

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4235

FISCAL
NOTE

By Delegate Hornbuckle

[Introduced January 10, 2024; 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 certain benefits and services for persons convicted of any felony offense
 4 related to the possession, sale, or distribution of crack cocaine from 1980 to the present;
 5 and establishing that the benefits are prospective only.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. FAIR CHANCE ACT.

§9-11-1. Eligibility.

1 Any person convicted of any felony offense related to the possession, sale, or distribution
 2 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 Secretary of the West Virginia Department of Health and Human Resources shall
 2 provide the following services to those persons referred to in §9-11-1 of this code:

- 3 (1) Admission into a substance abuse center or residential treatment;
- 4 (2) Expungement of any drug offense not involving an act of violence;
- 5 (3) Any social, behavioral, family, marriage, psychological, or financial counseling;
- 6 (4) Free admission or a tuition waiver for community college or vocational-technical school;
- 7 and
- 8 (5) Waiver of any legal fees for family court.

9 (b) Eligible persons may not be required to disclose any drug-related felony conviction on
 10 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 shall
 2 apply to any drug convictions involving crack cocaine from 1980 to the present. Benefits are
 3 prospective only.

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.