction for  
24 any qualifying offense referred to in this article; (B) has been convicted or has been found not guilty  
25 by reason of mental illness, mental retardation, or addiction of a qualifying offense as referred to in  
26 this article, and upon motion of the prosecuting attorney, the court finds by clear and convincing  
27 evidence that the qualifying offense involved multiple victims or multiple violations of the qualifying  
28 offense; (C) has been convicted or has been found not guilty by reason of mental illness, mental  
29 retardation, or addiction of a sexually violent offense; (D) has been determined pursuant to §15-  
30 12-2a of this code to be a sexually violent predator; ~~or~~ (E) has been convicted or has been found  
31 not guilty by reason of mental illness, mental retardation, or addiction of a qualifying offense as  
32 referred to in this article, involving a minor or a person believed or perceived by the registrant to be  
33 a minor; or (F) has been convicted or has been found not guilty by reason of mental illness, mental  
34 retardation, or addiction of sexual assault or sexual abuse as provided in §61-8b-1 et seq. of this  
35 code and the victim was a vulnerable adult as defined by §9-6-1 of this code.

36           (b) A person whose conviction is overturned for the offense which required him or her to  
37 register under this article shall, upon petition to the court, have his or her name removed from the  
38 registry.

**§15-12-5. Distribution and disclosure of information; community information programs by  
prosecuting attorney and State Police; petition to circuit court.**

1           (a) Within five business days after receiving any notification as described in this article, the

2 State Police shall distribute a copy of the notification statement to:

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

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

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

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

15 (5) Individuals and organizations which provide ~~day~~ child care services for youths or ~~day~~  
16 child care, residential or respite care, or other supportive services for mentally or physically  
17 incapacitated or infirm persons in the county where the registrant resides, owns or leases  
18 habitable real property that he or she regularly visits, is employed or attends school or a training  
19 facility; and

20 (6) The Federal Bureau of Investigation (FBI).

21 (7) The State Police detachments in the county of the offenders occupation, employment,  
22 owned or leased habitable real property and school or training.

23 (b) Information concerning persons whose names are contained in the sex offender  
24 registry is not subject to the requirements of the West Virginia Freedom of Information Act, as set  
25 forth in §29B-1-1 *et seq.* of this code, and may be disclosed and disseminated only as otherwise  
26 provided in this article and as follows:

27 (1) When a person has been determined to be a sexually violent predator under the terms

28 of §15-12-2a of this code, the State Police shall notify the prosecuting attorney of the county in  
29 which the person resides, owns or leases habitable real property that he or she regularly visits, is  
30 employed or attends a school or training facility. The prosecuting attorney shall cooperate with the  
31 State Police in conducting a community notification program which is to include publication of the  
32 offenders name, photograph, place of residence, location of regularly visited habitable real  
33 property owned or leased by the offender, county of employment and place at which the offender  
34 attends school or a training facility, as well as information concerning the legal rights and  
35 obligations of both the offender and the community. Information relating to the victim of an offense  
36 requiring registration may not be released to the public except to the extent the prosecuting  
37 attorney and the State Police consider it necessary to best educate the public as to the nature of  
38 sexual offenses: *Provided*, That no victims name may be released in any public notification  
39 pursuant to this subsection. No information relating to telephone or electronic paging device  
40 numbers a registrant has or uses may be released to the public with this notification program. The  
41 prosecuting attorney and State Police may conduct a community notification program in the  
42 county where a person who is required to register for life under the terms of §15-12-4(a)(2) of this  
43 code resides, owns or leases habitable real property that he or she regularly visits, is employed or  
44 attends a school or training facility. Community notification may be repeated when determined to  
45 be appropriate by the prosecuting attorney;

46 (2) The State Police shall maintain and make available to the public ~~at least quarterly~~ on a  
47 website the list of all persons who are required to register ~~for life~~ according to the terms of  
48 subdivision (2), subsection (a), section four of this article. No information concerning the identity of  
49 a victim of an offense requiring registration or telephone or electronic paging device numbers a  
50 registrant has or uses may be released with this list. The method of publication and access to this  
51 list are to be determined by the superintendent; and

52 (3) A resident of a county may petition the circuit court for an order requiring the State  
53 Police to release information about persons that reside or own or lease habitable real property that

54 the persons regularly visit in that county and who are required to register under section two of this  
55 article. The court shall determine whether information contained on the list is relevant to public  
56 safety and whether its relevance outweighs the importance of confidentiality. If the court orders  
57 information to be released, it may further order limitations upon secondary dissemination by the  
58 resident seeking the information. In no event may information concerning the identity of a victim of  
59 an offense requiring registration or information relating to telephone or electronic paging device  
60 numbers a registrant has or uses be released.

61 (c) The State Police may furnish information and documentation required in connection  
62 with the registration to authorized law-enforcement, campus police and governmental agencies of  
63 the United States and its territories, the District of Columbia, tribal jurisdictions within the United  
64 States and of foreign countries duly authorized to receive the same, of other states within the  
65 United States and of the State of West Virginia upon proper request stating that the records will be  
66 used solely for law-enforcement-related purposes. The State Police may disclose information  
67 collected under this article to federal, state and local governmental agencies responsible for  
68 conducting preemployment checks. The State Police also may disclose information collected  
69 under this article to the Division of Motor Vehicles pursuant to the provisions of §17B-2-3 of this  
70 code.

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

**§15-12-7. Information shall be released when person moves out of state or travels abroad.**

1 A person who is required to register pursuant to the provisions of this article, who intends to  
2 move to another state ~~or country~~ shall at least 10 business days prior to such move notify the State  
3 Police of his or her intent to move and of the location to which he or she intends to move, or if that  
4 person is incarcerated he or she shall notify correctional officials of his or her intent to reside in  
5 some other state or country upon his or her release, and of the location to which he or she intends

6 to move. Upon such notification, the State Police shall notify law-enforcement officials of the  
7 jurisdiction where the person indicates he or she intends to reside of the information provided by  
8 the person under the provisions of this article. A person who is required to register pursuant to the  
9 provisions of this article, who intends to travel to another country for any purpose shall, at least 21  
10 business days prior to such travel, notify the State Police of his or her travel plans.

**§15-12-8. Failure to register or provide notice of registration changes; penalty; penalty for  
aiding and abetting.**

1 (a) Each time a person has a change in any of the registration information as required by  
2 this article and knowingly fails to register the change or changes, each failure to register each  
3 separate item of information changed shall constitute a separate offense under this section.

4 (b) Except as provided in this section, any person required to register for ~~ten~~ 15 or 25 years  
5 pursuant to §15-12-4(a)(1) or §15-12-4(a)(2) of this code who knowingly provides materially false  
6 information, fails to provide a DNA sample, ~~or who~~ refuses to provide accurate information when  
7 so required by the terms of this article, ~~or who~~ knowingly fails to register, or knowingly fails to  
8 provide a change in any required information as required by this article, is guilty of a misdemeanor  
9 and, upon conviction thereof, shall be fined not less than \$250 nor more than \$10,000 or confined  
10 in jail not more than one year, or both. Any person convicted of a second offense under this  
11 subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state  
12 correctional facility for not less than one year nor more than five years. Any person convicted of a  
13 third or subsequent offense under this subsection is guilty of a felony and, upon conviction thereof,  
14 shall be imprisoned in a state correctional facility for not less than five nor more than 25 years.

15 (c) Any person required to register for life pursuant to this article who knowingly provides  
16 materially false information, ~~or who~~ refuses to provide accurate information when so required by  
17 the terms of this article, fails to provide a DNA sample, ~~or who~~ knowingly fails to register, or  
18 knowingly fails to provide a change in any required information as required by this article, is guilty  
19 of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not

20 less than one year nor more than five years. Any person convicted of a second or subsequent  
21 offense under this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned  
22 in a state correctional facility for not less than ten nor more than 25 years.

23 (d) In addition to any other penalty specified for failure to register under this article, any  
24 person under the supervision of a probation officer, parole officer or any other sanction short of  
25 confinement in jail or prison who knowingly refuses to register or who knowingly fails to provide a  
26 change in information as required by this article shall be subject to immediate revocation of  
27 probation or parole and returned to confinement for the remainder of any suspended or unserved  
28 portion of his or her original sentence.

29 (e) Notwithstanding the provisions of subsection (c) of this section, any person required to  
30 register as a sexually violent predator pursuant to this article who knowingly provides materially  
31 false information, fails to provide a DNA sample, ~~or~~ who refuses to provide accurate information  
32 when so required by terms of this article, ~~or~~ who knowingly fails to register, or knowingly fails to  
33 provide a change in any required information as required by this article is guilty of a felony and,  
34 upon conviction thereof, shall, for a first offense, be confined in a state correctional facility not less  
35 than two nor more than 10 years and for a second or subsequent offense, is guilty of a felony and,  
36 shall be confined in a state correctional facility not less than 15 nor more than 35 years.

37 (f) Any person who knows or who has reason to know that a sex offender is not complying,  
38 or has not complied, with the requirements of this section and who, with the intent to assist the sex  
39 offender in eluding a law-enforcement agency that is seeking to find the sex offender to question  
40 the sex offender about, or to arrest the sex offender for, his or her noncompliance with the  
41 requirements of this section:

42 (1) Withholds information from, the law-enforcement agency about the sex offender's  
43 noncompliance with the requirements of this section and, if known, the whereabouts of the sex  
44 offender; or

45 (2) Harbors, or attempts to harbor, or assists another person in harboring or attempting to

46 harbor, the sex offender; or

47 (3) Conceals or attempts to conceal, or assists another person in concealing or attempting  
48 to conceal, the sex offender; or

49 (4) Provides information to the law-enforcement agency regarding the sex offender which  
50 the person knows to be false information is guilty of a misdemeanor and, upon conviction thereof,  
51 shall be fined not less than \$250 nor more than \$10,000 or confined in jail not more than one year,  
52 or both: *Provided*, That where the person assists or seeks to assist a sex offender whose violation  
53 of this section would constitute a felony, the person shall be guilty of a felony and, upon conviction  
54 thereof, shall be imprisoned in a state correctional facility for not less than one year nor more than  
55 five years.

**§15-12-10. Address and online information verification; prohibiting living near schools**

1 ~~(a) All~~ In addition to the reporting requirements for change of registry information required  
2 pursuant to §15-12-3 of this code, all registrants required to report for 15 years, including those for  
3 ~~whom there has been no change in registration information since their initial registration or~~  
4 ~~previous address verification,~~ must report, in the month of their birth, all registrants required to  
5 report for 25 years must report, in the month of their birth and the 6<sup>th</sup> month following their date of  
6 birth, or and in the case of a sexually violent predator, must report in the months of January, April,  
7 July and October, to the State Police detachment responsible for covering their county of  
8 registration and must respond to all verification inquiries and informational requests, including, but  
9 not limited to, requests for online information made by the State Police pursuant to this section.  
10 The State Police shall verify addresses of those persons registered as sexually violent predators  
11 every 90 days and all other registered persons once a year. As used in this section, the term online  
12 information shall mean all information required by §15-12-2(d)(8) of this code. The State Police  
13 may require registrants to periodically submit to new fingerprints and photographs as part of the  
14 verification process. The method of verification shall be in accordance with internal management  
15 rules pertaining thereto promulgated by the superintendent under authority of §15-2-25 of this



16 code.

17 (b) Effective January 1, 2026, during the duration of the registration period, no registrant  
18 may reside within 2,500 feet of any public or private school or child daycare facility. Any registrant  
19 that is found to be residing within 2,500 feet of a public or private school or child daycare facility  
20 shall be subject to the penalty provided pursuant to §15-12-8 (d) of this code.

NOTE: The purpose of this bill is to bring state law in compliance with the federal Sex Offender Registration and Notification Act by expanding the applicability of the Act to reflect federal law by modifying the reporting requirements and modifying penalties for persons convicted of sexual offenses that require the offender to register with the sex offender registry.

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