

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

ENROLLED

Committee Substitute for
HOUSE BILL No. 721

(By Mr. *Torkovich and Mr. Green*)

PASSED *March 9,* 1974

In Effect *Unity Day From* Passage



FILED IN THE OFFICE
FORAN F. RUSSELL III
SECRETARY OF STATE
THIS DATE 3/29/74

721-Veto

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 721

(By MR. TONKOVICH and MR. GREER)

[Passed March 9, 1974; in effect ninety days from passage.]

AN ACT to amend chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article one-a, relating to the removal of restrictions on former criminal offenders to engage in certain employment or trades, occupations, vocations, professions or businesses for which a license, permit, certificate, authority or registration is required; setting forth a legislative declaration of public policy to provide for the rehabilitation of criminal offenders and the assumption by them of the responsibilities of citizenship; providing that certain employment or a license, permit, certificate, authority or registration shall not be denied to former criminal offenders except in certain instances; relating to applicability of article to law-enforcement agencies; providing for an administrative hearing with respect to and judicial review of the denial of employment or of a license, permit, certificate, authority or registration in violation of the provisions of the article; and relating to precedence of provisions of article over existing law.

Be it enacted by the Legislature of West Virginia:

That chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article one-a, to read as follows:

ARTICLE 1A. EMPLOYMENT AND LICENSING OF CRIMINAL OFFENDERS.

§30-1A-1. Legislative declaration of public policy to remove disqualification of criminal offenders released from custody to engage in certain employment and occupations.

1 The Legislature hereby declares that it is the public policy
2 of this state to encourage and contribute to the rehabilitation
3 of criminal offenders and to assist them in the assumption of
4 the responsibilities of citizenship by giving them the opportunity
5 to secure employment or to pursue, practice or engage
6 in a meaningful and profitable trade, occupation, vocation,
7 profession or business upon their release from custody by reason
8 of probation, parole, pardon, reprieve or completion of
9 sentence. The Legislature declares that such opportunity is an
10 essential ingredient in their rehabilitation and assumption of
11 the responsibilities of citizenship.

§30-1A-2. Public employment or license, permit, certificate, authority or registration not to be denied; exception.

1 Except as contained in this article, and notwithstanding any
2 other provision of law to the contrary, no person shall be
3 disqualified from employment by the state or any of its
4 agencies or political subdivisions, nor shall any person be
5 disqualified to pursue, practice or engage in any trade, occupation,
6 vocation, profession or business for which a license, permit,
7 certificate, authority or registration is required to be issued
8 by the state or any of its agencies or political subdivisions solely
9 because he shall have been convicted of a crime; but, such person
10 may be denied a license, permit, certificate, authority or
11 registration to pursue, practice or engage in a trade, occupation,
12 vocation, profession or business by reason of the prior
13 conviction if the crime for which he was convicted directly
14 relates to the position of employment sought or to the specific
15 trade, occupation, vocation, profession or business for which
16 he seeks a license, permit, certificate, authority or registration.

§30-1A-3. Applicability to law-enforcement agencies.

1 This article shall not be applicable to any law-enforcement
2 agency; however, nothing contained in this article shall be con-

3 strued to preclude a law-enforcement agency in its discretion
4 from adopting the policy set forth in this article. Nothing con-
5 tained in this article shall in any manner modify the provisions
6 of article two or article two-a of this chapter.

§30-1A-4. Administrative hearing and judicial review.

1 Any person denied employment or a license, permit, certifi-
2 cate, authority or registration, as aforesaid, who believes such
3 denial was in violation of the provisions of this article shall be
4 entitled to a hearing and judicial review of such action in
5 accordance with the provisions of articles five and six, chapter
6 twenty-nine-a of this code.

§30-1A-5. Precedence of article over existing law.

1 The provisions and requirements of this article shall take
2 precedence and shall supersede any other provisions of this
3 code which may be inconsistent therewith except as provided
4 in section three of this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Laurel Darby
Chairman Senate Committee

Lawrence C. Chutkan Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Wolcott
Clerk of the Senate

C. B. Blankenship
Clerk of the House of Delegates

H. T. Brotherton, Jr.
President of the Senate

Lewis J. McManus
Speaker House of Delegates

The within disapproved this the 26th
day of March, 1974.

Arthur A. Moore, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/21/74

Time 10:30 a.m.