

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.