

**OPPOSITION Response to HB 5493**  
**Creating a domestic violence registry**  
**February 13, 2026**

House Health and Human Resources and 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 5493 as written because it raises U.S. Constitutional issues under the Eighth Amendment, as well as substantive and procedural due process, and double jeopardy concerns regarding additional punishment.

**Eighth Amendment Issue – Cruel and Unusual Punishment**

- Antiandrogen therapy constitutes bodily mutilation or severe physiological alteration.
- Lifetime hormonal suppression is disproportionate.
- Surgical castration is irreversible and historically associated with punitive mutilation.

**Relevant Supreme Court Doctrine:**

- *Weems v. United States* (1910) – proportionality principle.
- *Trop v. Dulles* (1958) – evolving standards of decency.
- *Washington v. Harper* (1990) – forced medication standards in prison.
- *Sell v. United States* (2003) – strict scrutiny for involuntary medication.

**Risk Level:** Moderate–High (for lifetime and surgical components)

**Risk Level (Felony refusal):** High

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**Substantive Due Process Issue – Bodily Integrity**

The Supreme Court recognizes a fundamental liberty interest in avoiding unwanted medical treatment.

HB-5493 differs from other states by:

- Criminalizing refusal.
- Not limiting treatment strictly to parole conditions.
- Authorizing lifetime intervention.

Strict scrutiny may apply if the court characterizes the treatment as a compelled bodily intrusion.

**Risk Level:** High (particularly for the introduction of a refusal felony)

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**Double Jeopardy / Additional Punishment Issue**

Because the statute:

- Does not reduce the underlying sentence, and
- Adds new incarceration exposure for refusal,

It constitutes additional punishment for the same offense.

**Risk Level:** Moderate–High

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### Procedural Due Process Issue –

The following issues represent procedural due process violations:

- Indeterminate duration ("up to life").
- Medical candidacy determinations are delegated to experts.
- No explicit periodic review standard in statute.

**Risk Level:** Moderate

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WVRSOL supports legislation that works to reduce abuse and sexual offenses, help children and families, and improve public safety. Unfortunately, HB 5493 does none of these things. Therefore, we **oppose** and respectfully urge the House, its members, and the House Health and Human Resources and Judiciary Committee to **reject HB 5493** or amend it to address the abovementioned issues.

Sincerely,

*Philip W. Kaso*

Philip W. Kaso, Executive Director

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## Works Cited

Sell v. United States, 539 U.S. 166 (2003) <https://supreme.justia.com/cases/federal/us/539/166/>  
Trop v. Dulles, 356 U.S. 86 (1958) <https://supreme.justia.com/cases/federal/us/356/86/>  
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