

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 202

By Senator Tarr

[Introduced February 12, 2025; referred
to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §61-8B-5a, relating to establishing the crime of sexual assault in the fourth degree; prohibiting 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 establishing penalties for violation.

Be it enacted by the Legislature of West Virginia:

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

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

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

(2) He or she subjects a minor student to sexually explicit or oriented discussion, gender persuasion, and 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.

(b) A person who violates the provisions of this section is guilty of a felony, and upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more 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.