

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5093**

By Delegates Pushkin, Lewis, and Garcia

[Introduced February 03, 2026; 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 a new section,  
 2 designated §9-5-34, relating to permitting certain felons to work in licensed behavioral  
 3 health facilities; setting conditions and limitations; and requiring rulemaking.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE                      5.                      MISCELLANEOUS                      PROVISIONS.**

**§9-5-34. Authorizing persons convicted of a felony to be employed at behavioral health**

**facilities;    limitations;    rulemaking.**

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

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