

HOUSE BILL NO. HB0189

Harmful communication-minors.

Sponsored by: Representative(s) Lien, Angelos, Brady,
Lawley, Lucas, Washut, Webb and Webber and
Senator(s) Pearson

A BILL

for

1 AN ACT relating to crimes and offenses; prohibiting adults
2 from communicating with minors about sexual activity as
3 specified; providing penalties; providing definitions;
4 making conforming amendments; creating a cause of action;
5 specifying applicability; and providing for an effective
6 date.

7

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

9

10 **Section 1.** W.S. 6-2-321 is created to read:

11

12 **6-2-321. Sexual communication with minors; penalties;**
13 **civil cause of action; social media prohibition.**

14

15 (a) As used in this section:

1

2 (i) "Obscene" means any communication that
3 includes any of the following when directed at a minor or
4 purported minor:

5

6 (A) Explicit descriptions of sexual
7 conduct;

8

9 (B) Descriptions of sexual arousal;

10

11 (C) Requests for sexual images or sexual
12 discussions;

13

14 (D) Sexualized descriptions of human bodies
15 or body parts;

16

17 (E) Attempts to normalize sexual contact
18 between adults and minors;

19

20 (F) Behaviors intended to desensitize
21 minors to sexual content inappropriate for the minor's age
22 based on:

23

1 (I) The minor's developmental stage;

2

3 (II) Lack of parental consent or
4 knowledge of the discussions;

5

6 (III) The context of the
7 communication;

8

9 (IV) Any ongoing pattern of sexual
10 content.

11

12 (ii) "Pattern of communication" means two (2) or
13 more separate instances of communication that:

14

15 (A) Are directed toward the same minor or
16 purported minor; and

17

18 (B) May occur across any combination of
19 written, electronic or verbal communication.

20

21 (iii) "Personal sexual gratification" means
22 communication intended to:

23

1 (A) Arouse or appeal to sexual desires;

2

3 (B) Obtain sexual arousal or pleasure;

4

5 (C) Elicit sexual responses or reactions;

6

7 (D) Create or share sexually explicit
8 content;

9

10 (E) Engage in sexually explicit role play.

11

12 (b) Except under circumstances constituting a
13 violation of W.S. 6-2-318, a person is guilty of sexual
14 communication with a minor or purported minor if the person
15 is not less than eighteen (18) years old or older and
16 knowingly engages in a pattern of written, electronic or
17 verbal communication:

18

19 (i) With a person less than the age of eighteen
20 (18) years, or a person purported to be less than the age
21 of eighteen (18) years;

22

1 (ii) Except as provided by subsection (h) of
2 this section, where the actor is more than four (4) years
3 older than the victim;

4
5 (iii) Where the communication includes obscene
6 verbal or written descriptions or obscene images; and

7
8 (iv) When the actor engages in the pattern of
9 communication for the purpose of personal sexual
10 gratification.

11
12 (c) A person convicted under subsection (b) of this
13 section shall be punished as follows:

14
15 (i) A first offense is a felony punishable by
16 imprisonment for not more than five (5) years and a fine of
17 not less than one thousand dollars (\$1,000.00) and not more
18 than five thousand dollars (\$5,000.00), or both;

19
20 (ii) A second offense is a felony punishable by
21 imprisonment for not more than ten (10) years and a fine of
22 not more than ten thousand dollars (\$10,000.00), or both;

23

1 (iii) A third or subsequent offense is a felony
2 punishable by imprisonment for not more than twenty (20)
3 years and a fine of not more than twenty thousand dollars
4 (\$20,000.00), or both.

5

6 (d) Persons convicted under this section may be
7 prohibited from using social media during any period of
8 incarceration, probation or parole.

9

10 (e) Persons convicted under this section shall be
11 subject to forfeiture of the devices they used to
12 communicate with minors or purported minors.

13

14 (f) A minor victim, or the minor's parent or legal
15 guardian acting on behalf of the minor, may bring a civil
16 cause of action under this section for damages and any
17 other relief the court deems reasonable. The ability of a
18 parent or legal guardian to bring a civil action on behalf
19 of the minor shall not preclude the minor from bringing an
20 action independently upon reaching the age of majority.
21 This civil cause of action is independent of criminal
22 proceedings and may be brought by the minor or the minor's
23 parent or legal guardian regardless of whether criminal

1 charges have been filed. A civil cause of action under this
2 section shall not be contingent upon a conviction in a
3 criminal case.

4

5 (g) This section shall not apply to any person who
6 communicates or instructs about sexual matters in the
7 course of any age-appropriate sex education curriculum or
8 program at any church, school, college or university.

9

10 (h) Nothing in this section shall require law
11 enforcement to notify the parent or legal guardian of a
12 minor who reports a violation or is the victim of a
13 violation of this section, or any other connected violation
14 of Wyoming law, if the parent or guardian is alleged to
15 have been a party to the violation or law enforcement
16 believes the parent or guardian will interfere with the
17 investigation.

18

19 (j) This section shall not apply to a minor's spouse
20 if a judge of a court of record in Wyoming has approved the
21 marriage, the minor's parent or legal guardian has provided
22 consent for the marriage, or the minor is emancipated, as
23 specified in W.S. 20-1-102(b) through (d).

1

2 **Section 2.** W.S. 7-19-302(g) is amended to read:

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4 **7-19-302. Registration of offenders; procedure;**
5 **verification; fees.**

6

7 (g) For an offender convicted of a violation of W.S.
8 6-2-316(a)(i) and (iv), 6-2-321, 6-2-705, 6-4-303(b)(iv) or
9 6-4-304(b) if the victim was a minor, 18 U.S.C. §§ 2252B,
10 2252C, 2424 and 2425, an offense in another jurisdiction
11 containing the same or similar elements, or arising out of
12 the same or similar facts or circumstances as a criminal
13 offense specified in this subsection or an attempt or
14 conspiracy to commit any of the offenses specified in this
15 subsection, the division shall annually verify the accuracy
16 of the offender's registered address, and the offender
17 shall annually report, in person, his current address to
18 the sheriff in the county in which the offender resides,
19 during the period in which he is required to register.
20 During the annual in-person verification, the sheriff shall
21 photograph the offender. Confirmation of the in-person
22 verification required under this subsection, along with the
23 photograph of the offender, shall be transmitted by the

1 sheriff to the division within three (3) working days. ~~Any~~
2 person under this subsection who has not established a
3 residence or is transient, and who is reporting to the
4 sheriff as required under subsection (e) of this section,
5 shall be deemed in compliance with the address verification
6 requirements of this section.

7

8 **Section 3.** This act is effective immediately upon
9 completion of all acts necessary for a bill to become law
10 as provided by Article 4, Section 8 of the Wyoming
11 Constitution.

12

13

(END)