WEST VIRGINIA CODE: §15-2-55

§15-2-55. Referral program for substance abuse treatment.

(a) The State Police shall create a program and may, in collaboration with the Office of Drug Control Policy and existing state government programs to refer persons to treatment for substance use who voluntarily seek assistance from the State Police.

(b) A person voluntarily seeking assistance through a program created pursuant to this section and who is not under arrest or the subject of a search warrant:

(1) Shall not be placed under arrest;

(2) Shall not be prosecuted for the possession of any controlled substance or drug paraphernalia surrendered to the State Police. Items surrendered pursuant to this subdivision shall be recorded by the State Police at the time of surrender and shall be destroyed; and

(3) Shall be promptly referred to a community mental health center, medical provider, or other entity for substance use treatment.

(c) A person is ineligible for placement through a program established pursuant to this section if the person:

(1) Has an outstanding arrest warrant issued by a West Virginia court or an extraditable arrest warrant issued by a court of another state;

(2) Places law enforcement or its representatives in reasonable apprehension of physical injury; or

(3) Is under the age of 18, is not a danger to self or others, or does not have the consent of a parent or guardian.

(d) Information gathered by a program created pursuant to this section related to a person who has voluntarily sought assistance under this section is exempt from disclosure under the provisions of chapter 29B of this code.

(e) Except for willful misconduct, the State Police and any employee of the State Police that provides referrals or services in accordance with subsection (b) of this section shall be immune from civil liability.

WV Legislature