

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.

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

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

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

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15 (a) As used in this section:

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

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5           (A) Explicit descriptions of sexual  
6 conduct;

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8           (B) Descriptions of sexual arousal;

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

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

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

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

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23           (I) The minor's developmental stage;

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

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5 (III) The context of the  
6 communication;

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

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

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

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

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

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23 (A) Arouse or appeal to sexual desires;

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(B) Obtain sexual arousal or pleasure;

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(C) Elicit sexual responses or reactions;

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(D) Create or share sexually explicit  
7 content;

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(E) Engage in sexually explicit role play.

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

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

(ii) Where the actor is more than four (4) years  
older than the victim;

1           (iii) Where the communication includes obscene  
2 verbal or written descriptions or obscene images; and

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4           (iv) When the actor engages in the pattern of  
5 communication for the purpose of personal sexual  
6 gratification.

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8           (c) A person convicted under subsection (b) of this  
9 section shall be punished as follows:

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11           (i) A first offense is a felony punishable by  
12 imprisonment for not more than five (5) years and a fine of  
13 not less than one thousand dollars (\$1,000.00) and not more  
14 than five thousand dollars (\$5,000.00);

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16           (ii) A second offense is a felony punishable by  
17 imprisonment for not more than ten (10) years and a fine of  
18 not more than ten thousand dollars (\$10,000.00);

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20           (iii) A third or subsequent offense is a felony  
21 punishable by imprisonment for not more than twenty (20)  
22 years and a fine of not more than twenty thousand dollars  
23 (\$20,000.00).

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

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6 (e) Persons convicted under this section shall be  
7 subject to forfeiture of the devices they used to  
8 communicate with minors.

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10 (f) A victim shall have a cause of action against the  
11 actor in a court of competent jurisdiction for damages and  
12 any other relief the court deems reasonable.

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14 (g) This section shall not apply to any person who  
15 communicates or instructs about sexual matters in the  
16 course of a bona fide school, college or university  
17 activities or in the course of employment of such an  
18 organization.

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

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22 **7-19-302. Registration of offenders; procedure;**  
23 **verification; fees.**

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2 (g) For an offender convicted of a violation of W.S.  
3 6-2-316(a)(i) and (iv), 6-2-321, 6-2-705, 6-4-303(b)(iv) or  
4 6-4-304(b) if the victim was a minor, 18 U.S.C. §§ 2252B,  
5 2252C, 2424 and 2425, an offense in another jurisdiction  
6 containing the same or similar elements, or arising out of  
7 the same or similar facts or circumstances as a criminal  
8 offense specified in this subsection or an attempt or  
9 conspiracy to commit any of the offenses specified in this  
10 subsection, the division shall annually verify the accuracy  
11 of the offender's registered address, and the offender  
12 shall annually report, in person, his current address to  
13 the sheriff in the county in which the offender resides,  
14 during the period in which he is required to register.  
15 During the annual in-person verification, the sheriff shall  
16 photograph the offender. Confirmation of the in-person  
17 verification required under this subsection, along with the  
18 photograph of the offender, shall be transmitted by the  
19 sheriff to the division within three (3) working days. ~~Any~~  
20 person under this subsection who has not established a  
21 residence or is transient, and who is reporting to the  
22 sheriff as required under subsection (e) of this section,

1 shall be deemed in compliance with the address verification  
2 requirements of this section.

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

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(END)