

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 511

BY SENATORS AZINGER, GAUNCH, RUCKER, SWOPE,

TRUMP, BLAIR, BOSO, AND FERNS

[Introduced February 8, 2018; Referred

to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §44-10A-1, §44-10A-2, and §44-10A-3, all relating to creating the Parents' Bill
 3 of Rights.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10A. PARENTS' BILL OF RIGHTS.

§44-10A-1. Short title.

1 This article shall be known and may be cited as the "Parents' Bill of Rights".

§44-10A-2. Fundamental right of parents.

1 (a) The liberty of a parent to direct the upbringing, education, and care of the parent's child
 2 is a fundamental right.

3 (b) Neither the state nor any agency or locality thereof may infringe this right without
 4 demonstrating that the governmental compelling interest as applied to the child is of the highest
 5 order, is narrowly tailored, and is not otherwise served by a less restrictive means.

§44-10A-3. Applicability.

1 (a) In general. -- This article applies to any state or local law or ordinance and the
 2 implementation of that law or ordinance, whether statutory or otherwise, and whether adopted or
 3 effective prior to or after the effective date of this article.

4 (b) Rule of construction. -- Statutory law adopted after the date of the enactment of this
 5 article is subject to this article unless that law explicitly excludes the application by reference to
 6 this article.

NOTE: The purpose of this bill is to codify a Parents' Bill of Rights.

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