

OPPOSITION Response to HB 5368
Creating a domestic violence registry
February 9, 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 5368 because registries have proven unproductive; consequently, one must assume that the primary purpose of a new domestic abuse registry is, simply put – shaming. No other conclusion is possible.

HB 5368 – proposes the creation of a publicly accessible domestic abuser registry.

1. The proposed new section §15-17-1_12 to add a new domestic abuse registry significantly expands the use of shaming registration in West Virginia. Along with the Central Abuse registry, the Sex Offense registry, the proposed Animal Abuse registry (HB 5176, HB5209), and now the proposed Domestic Abuser registry (HB 5368, HB 5253, HB 5368) – all of which purport to promote public safety but, in effect, do nothing other than shame offenders and, in most instances, generate revenue.

Opposed to: expanded use of public shaming registries.

1. According to the Safety Net Project, HB 5368 will not improve public safety and will have potentially harmful consequences.

Domestic violence continues to be an epidemic that requires comprehensive and effective responses that will hold offenders accountable, protect victims, and create real prevention. A domestic violence offender registry has many potentially harmful consequences and, regardless of the intended goals, is not a tool for primary prevention. To truly prevent abuse, we need to change social norms that allow and even condone one partner choosing to abuse another partner through power and control. (Offender Registries: Potential Unintended Consequences of Domestic Violence Offender Registries, n.d.)

2. Registries do not work – period, full stop. So why are we creating another non-evidence-based registry if not to shame registrants?
 - 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 5368 proposes a no-cost to registrant fee; however, based on all the other passed and proposed West Virginia registries, expansion to include a \$125 annual Domestic Violence and Central Abuse registry fee is likely, which would introduce 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.).

Opposed to: legislation designed as punishment regardless of “stated purpose.”

1. The proposed bill makes the application of the Domestic Violence Registry both prospective and retrospective, thereby creating ex post facto constitutional risks.
 - 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:
 - 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 works to reduce abuse and sexual offenses, help children and families, and improve public safety. Unfortunately, HB 5368 does none of these things. Therefore, we **oppose** and respectfully urge the House, its members, and the House Judiciary Committee to **reject HB 5368**.

Sincerely,

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Works Cited

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