

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 538

BY SENATORS TRUMP, STOLLINGS, CLINE AND WELD

[Introduced March 8, 2017; Referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §62-12-17a, relating generally to creating special conditions of parole;
 3 authorizing the Board of Parole to require parolees to engage in alcohol or antagonist drug
 4 opioid therapy as a special condition of parole if recommended by the Commissioner of
 5 Corrections; and establishing conditions for imposition and maintenance of the special
 6 condition.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §62-12-17a, to read as follows:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-17a. Participation in alcohol or antagonist drug opioid therapy as a special condition of parole.

1 (a) Notwithstanding any provision of this code to the contrary, the board may, as a special
 2 condition of parole, require a parolee to participate in a treatment program using an opioid or
 3 alcohol antagonist drug.

4 (b) The board may impose the special condition of parole only upon determining:

5 (1) That the inmate has a documented history of opioid or alcohol abuse;

6 (2) That the inmate’s participation in the treatment program is recommended by the
 7 Commissioner of Corrections;

8 (3) That there exists a funding source for the treatment program independent of the board
 9 or the Division of Corrections including, but not limited to, the parolee being responsible for all or
 10 part of the treatment cost or through a government or private health insurance program; and

11 (4) That the inmate does not have a medical condition or conditions for which an opioid or
 12 alcohol antagonist is contraindicated.

13 (c) A special condition of parole imposed pursuant to subsection (a) of this section, shall
 14 be rescinded upon a finding by a licensed physician that the use of the opioid or alcohol antagonist

15 drug is causing an adverse side effect or effects which significantly adversely affect the parolee's
16 health.

17 (d) Any treatment program utilized pursuant to the provision of this section shall include
18 the parolee's participation in all treatment modalities associated with the alcohol or opioid
19 antagonist recommended by the manufacturer of the alcohol or opioid antagonist drug by the
20 board or by the physician dispensing said antagonist.

21 (e) As used in this section, "antagonist drug" is a drug that blocks or reduces the effect of
22 a neurotransmitter. The alcohol or opioid treatment program may use any form of administration,
23 oral, injectable or implantable, if it is medically approved.

NOTE: The purpose of this bill is to authorize the Board of Parole to require parolees to engage in alcohol or antagonist drug opioid therapy as a special condition of parole when recommended by the Commissioner of Corrections.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.