

## West Virginia Library Association Statement on HB4654

The West Virginia Library Association, the statewide library association that serves, educates, and advocates for West Virginia's 171 public libraries, as well as academic, school, and special libraries, opposes House Bill 4654 currently before the West Virginia Legislature. House Bill 4654 amends current West Virginia Code §61-8A-3 relating to obscenity and minors. This bill removes the exemptions from criminal liability for bona fide schools, libraries, and museums for allegations that they have provided "obscene matter" to minors.

West Virginia's public libraries, schools, and museums are places that foster learning, literacy, curiosity, and knowledge. An attack on these institutions is an attack on the present and future development, success, and prosperity of the state of West Virginia. In other states similar bills have been used to remove a wide variety of books from libraries and schools on far ranging topics from puberty, American history, memoirs, the bible, and even the dictionary. Public libraries are meant to have books on a wide variety of subjects at various reading levels and viewpoints.

WVLA joins our WVAM colleagues by saying WVLA is not opposed to protecting children from potentially harmful materials or ensuring that our museums, libraries, and schools are safe spaces. In fact, libraries have, and have had, policies and procedures surrounding this issue, such as unattended children policies, library card holder policies, collection development policies, and reconsideration of materials requests. What we are opposed to is a change in the code that endangers the community of library, school, and museum professionals while doing their jobs in these institutions. The proposed changes to §61-8A-3 of the Code of West Virginia makes an indiscriminate change that opens our cultural and educational institutions to damaging attacks and litigation due to vague language.

Putting the threat of jail time in front of our library staff (also community members) as they select materials does not foster the collaborative spirit between staff and patrons that makes our West Virginia libraries a necessity to 171 communities, in all 55 counties. The threat of legal prosecution will only serve to limit or erase the ability of West Virginia's libraries to continue as community hubs that educate, entertain, and help West Virginians navigate all aspects of life. There is an alarming degree of subjectivity in the wording of HB4654 as to whether something is patently offensive. Again, this vague definition opens the door for attacks and legal challenges on any book, periodical, program, or other aspect of library service that some members of a community may not agree with.

The West Virginia Library Association joins in encouraging our representatives to consult with librarians, educators, and museum professionals about how this legislation will negatively impact our work and we oppose passage of the bill in its current form.

Respectfully,  
The Board of the West Virginia Library Association