

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 3, 2012

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Ms. Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill No. 547.

Current law allows "[a]ny person convicted of a misdemeanor offense or offenses arising from the same transaction committed while he or she was between the ages of eighteen to twenty-six" to petition a circuit court to expunge the conviction(s) and any associated records, with the end result of the crime(s) being "deemed never to have occurred." W. Va. Code §61-11-26. Enrolled Committee Substitute for Senate Bill No. 547 would expand current law to allow all persons, regardless of age, to petition a circuit court for expungement of felonies, in addition to misdemeanors, arising from the same transaction. I feel that this legislation has broadened the scope of relief too far. While I believe that the current law justly provides a second chance for certain misdemeanor offenses, felonies are serious crimes for which the

Legislature has prescribed heightened penalties and I cannot approve of a bill that allows expungement of such offenses.

For these reasons, I must veto the legislation.

Very truly yours,

Earl Ray Tomblin,

Governor.

cc: The Honorable Jeffrey V. Kessler

The Honorable Richard Thompson