

Update on *Kaso et al. v. Mitchell* (S.D. W. Va.)

A federal court has **dismissed the lawsuit challenging West Virginia's sex offender registry fee**, but **the case is not over**.

What the Court Decided

- The judge **granted the State's motion to dismiss**, meaning the current version of the lawsuit cannot proceed.
 - Importantly, the case was dismissed **without prejudice**.
 - This dismissal type means the Court **did not issue a final ruling on whether the law is constitutional**.
 - The plaintiffs are **allowed to revise and refile the case**.
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Why the Case Was Dismissed

The Court's decision focused on **technical legal requirements**, not a full evaluation of the claims:

- **Eighth Amendment (Excessive Fines)**
 - The Court found the complaint did not sufficiently show that the \$125 annual fee is **"grossly disproportionate"** to the underlying offenses.
 - Without that showing, the claim could not move forward.
 - **Fourteenth Amendment (Due Process and Equal Protection)**
 - The Court determined the complaint did not establish:
 - Unconstitutional unequal treatment under current legal standards, or
 - A requirement for additional procedural protections (such as hearings before fees or liens are imposed).
 - The judge **did not definitively rule** on whether the fee is punitive or unconstitutional.
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What "Dismissed Without Prejudice" Means

- The case is **temporarily closed**, not permanently ended.
- The Court **identified deficiencies in how the claims were presented**, not necessarily in the underlying legal arguments.
- The plaintiffs have the opportunity to:
 - **Amend the complaint**, and
 - **Refile the case with additional detail or legal support**

What Happens Next

- The legal team is **actively analyzing the Court's decision**.
- A strategy for next steps, including potential refiling, is being developed.
- **An update is expected within 1–2 weeks.**

Advisory for Constituents

While the legal challenge is ongoing, the **current law remains in effect**. Constituents should be aware of the following practical considerations:

- **The 2026 \$125 registry fee is still required**
 - Payment is due **no later than June 30, 2026**
 - Payments must be made through your **local county clerk's office**
- **Failure to pay may result in enforcement action**
 - If the fee is not paid, the West Virginia State Police may request a **property lien beginning July 31, 2026**
- **The Court's recent ruling does not pause or suspend these requirements**
 - The dismissal does **not change current obligations under state law**

Practical Guidance

- **Plan ahead for the payment deadline** to avoid penalties or complications
- **Keep documentation** of any payments made
- **Confirm payment procedures** with your local county clerk if you have questions about logistics.

Bottom Line

- **No final decision on constitutionality has been made**
 - **The registry fee requirement remains fully in effect**
 - **Further legal action is being evaluated, and updates are forthcoming**
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