

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

House Bill 2922

BY DELEGATES BARRETT AND S. BROWN

[Passed February 18, 2020; in effect ninety days from
passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §60A-4-407a, relating to authorizing a court to require participation and
3 successful completion of a drug court program or drug treatment program in order for a
4 defendant, pleading or being found guilty of possession of a controlled substance which
5 is or contains a controlled substance listed in §60A-2-204 of this code, other than
6 marijuana, or a controlled substance listed in §60A-2-206, §60A-2-208, or §60A-2-210 to
7 qualify for a final order of discharge and dismissal.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. OFFENSES AND PENALTIES.

**§60A-4-407a. Authorizing additional requirements to obtain a final order of discharge and
dismissal for persons charged with possession of controlled substances.**

1 (a) Notwithstanding any provision of this code to the contrary, when a person pleads guilty
2 or is found guilty of a violation of §60A-4-401(c) of this code, or a municipal ordinance containing
3 the same elements where the controlled substance possessed is listed in §60A-2-204 of this code,
4 other than marijuana, or is a controlled substance listed in §60A-2-206, §60A-2-208, or §60A-2-
5 210 of this code, the court may, as an additional condition for the entry of a final order of discharge
6 or dismissal under §60A-4-407 of this code or a municipal ordinance containing the same or
7 substantially the same provision, require the defendant to be:

- 8 (1) Evaluated for admission into a drug court program; or
- 9 (2) Participate in a drug treatment program.

10 (b) If a defendant is determined to be an appropriate candidate for admission to drug court
11 or a drug treatment program, the court may make successful completion of a drug court or a drug
12 treatment program a requirement for obtaining a final order of discharge and dismissal.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor