

OPPOSITION Response to HB 5209
Establishing an animal abuser registry
February 5, 2026

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 **opposes** HB 5209 because its primary purpose/effect is public shaming and revenue generation.

HB 5209 – proposes the creation of a PUBLIC animal abuser registry

1. The proposed addition of the animal abuse registry to the central abuse registry outlined in section §15-2C-2, and the creation of the animal abuse registry itself as article 17, significantly expand the use of public shaming registration in West Virginia. Along with the Sex Offense registry, the Central Abuse registry, and the proposed domestic abuse registry (HB-5253), the animal abuser registry is designed only to (a) publicly shame its registrants, and (b) generate revenue.

Opposed to: expanded use of public shaming registries

1. HB 5209 **does not improve public safety** – animals do not surf the internet, and the people who do have no use for this information other than to target registrants for shaming at best and retribution at worst. No new animal will be protected if this bill is passed.
2. Registries do not work – period, full stop, so why are we creating another non-evidence-based registry, if not to shame and generate revenue?
 - a. Prime example is the failure of sexual offense registries over the last 25 years, as evidenced by empirical research, NOT emotion and hunches.

The vast majority of Americans believe sex offender registries make their communities safer, according to polls. A growing body of research, however, suggests otherwise. A long list of studies using decades of data have found no significant evidence that registries prevent sex crimes. (Bebernes, 2022)

A new study of ours shows that these policies are not effective in deterring crime or protecting citizens. SORN policies demonstrate no effect on recidivism. This finding holds important policy implications given the extensive adoption and net-widening of penalties related to SORN. (Zgoba & Mitchell, 2023)

Opposed to: legislation designed to generate revenue for the WV State Police (WVSP)

1. HB 5209 creates expanded litigation risk for the state, as evidenced by the 2025 Sex Offense Registry and Central Abuse Registry Fees of \$125, both currently being adjudicated via a federal 1983 civil rights challenge in *Kaso v. Mitchell*, 2:25-cv-00603 (S.D.W. Va.) (*Kaso et al. v. Mitchell*, n.d.).
 - a. If enacted, affected registrants would be required to pay an annual fee of \$250.00 (\$125 to the animal abuse registry and \$125 to the central abuse registry), regardless of any assessment of the ability to pay said fee.

Additional Issues:

1. The code, as proposed, is both retrospective and prospective, generating ex post facto constitutional risks and an assessment of punishment through the piling on of onerous affect.
 - a. Article III, Section 4 of the West Virginia Constitution prohibits "No bill of attainder, ex post facto law, or law impairing the obligation of a contract, shall be passed." (West Virginia Constitution, n.d.) There is little doubt that this bill could be anything other than a retroactive increase in punishment, ex post facto, because it seeks to place retroactive restrictions and punishment on registrants who have completed their court-ordered sentences. Specific examples of the punitive nature of this bill are:

WVRSOL does not in any way condone sexual activity between adults and children, nor does it condone any sexual activity that would break the laws of any state. We do not advocate lowering the age of consent, and we have no affiliation with any group that does condone such activities.

- b. Piling on onerous restrictions retroactively that are not supported in research or empirical evidence (*Riley v. New Jersey State Parole Board*, 39 A.3d 200, 209 N.J. 595 2012).

WVRSOL supports legislation that actually works to reduce abuse, help families, and improve public safety. Unfortunately, HB 5209 does none of these things. Therefore, we **oppose** and respectfully urge the House, its members, and the House Judiciary Committee to **reject HB 5209** and, if necessary, amend it to address the abovementioned issues.

Sincerely,

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Works Cited

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