WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4771

BY DELEGATE HORNBUCKLE

[Introduced February 15, 2022; 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 article,

2   designated §9-11-1, §9-11-2, and §9-11-3, all relating to creating the Fair Chance Act;

3   establishing eligibility; providing services to eligible persons, and establishing that benefits

4   are prospective only.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. FAIR CHANCE ACT.

§9-11-1. Eligibility.

1   Any person who was convicted of any felony offense related to the possession, sale, or

2   distribution of crack cocaine from 1980 to the present is eligible for services under this article.

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

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

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

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

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

5   (4) Free admission or a tuition waiver for community college or vocational-technical

6   school; and

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

8   (b) Eligible persons shall not be required to disclose any drug-related felony conviction on

9   any rental application or any application for SNAP benefits.

§9-11-3. Prospective application only.

1   Benefits provided by this article are prospective only. These provisions of this article

2   should apply to any drug convictions involving crack cocaine from 1980 to the present. Benefits

3   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.