WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4771

By Delegate Hornbuckle

[Introduced February 15, 2022; Referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, and §9-11-3, all relating to creating the Fair Chance Act; establishing eligibility; providing services to eligible persons, and establishing that benefits are prospective only.

Be it enacted by the Legislature of West Virginia:

article 11. FAIR CHANCE ACT.

§9-11-1. Eligibility.

Any person who was convicted of any felony offense related to the possession, sale, or distribution of crack cocaine from 1980 to the present is eligible for services under this article.

§9-11-2. Services available to eligible persons.

(a) The department shall provide the following services to those persons:

(1) Admission into a substance abuse center or residential treatment;

(2) Expungement of any drug offense not involving an act of violence;

(3) Any social, behavioral, family, marriage, psychological, or financial counseling;

(4) Free admission or a tuition waiver for community college or vocational-technical school; and

(5) Waiver of any legal fees for family court.

(b) Eligible persons shall not be required to disclose any drug-related felony conviction on any rental application or any application for SNAP benefits.

§9-11-3. Prospective application only.

Benefits provided by this article are prospective only. These provisions of this article should apply to any drug convictions involving crack cocaine from 1980 to the present. Benefits are prospective only, though.

NOTE: The purpose of this bill is to provide services to eligible persons to assist in transition following a felony drug conviction involving crack cocaine.

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