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NARSOL Files Federal Lawsuit Challenging West Virginia's \$125 Annual Registry Fee

Charleston, WV – October 15, 2025 – The National Association for Rational Sexual Offense Laws (NARSOL) has filed a federal lawsuit in the Southern District of West Virginia challenging a new state law that imposes a \$125 annual fee on individuals required to register as sex offenders.

The class action lawsuit *Kaso, et al. v Mitchell*, filed on behalf of West Virginia's 6,450 registrants, argues that the fee—set to take effect January 1, 2026—creates an unconstitutional punitive fine rather than a legitimate administrative cost.

The Challenge

Under W. Va. Code Ann. § 15-12-2(o), registrants must pay \$125 annually or face property liens, regardless of their ability to pay. The state expects the fee to generate over \$800,000 per year.

"The statute enacted imposes a fee that does not go towards any registration function, and we contend that is a fine," stated attorney Larry King, Esq., who filed the complaint jointly with a West Virginia attorney.

Where the Money Goes

According to the complaint, none of the collected fees are earmarked for sex offender registration functions. Instead, the funds will:

- First support mental health counselors, seminars, and training for current and former West Virginia State Police employees—whether or not they work with the registry.
- Then fund any other expenses "essential to the general operations of the State Police."

The complaint emphasizes that no fees will be used for "sex offender notification, registration, verification, or compliance."

Constitutional Claims

The lawsuit, filed as a § 1983 civil complaint, alleges that the annual fee violates:

The Eighth Amendment – by imposing a punitive fine, often for life, that serves no registration purpose;

The Fourteenth Amendment – by requiring payment regardless of ability to pay, violating due process and equal protection.

About the Case

The litigation was requested and partially funded by WVR SOL, NARSOL's West Virginia state affiliate. Three individual plaintiffs represent the class action on behalf of all affected registrants.

The complaint requests that the Court:

- Issue a declaratory judgment declaring the law unconstitutional both on its face and as applied;
- Grant an injunction prohibiting enforcement of W. Va. Code Ann. § 15-12-2(o).

NARSOL will provide updates as the case progresses.

About NARSOL

The National Association for Rational Sexual Offense Laws is a civil rights organization dedicated to promoting evidence-based policies and constitutional protections for individuals affected by sex offense laws.

Note to editors: Court documents and supporting materials available upon request.