



PRESS RELEASE
January 13, 2020

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**West Virginia Advisory Committee to the
U.S. Commission on Civil Rights Releases Report:
*Civil Rights Impacts from Collateral Consequences in West Virginia***

The West Virginia Advisory Committee to the U.S. Commission on Civil Rights issued a [report](#) examining the impact that a felony or criminal record can have on West Virginians. Committee members heard presentations and testimony from subject-matter experts and members of the public in a July 2018 public briefing in Charleston and a May 2018 public conference call. The Committee focused its examination on the economic reintegration challenges that a criminal record has on West Virginians' access to employment, housing, occupational licensing, and public benefits.

In presenting the report to the Commission on December 5, 2019, Lisa Younis, the newly appointed West Virginia Committee chair, emphasized that:

“The Committee chose this topic because collateral consequences compound the difficulties West Virginians with a criminal record have in relation to the already precarious economic status of our state, especially as criminal convictions occur from a burgeoning opioid crisis. The penalties, after serving time as punishment for a crime, are legal and regulatory. Often these individuals with a criminal record suffer from collateral consequences not directly as punishment for the crime, but because of their record.”

The report presented the Commission with a number of recommendations, including that:

- The Governor commission a study to review the employment barriers, including access to training/apprenticeship programs and financial aid for post-secondary education, and direct the Department of Military Affairs and Public Safety to develop work release programs to help individuals transition to their communities in a supportive manner;
- The Legislature conduct a study regarding the use of targeted funding to educate property owners on fair housing guidelines related to criminal offenses and to provide private property owners with financial incentives to create housing for individuals with criminal histories;
- The Legislature require licensing boards be diligent in collecting information related to a licensing applicant and the board's review of the application;
- The Legislature remove any restrictions related to the severity or nature of the crime from eligibility for public assistance benefits, including denying benefits based on offenses that are violent, sexual, or drug-related;

- The State Bar Association establish a *pro bono* legal representation program to assist individuals in overcoming legal barriers to their reentry, including access to employment; housing, licenses, public benefits and identification documents; and
- A standardized model of communication be created that defense attorneys be required to present to defendants facing felony and misdemeanor charges before the defendant accepts a plea bargain, in order to ensure that the defendant understands the collateral consequences of the conviction. In addition, before accepting the plea agreement, the court should verify that the defense attorney explained these potential consequences to the defendant.

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The U.S. Commission on Civil Rights is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: In our 7th decade, a continuing legacy of influence in civil rights. Follow us on [Twitter](#) and [Facebook](#).