

ENROLLED ACT NO. 69, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

AN ACT relating to crimes and offenses; amending the elements and penalties of the crime of voyeurism; authorizing the imposition of specified probation conditions for those persons convicted of voyeurism; making conforming amendments; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 6-4-304(a)(intro), (iii), by creating new paragraphs (v) and (vi), (b)(intro), (ii) and by creating new subsections (c) through (g) and 7-13-304 by creating a new subsection (e) are amended to read:

**6-4-304. Voyeurism; penalties.**

(a) Except as otherwise provided in this section, a person is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if he, without the consent of the person being viewed, commits the crime of voyeurism by looking in a clandestine, surreptitious, prying or secretive nature into an ~~enclosed~~—area where the person being viewed has a reasonable expectation of privacy, including, but not limited to:

(iii) Showers; ~~or~~

(v) Bedrooms; or

(vi) Under the clothing being worn by another person, regardless of whether the person is in a place where the person has a reasonable expectation of privacy.

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(b) Except as otherwise provided in this section, a person is guilty of a felony punishable by imprisonment for not more than ~~two (2)~~ five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both, if he:

(ii) Uses a camera, video camera or any other image recording device:

(A) For the purpose of observing, viewing, photographing, filming, recording, livestreaming or videotaping the intimate areas of another person;

(B) Under ~~the~~ clothing being worn by the other person; and

(C) ~~where that other person has not consented to the observing, viewing, photographing, filming or videotaping~~ Without the consent of the other person.

(c) A minor convicted of violating subsection (b) of this section shall be guilty of a status offense as defined in W.S. 7-1-107(b)(iii) and may be fined not more than two hundred fifty dollars (\$250.00).

(d) A person who is eighteen (18) years of age or older who commits an offense as specified in this section for which the victim is less than eighteen (18) years of age shall be guilty of a felony punishable by imprisonment of not more than ten (10) years, a fine of not greater than five thousand dollars (\$5,000.00), or both.

(e) If a person sentenced under subsection (a) of this section is placed on probation, the court may, notwithstanding any other provision of law, impose a term of probation exceeding the maximum imprisonment of six (6)

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months, provided the term of probation, including extensions, shall not exceed one (1) year.

(f) A person who is eighteen (18) years of age or older who commits an offense as specified in subsection (a) or (b) of this section who has previously been convicted as an adult of an offense under subsection (a) or (b) of this section or of a similar offense under the laws of another state shall be guilty of a felony punishable by imprisonment of not greater than five (5) years, a fine of not greater than five thousand dollars (\$5,000.00), or both.

(g) As used in this section, "intimate area" means any portion of a person's pubic area, buttocks, vulva, genitals, female breast or undergarments intended to cover those portions. "Intimate area" does not include intimate areas visible through a person's clothing or intimate areas knowingly exposed in public.

**7-13-304. Imposition or modification of conditions; performance of work by defendant.**

(e) As a condition of probation or suspension of sentence for a person convicted of an offense under W.S. 6-4-304, the court may require a defendant to complete successfully a sex offender treatment program.

ORIGINAL SENATE  
FILE NO. SF0087

ENGROSSED

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**Section 2.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk