

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5493

By Delegates Funkhouser, Ellington, Heckert, D.
Cannon, Martin, Vance. B. Ward, Ridenour, Hornby,
Butler, and marple

[Introduced February 13, 2026; referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend and reenact §62-12-27 of the Code of West Virginia, 1931, as amended; and to
 2 amend said code by adding a new section, designated §62-12-26a, relating to
 3 administration of medroxyprogesterone acetate (MPA) to persons convicted of certain sex
 4 offenses; authorizing the courts in certain convictions to sentence a defendant to be
 5 treated with medroxyprogesterone acetate (MPA); authorizing physical castration in
 6 certain circumstances at the request of a defendant; requiring certain medical
 7 examinations for administration of medroxyprogesterone acetate (MPA); creating
 8 procedures for administration of medroxyprogesterone acetate (MPA); creating certain
 9 medical exceptions; creating a felony offense for certain refusal of treatment after
 10 sentencing; requiring a prerelease risk assessment; and creating criminal penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-26a. Administration of medroxyprogesterone acetate (MPA) to persons convicted of certain sex offenses.

1 (a)(1) Upon the conviction of any defendant convicted after the effective date of this section
 2 of a violation of §61-8-12 of this code or a felony violation of the provisions of §61-8B-1 et seq.,
 3 §61-8C-1 et seq., and §61-8D-1 et seq., of this code, the court, in addition to the requirements set
 4 forth in §62-12-26 of this code, may sentence a defendant to be treated with medroxyprogesterone
 5 acetate (MPA), according to a schedule of administration monitored by the Division of Corrections
 6 and Rehabilitation.

7 (2) If the court sentences a defendant to be treated with medroxyprogesterone acetate
 8 (MPA), the penalty may not be imposed in lieu of, or reduce, any other penalty prescribed under
 9 the applicable law. However, in lieu of treatment with medroxyprogesterone acetate (MPA), the
 10 court may order the defendant to undergo physical castration upon written motion by the
 11 defendant providing the defendant’s intelligent, knowing, and voluntary consent to physical
 12 castration as an alternative penalty.

13 (b)(1) An order of the court sentencing a defendant to medroxyprogesterone acetate (MPA)
14 treatment under subsection (a) of this section shall be contingent upon a determination by a court
15 appointed medical expert, that the defendant is an appropriate candidate for treatment. Such
16 determination is to be made not later than 60 days from the imposition of sentence.
17 Notwithstanding the statutory maximum periods of incarceration as provided in the applicable law,
18 an order of the court sentencing a defendant to medroxyprogesterone acetate (MPA) treatment
19 shall specify the duration of treatment for a specific term of years, or in the discretion of the court,
20 up to the life of the defendant.

21 (2) In all cases involving defendants sentenced to a period of incarceration, the
22 administration of treatment with medroxyprogesterone acetate (MPA) shall commence not later
23 than one week prior to the defendant's release from prison or other institution.

24 (c) The Division of Corrections and Rehabilitation shall provide the services necessary to
25 administer medroxyprogesterone acetate (MPA) treatment. Nothing contained in this section shall
26 be construed to require the continued administration of medroxyprogesterone acetate (MPA)
27 treatment when it is not medically appropriate.

28 (d) If a defendant whom the court has sentenced to be treated with medroxyprogesterone
29 acetate (MPA) fails or refuses to:

30 (1) Appear as required by the Division of Corrections and Rehabilitation for purposes of
31 administering the medroxyprogesterone acetate (MPA); or

32 (2) Allow the administration of medroxyprogesterone acetate (MPA),
33 the defendant is guilty of a felony and, upon conviction thereof, shall be sentenced to
34 confinement in a correctional facility for not less than one nor more than five years.

§62-12-27. Mandatory prerelease risk assessment of certain sex offenders.

1 (a) Prior to discharging an inmate convicted of a violation of ~~section twelve, article eight,~~
2 chapter ~~sixty-one~~ §61-8-12 of this code or a felony violation of the provisions of ~~article eight b or~~
3 eight d of said chapter §61-8B-1 et seq. or §61-8D-1 et seq. of this code at the expiration of the

4 term of their sentence, the Division of Corrections and Rehabilitation shall perform an assessment
5 to determine the statistical risk that the inmate will reoffend after being released from the division's
6 custody. Prior to releasing the inmate, the division shall forward the results of the assessment to
7 the inmate's supervising entity.

8 (b) The assessment required by this section shall include a determination by a medical
9 expert, that the defendant is an appropriate candidate for treatment with medroxyprogesterone
10 acetate (MPA).

NOTE: The purpose of this bill is to authorize the administration of medroxyprogesterone acetate (MPA) to persons convicted of certain sex offenses.

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