

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 322

By Senators Tarr, Deeds, and Woodrum

[Introduced January 12, 2024; 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 section,
2 designated §61-8B-5a, relating to establishing the crime of sexual assault in the fourth
3 degree; prohibiting school personnel from subjecting a minor student to sexually explicit or
4 oriented discussion, gender persuasion, reading or viewing material as a condition of
5 academic advancement, including any requirement of permission from an individual
6 student, parent, or guardian that is not the exact same for the minor's classmates; and
7 establishing penalties for violation.

Be it enacted by the Legislature of Virginia:

ARTICLE **8B.** **SEXUAL** **OFFENSES.**
§61-8B-5a. **Sexual** **assault** **in** **the** **fourth** **degree.**

1 (a) A person is guilty of sexual assault in the fourth degree when:

2 (1) He or she is employed as a teacher, principal, counselor, coach, other employee, or
3 volunteer of any private or public elementary or secondary school; and

4 (2) He or she subjects a minor student to sexually explicit or oriented discussion, gender
5 persuasion, and reading or viewing material as a condition of academic advancement, including
6 any requirement of permission from an individual student, parent or guardian that is not the exact
7 same for the minor's classmates.

8 (b) A person who violates the provisions of this section is guilty of a felony, and upon
9 conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more
10 than five years or fined not more than \$5,000 or both imprisoned and fined.

NOTE: The purpose of this bill is to establish the crime of sexual assault in the fourth degree; to prohibit school personnel from subjecting a minor student to sexually explicit or oriented discussion, gender persuasion, reading or viewing material as a condition of academic advancement, including any requirement of permission from an individual student, parent or guardian that is not the exact same for the minor's classmates; and to establish penalties for violation..

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