

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. Below, we want to address several misconceptions regarding the bill’s impact on the museum and cultural institution community.

MYTH: Museums are indoctrinating children.

FACT: Museum professionals and volunteers care deeply about the children in their community and actively work with parents and others in the community to ensure they maintain a safe and welcoming environment.

MYTH: Museums contain materials that are obscene under West Virginia law.

FACT: Museum staff and volunteers build exhibits and public programs for everyone in their community. Each and every museum visitor is unique. “Obscene Matter” as defined in the bill, is not clear and could be left up to interpretation. It is standard practice for staff or volunteers to rigorously evaluate objects, art, images, and themes for their appropriateness for all visitors during exhibit and program development. Frequently, public programs and exhibits align with content standards and objectives set by the WV Department of Education. There is an alarming degree of subjectivity in the bill as to whether something is patently offensive.

MYTH: Judges and juries are the best people to decide what exhibits and museum programs are appropriate for children.

FACT: Parents and guardians are the best people to decide what is age appropriate for their children.

MYTH: Nothing will change for museums if HB 4654 passes.

FACT: The threat to our museum professionals and volunteers of criminal prosecution from claims brought against them about specific exhibits, objects, or programs, that one individual finds offensive, does not foster the collaborative spirit between staff and visitors that makes our state’s 250 museums heritage tourism assets in all 55 counties. These sites operate on extremely small or flat budgets, and the potential burden for increased costs or legal representation is of great concern and would lead to a waste of taxpayer dollars.

FACT: It is unclear who would be charged with this felony charge at the museum. No one individual is solely responsible for an exhibit or public program’s content. Exhibit and programming committees or departments can include volunteer board members, curators, graphic designers, fabricators, historians, student interns, and even AmeriCorps national service members.

Therefore, we respectfully ask you to VOTE NO on HB4654 in its current form. We ask that you consult with the museum and library professionals in West Virginia to find better language to provide protections for our children while eliminating the harm to our professional community present in this bill.