

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 457.04

EFFECTIVE DATE:

**SUBJECT: REGISTRATION OF
OFFENDERS**

FILED

2022 MAY 19 A 11:44

01 June 2022
WEST VIRGINIA
SECRETARY OF STATE

POLICY DIRECTIVE

PURPOSE:

To ensure that offenders who are convicted of qualifying offenses, for which registration is statutorily required, are notified of their registration requirements with the West Virginia State Police upon their release.

REFERENCE:

WV Code §§15-12-1 et al., and 15-13-1 et al.; and 81CSR14 and 81CSR16 Title 81 Procedural Rules of the West Virginia State Police.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DOC Policy Directive 457.04, dated 01 February 2014; and RJA Policy 19002, dated 15 May 1997 and amended forms, dated 23 November 2004.

APPLICABILITY:

All facilities and work units within the Division of Corrections and Rehabilitation (DCR) that have custody of or supervise adult offenders. This Policy is available for general distribution and is to be made available for offender review upon the effective date.

DEFINITIONS:

None.

POLICY:

- I. As required by law, any person convicted of a qualifying offense, including those persons who are continuing under some post-conviction supervisory status, prior to his or her release from confinement, shall be informed of his or her duty to register and provide all information as required by state code.
 - A. Any person who has been convicted of an offense or an attempted offense under any of the state code provisions listed on Offenses Requiring Registration as a Sex Offender (**Attachment #1**) or under a statutory provision of another state, the United States Code or the Uniform Code of Military Justice which requires proof of the same essential elements, is required to register pursuant to the "Sex Offender Registration Act."
 - B. Any person who has been convicted of an offense under any of the state code provisions listed on Offenses Requiring Child Abuse and Neglect Registration (**Attachment #2**) or under a statutory provision of another state, the United States Code or the Uniform Code of Military Justice which requires proof of the same essential elements, is required to register pursuant to the "Child Abuse and Neglect Registration Act."
- II. Prior to the release of an offender required to register, the Reentry Coordinator will assist the offender in completing Notification of Sex Offender Responsibility and Incarceration Release (**Attachment #3**) or Notification of Child Abuser Responsibility and Incarceration Release (**Attachment #4**) as applicable. An offender who has previously completed these forms and/or registered as required who is re-incarcerated is required to update these forms and re-register at the State Police Detachment upon release from any incarceration.
 - A. Prior to the offender's release from incarceration, a copy of the completed form will be sent to the Registry by either emailing to registry@wvsp.gov or faxing to 304-746-2437.
 - B. A copy will be provided to the offender and uploaded to the appropriate file in the Offender Information System (OIS).
- III. A supervising Parole Officer, as part of the intake procedure, will ensure that any sexual offender or child abuse offender has completed the appropriate paperwork according to the requirements of this Policy.
 - A. Offenders supervised by Parole Services as an Interstate Compact case who have been convicted of an offense that requires proof of the same essential elements at the qualifying offenses listed on **Attachments #1 or #2** will be required upon intake with Parole Services to complete **Attachment #3** or **Attachment #4** as appropriate.
 - B. The supervising Parole Officer will ensure a copy of the completed form is sent to the Registry by either email to registry@wvsp.gov or faxing to 304-746-2437 and a copy is provided to the offender and uploaded to the appropriate file in OIS.

ATTACHMENT(S):

- #1 Offenses Requiring Registration as a Sex Offender (2 pages)
- #2 Offenses Requiring Child Abuse and Neglect Registration
- #3 Sex Offender Incarceration Release
- #4 Notification of Sex Offender Responsibility and Incarceration Release
- #5 Child Abuser Incarceration Release
- #6 Notification of Child Abuser Responsibility and Incarceration Release

APPROVED SIGNATURE: _____


Betsy C. Jividen, Commissioner


Date

OFFENSES REQUIRING REGISTRATION AS A SEX OFFENDER

Any person who has been convicted of an offense or an attempted offense under any of the following provisions or under a statutory provision of another state, the United States Code or the Uniform Code of Military Justice which requires proof of the same essential elements shall register as set forth in this Policy pursuant to the "Sex Offender Registration Act."

WV Code §61-8A-1 et seq.

Preparation, distribution or exhibition of obscene matter to minors

WV Code §61-8B-1 et seq.

(Also includes provisions of former §61-8B-6 of this code, relating to the offense of sexual assault of a spouse, which was repealed by an act of the Legislature during the 2000 legislative session.)

Sexual assault, 1st, 2nd and 3rd degrees

Sexual abuse, 1st, 2nd and 3rd degrees

Imposition of sexual acts on persons incarcerated or under supervision

WV Code §61-8C-1 et seq.

Use of minors in filming sexually explicit conduct

Distribution and exhibiting of material depicting minors engaging in sexually explicit conduct

Prohibiting child erotica

Prohibiting juveniles from manufacturing, possessing and distributing nude or partially nude images of minors

WV Code §61-8D-5

Sexual abuse by a parent, guardian, custodian or person in position of trust to a child; parent, guardian, custodian or person in a position of trust allowing sexual abuse to be inflicted upon a child; displaying of sex organs by a parent, guardian or custodian

WV Code §61-8D-6

Sending, distributing, exhibiting, possessing, displaying or transporting material by a parent, guardian or custodian, depicting a child engaged in sexually explicit conduct

WV Code §61-2-14(a)

Kidnapping or concealing child

WV Code §61-8-6

Detention of person in place of prostitution

WV Code §61-8-7

Procuring for house of prostitution

WV Code §§61-8-12 and 61-8-13

Incest

WV Code §61-3C-14b

Soliciting, etc. a minor via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity

WV Code §61-14-2

Human trafficking of an individual; aiding and abetting human trafficking (provided, only those violations involving human trafficking for purposes of sexual servitude)

WV Code §61-14-5

Sexual servitude

WV Code §61-14-6

Patronizing a victim of sexual servitude

Any person who has been convicted of a criminal offense where the sentencing judge made a written finding that the offense was sexually motivated shall also register. The term "sexually motivated" means that one of the purposes for which a person committed the crime was for any person's sexual gratification.

OFFENSES REQUIRING CHILD ABUSE AND NEGLECT REGISTRATION

Any person who has been convicted of an offense under any of the following provisions or under a statutory provision of another state, the United States Code or the Uniform Code of Military Justice which requires proof of the same essential elements shall be required to register

WV Code §61-8D-2

Murder of a child by a parent, guardian, or custodian or other person by refusal or failure to supply necessities, or by delivery, administration, or ingestion of a controlled substance

WV Code §61-8D-2a

Death of a child by a parent, guardian, or custodian or other person by child abuse

WV Code §61-8D-3

Child abuse resulting in injury; child abuse creating risk of injury

WV Code §61-8D-3a

Female genital mutilation

WV Code §61-8D-4

Child neglect resulting in injury, child neglect creating risk of injury

WV Code §61-8D-4a

Child neglect resulting in death

**SEX OFFENDER INCARCERATION
RELEASE**
§15-12

Correctional Facility _____

Phone and Fax Number _____

NAME _____ DOB _____ SSN _____
Last First Middle

ALIAS(ES)/NICKNAME(S) _____

SEX _____ RACE _____ HEIGHT _____ WEIGHT _____ EYE _____ HAIR _____

Current Address (include mailing address if different) _____

**ORIGINAL SEXUAL CONVICTION INFORMATION
(If Known)**

Jurisdiction (County/State of Conviction) _____ Conviction date _____

Date released from incarceration or placed on probation _____

Conviction Offense _____

Parole or Probation Officer _____ Phone Number _____

REASON FOR CURRENT INCARCERATION

Jurisdiction (County/State of Conviction) _____ Conviction date _____

Conviction Offense _____

Parole or Probation Officer _____ Phone Number _____

Date Released from correctional facility for Current Offense _____

Check one of the following: _____ General Release _____ Transfer to _____

The information contained herein is compiled pursuant to the authority granted to the DOC/Jail Authority in §15-12 of the Code of West Virginia as amended. This information is confidential and shall not be open to inspection by the public or to any other person with exception of those named in §15-12-5.

Signature of Registrant

Date

Signature of DOC/Jail Authority

Date

Print Name of DOC/Jail Authority

Date

Correctional Facility

Phone and Fax Number

NOTIFICATION OF SEX OFFENDER RESPONSIBILITY AND INCARCERATION RELEASE

NAME _____ DOB _____ SSN _____
Last First Middle

I must register as a Sex Offender with the West Virginia State Police Detachment in the following manner:

- register within three (3) business days of release from incarceration or conviction;
- register in county in which I reside or detachment that covers county of residency;
- register any change in registration information, including but not limited to; physical and mailing address, vehicle, internet, phone, screen names, e-mail, etc. within ten (10) business days;
- register change of residency to another county in West Virginia, I must advise the detachment in person of new address ten (10) business days prior to the move and must register with the detachment in the new county within ten (10) business days;
- register change of residency to another state, I must advise the detachment of the new address ten (10) business days prior to the move and I must comply with the laws of that state;
- re-register at detachment within three (3) business days upon release from any incarceration;
- re-register at the detachment every year in the month of my birth.

If I have been court determined to be a Sexually Violent Predator I must re-register every ninety (90) days in the months of January, April, July and October with the detachment in the county I reside in or detachment that covers county of residency.

If I am required to register as a resident of West Virginia and I am employed, carry on a vocation, attend school or training or am a visitor in another state, I must comply with the laws of that state and register in that state if required to do so.

If I become a resident of the State of West Virginia from another state, federal or military jurisdiction and I am required to register there, I shall be required to register in this state and I have ten (10) business days to register.

If I am a resident of another state and I am required to register in that state and I am employed, carry on a vocation, am a student, own or lease habitable real property that I visit regularly in this state or visit this state for more than fifteen (15) continuous days I must register and comply with the laws of the State of West Virginia.

Any person required to register must do so for a minimum period of ten (10) years after release from incarceration or from the date of conviction if given probation.

I must register for **LIFE** if one of the following applies:

- I was convicted of a sexually violent offense;
- I have one or more prior sexual convictions;
- I was convicted of a qualifying offense and the victim was a minor;
- I was convicted of a qualifying offense that involved multiple victims or multiple violations of the qualifying offense;
- I have been determined to be a Sexually Violent Predator.

Failure to comply with these responsibilities as defined here as well as failure to comply with West Virginia Code §15-12, et seq. are criminal violations of West Virginia Law, for which I may be criminally prosecuted.

I have read the Notification of Sex Offender Responsibility and Incarceration Release and I attest that the information I provided and submitted to DOC/ Jail Authority is true and correct.

I understand that is not a registration but a notice of my intent to reside at the address provided and a notice of my responsibilities. I understand I must register with the WVSP within 3 business days after my release in the county of residence.

Signature of Registrant

Date



Registrant unable to read; therefore this notification was read to the registrant by the undersigned.

Signature of DOC/Jail Authority

Date

Printed Name of DOC/Jail Authority

Date

CHILD ABUSER INCARCERATION
RELEASE
§15-12

Correctional Facility

Phone and Fax Number

NAME _____ DOB _____ SSN _____
Last First Middle

ALIAS(ES)/NICKNAME(S) _____

SEX _____ RACE _____ HEIGHT _____ WEIGHT _____ EYE _____ HAIR _____

Current Address (include mailing address if different) _____

ORIGINAL CHILD ABUSE CONVICTION INFORMATION
(If Known)

Jurisdiction (County/State of Conviction) _____ Conviction date _____

Date released from incarceration or placed on probation _____

Conviction Offense _____

Parole or Probation Officer _____ Phone Number _____

REASON FOR CURRENT INCARCERATION

Jurisdiction (County/State of Conviction) _____ Conviction date _____

Conviction Offense _____

Parole or Probation Officer _____ Phone Number _____

Date Released from correctional facility for Current Offense _____

Check one of the following: _____ General Release _____ Transfer to _____

The information contained herein is compiled pursuant to the authority granted to the DOC/Jail Authority in §15-12 of the Code of West Virginia as amended. This information is confidential and shall not be open to inspection by the public or to any other person with exception of those named in §15-12-5.

Signature of Registrant

Date

Signature of DOC/Jail Authority

Date

Print Name of DOC/Jail Authority

Date

Correctional Facility

Phone and Fax Number

NOTIFICATION OF CHILD ABUSER RESPONSIBILITY AND INCARCERATION RELEASE

NAME _____ DOB _____ SSN _____
Last First Middle

I have this date read and acknowledge that I must register as a Child Abuser with the West Virginia State Police Detachment in the county in which I reside, work, attend school or training. I must register within three (3) business days of my release from an institution. I understand that any person required to register must do so for a period of ten (10) years, except during periods of incarceration, after release from prison, jail or a mental health facility or from the date I was placed on probation, parole or supervised or conditional release.

I understand that I must report the local Detachment of the West Virginia State Police within ten (10) business days of any change in any of my registration information. This change of information must be reported in person. If this change in address or residence is to another county in West Virginia I understand that I must advise the State Police in person of the new address ten (10) business days prior to the move and I must register with the State Police in that county within ten (10) business days. If this change in address or residence is to another state I understand I must register in that state and comply with the laws of that state.

I understand that if I am a resident of another state and am required to register in that state and I am employed, carry on vacation, a student in this state or a visitor to this state for more than fifteen (15) continuous days that I must register and comply with the laws of this State. I understand that if I am required to register as a resident of West Virginia and I am employed, carry on vacation, attend school or training or am a visitor in another state, I must register with that state and comply with the laws of that state.

I understand that if I change residence to this state from another state, federal or military jurisdiction and am required to register in that state I shall be required to register in this State.

I understand that failure to comply with my responsibilities as defined here as well as my failure to comply with West Virginia Code § 15-13, et seq. are criminal violations of West Virginia Law, for which I may be criminally prosecuted.

I have read the Notification of Child Abuser Responsibility and Incarceration Release and I attest that the information I provided and submitted to DOC/ Jail Authority is true and correct.

I understand that is not a registration but a notice of my intent to reside at the address provided and a notice of my responsibilities. I understand I must register with the WVSP within 3 business days after my release in the county of residence.

Signature of Registrant

Date



Registrant unable to read; therefore this notification was read to the registrant by the undersigned.

Signature of DOC/Jail Authority

Date

Printed Name of DOC/Jail Authority

Date