WEST virginia Legislature

2023 regular session

Introduced

House Bill Number

By Delegate Pushkin

[Introduced January 11, 2023; Referred to the Committee on Health and Human Resources then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-30, relating to permitting certain felons to work in licensed behavioral health facilities; setting conditions and limitations; and requiring rule-making.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-30. Authorizing persons convicted of a felony to be employed at behavioral health facilities; limitations; rule-making.

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