

SUPPORT Response to HB 3316

Relating to the appeal process for individuals required to register on the sex offenders list for life

March 15, 2025

House Judiciary Committee:

[West Virginians for Rational Sexual Offence Laws \(WVRSOL\)](#) is a West Virginia non-profit association and an affiliate of the [National Association for Rational Sexual Offence Laws \(NARSOL\)](#), which advocates for society's segment that is adversely affected by the sex offender registry. We help families impacted by the registry, seek ways to maintain and improve public safety, recommend prudent use of state funding in this area, and work to ensure that proposed legislation is constitutional.

WVRSOL **Supports** HB 3316 because we support all appeal processes established for relief from the West Virginia sexual offense registry obligation.

HB 3316 – proposes a method of petition for removal from the registry.

1. WVRSOL supports the updates proposed to section §15-12 to add a new section §15-12-3b, a petition for removal from the registry for the misdemeanor offense of sexual abuse, which is warranted and supported by the U.S. Constitution and WV Constitution.

HB 3316 – purports an appeal process for individuals required to register for life.

1. The bill's name, "Relating to the appeal process for individuals required to register on the sex offenders list for life," purports an appeal process for lifetime registrants; however, the updates proposed to section §15-12 to add a new section §15-12-3b, a petition for removal from the registry only affects those registrants with a misdemeanor offense of sexual abuse (~2.2%).
2. 97.80% of those required to register in WV are required to register for life. The WV registry currently has no provision for an appeal process for a lifetime registry in its schema. It has no tier system or risk assessment for assigning citizens to the registry. The assignment is strictly based on offense; as such, citizens are being punished, many for life, without any basis in risk and with no provisions to prove they are rehabilitated and petition for removal.
3. HB 3316 does not go far enough while moving in the right direction—it hardly scratches the surface. WVRSOL supports the proposal outlined in the current legislation of HB 2945 as modified (Kaso, 2025) by the reclassification of the following offenses, which are classified as lifetime (aka AWA' Tier III') but which, according to the the "Adam Walsh Child Protection and Safety Act of 2006" (Sensenbrenner, 2006), should all be 25 years (aka AWA' Tier II'):
 - §61-8A-1 et seq, §61-8B-9, §61-8B-11b, §61-8C-1 et seq, §61-8D-5, §61-8D-6, §61-8-12, §61-14-5(b), and §61-14-6(b) when the offense is NOT against a minor who has NOT attained the age of 12 years – these offenses should all be 25 years (aka AWA' Tier II') category when not committed against anyone not a minor who has NOT attained the age of 12.
 - §61-3C-14b and §61-14-6(a) – these offenses should all be 25 years (aka AWA' Tier II') category regardless.

WVRSOL supports legislation that works to reduce abuse and sexual offenses, help children and families, and improve public safety. HB 3316 does this; however, it is well short of what is needed. Therefore, we **support** and respectfully urge the House, its members, and the House Judiciary Committee to **support HB 3316**.

Sincerely,

Philip W. Kaso

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Works Cited

- Kaso, Philip. (2025). *CONDITIONAL SUPPORT Response to HB 2945: Relating to the sex offender registration act. West Virginians for Rational Sexual Offence Laws (WVRSOL)*.
- Sensenbrenner, F. J. (2006, July 27). *H.R.4472 - 109th Congress (2005-2006): Adam Walsh Child Protection and Safety Act of 2006 (2005-12-08)* [Legislation]. <https://www.congress.gov/bill/109th-congress/house-bill/4472>