WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2024 REGULAR SESSION

Introduced

House Bill 4235

By Delegate Hornbuckle

[Introduced January 10, 2024; Referred  
to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, and §9-11-3, all relating to creating the Fair Chance Act; establishing certain benefits and services for persons convicted of any felony offense related to the possession, sale, or distribution of crack cocaine from 1980 to the present; and establishing that the benefits are prospective only.

Be it enacted by the Legislature of West Virginia:

article 11. FAIR CHANCE ACT.

§9-11-1. Eligibility.

Any person convicted of any felony offense related to the possession, sale, or distribution of crack cocaine from 1980 to the present is eligible for services under this article.

§9-11-2. Services available to eligible persons.

(a) The Secretary of the West Virginia Department of Health and Human Resources shall provide the following services to those persons referred to in §9-11-1 of this code:

(1) Admission into a substance abuse center or residential treatment;

(2) Expungement of any drug offense not involving an act of violence;

(3) Any social, behavioral, family, marriage, psychological, or financial counseling;

(4) Free admission or a tuition waiver for community college or vocational-technical school; and

(5) Waiver of any legal fees for family court.

(b) Eligible persons may not be required to disclose any drug-related felony conviction on any rental application or any application for SNAP benefits.

§9-11-3. Prospective application only.

Benefits provided by this article are prospective only. These provisions of this article shall apply to any drug convictions involving crack cocaine from 1980 to the present. Benefits are prospective only.

NOTE: The purpose of this bill is to provide services to eligible persons to assist in transition following a felony drug conviction involving crack cocaine.

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