

# WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

House Bill 2922

BY DELEGATES BARRETT AND S. BROWN

[Passed February 18, 2020; in effect ninety days from  
passage.]

OFFICE, WEST VIRGINIA  
SECRETARY OF STATE

2020 MAR -5 P 4: 46

FILED

HB 2922

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1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §60A-4-407a, relating to authorizing a court to require participation and  
3 successful completion of a drug court program or drug treatment program in order for a  
4 defendant, pleading or being found guilty of possession of a controlled substance which  
5 is or contains a controlled substance listed in §60A-2-204 of this code, other than  
6 marijuana, or a controlled substance listed in §60A-2-206, §60A-2-208, or §60A-2-210 to  
7 qualify for a final order of discharge and dismissal.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 4. OFFENSES AND PENALTIES.**

**§60A-4-407a. Authorizing additional requirements to obtain a final order of discharge and  
dismissal for persons charged with possession of controlled substances.**

1 (a) Notwithstanding any provision of this code to the contrary, when a person pleads guilty  
2 or is found guilty of a violation of §60A-4-401(c) of this code, or a municipal ordinance containing  
3 the same elements where the controlled substance possessed is listed in §60A-2-204 of this code,  
4 other than marijuana, or is a controlled substance listed in §60A-2-206, §60A-2-208, or §60A-2-  
5 210 of this code, the court may, as an additional condition for the entry of a final order of discharge  
6 or dismissal under §60A-4-407 of this code or a municipal ordinance containing the same or  
7 substantially the same provision, require the defendant to be:

8 (1) Evaluated for admission into a drug court program; or

9 (2) Participate in a drug treatment program.

10 (b) If a defendant is determined to be an appropriate candidate for admission to drug court  
11 or a drug treatment program, the court may make successful completion of a drug court or a drug  
12 treatment program a requirement for obtaining a final order of discharge and dismissal.

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

*Noel Scott*  
.....  
Chairman, House Committee

*Mark Stapp*  
.....  
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Steve Morrison*  
.....  
Clerk of the House of Delegates

*Jeanine*  
.....  
Clerk of the Senate

*Lee Zirkow*  
.....  
Speaker of the House of Delegates

*Willie B. Combs*  
.....  
President of the Senate

FILED  
2020 MAR -5 P 4:45  
OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

The within *is* approved this the *5<sup>th</sup>*  
day of *March* ....., 2020

*James Owens*  
.....  
Governor

PRESENTED TO THE GOVERNOR

FEB 28 2020

Time 10:24 am