WEST VIRGINIA CODE: §15-2C-2

§15-2C-2. Central Abuse Registry; required information; procedures; fees and use thereof.

(a) The Criminal Identification Bureau of the West Virginia State Police shall establish a Central Abuse Registry, to contain information relating to criminal convictions involving child abuse or neglect, abuse or neglect of an incapacitated adult or an adult receiving behavioral health services and misappropriation of property by individuals specified in subsection (b) of this section and information relating to individuals required to be registered as a sex offender.

(b) The Central Abuse Registry shall contain, at a minimum, information relating to: Convictions of a misdemeanor or a felony involving abuse, neglect or misappropriation of property, by an individual performing services for compensation, within the scope of the individual's employment or contract to provide services, in a residential care facility, in a licensed day care center in connection with providing behavioral health services, or in connection with the provision of home care services; information relating to individuals convicted of specific offenses enumerated in §15-2C-3 (a) of this code with respect to a child or an incapacitated adult or an adult receiving behavioral health services; information relating to all individuals required to register with the Child Abuse and Neglect Registry established pursuant to §15-13-1 *et seq.* of this code; and information relating to all individuals required to register with the West Virginia State Police as sex offenders pursuant to the provisions of §15-12-1 *et seq.* of this code. The Central Abuse Registry shall contain the following information:

(1) The individual's full name;

(2) Sufficient information to identify the individual, including date of birth, social security number and fingerprints if available;

(3) Identification of the criminal offense constituting abuse, neglect or misappropriation of property of a child or an incapacitated adult or an adult receiving behavioral health services;

(4) For cases involving abuse, neglect or misappropriation of property of a child or an incapacitated adult or an adult receiving behavioral health services in a residential care facility or a day care center, or of a child or an incapacitated adult or an adult receiving behavioral health services receiving home care services, sufficient information to identify the location where the documentation of any investigation by the Department of Human Services is on file and the location of pertinent court files; and

(5) Any statement by the individual disputing the conviction, if he or she chooses to make and file one.

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(c) Upon conviction in the criminal courts of this state of a misdemeanor or a felony offense constituting child abuse or neglect or abuse or neglect of an incapacitated adult or an adult receiving behavioral health services, the individual so convicted shall be placed on the Central Abuse Registry.

(d) A person required to be placed on the Central Abuse Registry pursuant to this section shall pay an annual fee of $125, to be paid between January 1 and June 30 of each year. The annual fee shall be paid to the State Police. The State Police shall provide the registrant with a written receipt of each payment made by the registrant towards this annual fee. Once the annual fee is paid in full, the State Police will provide the registrant with a receipt that specifically provides that the annual fee contemplated in this article has been satisfied. The West Virginia State Police shall compile and maintain a record of any payment made by a registrant to which the State Police shall have access.

(e) The State Police shall remit the entirety of a payment of the annual fee, made pursuant to this section, to the state treasurer who shall deposit these funds into the State Treasury and credit said funds to the account of the State Police. The State Police is hereby authorized to utilize the funds collected from these annual fees, first to enhance mental health services for current and former employees of the West Virginia State Police, including but not limited to hiring, or contracting, mental health professionals, conducting periodic educational seminars, meetings, trainings or conferences addressing mental health issues that affect persons that are, or have been, employed as law enforcement, and then for any other use essential to the general operations of the State Police: *Provided,* That failure to pay the annual fee, or provide proof of payment of the annual fee, pursuant to this subsection may not be considered a violation of the person's supervised release: *Provided, however*, That a person required to register pursuant to both this article and §15-12-2 of this code shall pay only one such annual fee of $125, which fee shall satisfy the registration requirements and payment obligations under both articles: *Provided further*, That written notice by the State Police served upon the registrant, by certified mail at the last address provided by the registrant, stating that that the annual fee has not been paid, may be recorded 30 days after the notice was received by the registrant in the office of the county clerk where the person required to register resides. This notice shall have the effect of a judgment and shall be recorded and indexed by the county clerk in the judgment lien docket. This judgment lien will be released by the State Police within 30 days upon full and complete payment by the registrant. The State Police shall provide written verification of the release of the lien to the registrant at the last address provided by the registrant.

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