

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4395

BY DELEGATES PUSHKIN, ROWE, DEAN, FLEISCHAUER,
LANE, ROBINSON, BYRD, LONGSTRETH AND LOVE

[Introduced February 1, 2018; Referred
to the Committee on Health and Human Resources
then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §9-5-27, relating to permitting certain felons to work in licensed behavioral
 3 health facilities; setting conditions and limitations; and requiring rule-making.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-27. Authorizing persons convicted of a felony to be employed at behavioral health facilities; limitations; rule-making.

1 Notwithstanding any code provision to the contrary, upon completion of his or her criminal
 2 sentence, any person convicted of nonviolent felony is eligible for employment at a behavioral
 3 health facility, conditioned on rule promulgated pursuant to this section. The department shall
 4 propose rules for legislative approval, in accordance with §29A-3-1 et seq. of this code, necessary
 5 to establish eligibility criteria and provide for any conditions and limitations on employment
 6 necessary to provide for the safety of patients and other employees at the facility: *Provided, That*
 7 the provisions of this section do not supersede licensing requirements for any professions
 8 regulated pursuant to chapter 30 of this code.

NOTE: The purpose of this bill is to permit certain felons to work in licensed behavioral health facilities. The bill sets conditions and limitations. The bill requires rule-making.

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