

HOUSE BILL NO. HB0194

Obscenity amendments.

Sponsored by: Representative(s) Lucas, Andrew, Angelos, Bear, Brady, Brown, G, Campbell, K, Guggenmos, Heiner, Hoeft, Johnson, Lien, Neiman, Styvar, Wasserburger, Webb and Wharff and Senator(s) Hutchings, Laursen, D, Pearson, Smith, D and Steinmetz

A BILL

for

1 AN ACT relating to crimes and offenses; creating the crime
2 of promoting obscenity to minors; amending the crime of
3 promoting obscenity as specified; providing and amending
4 definitions; repealing an exemption from the crime of
5 promoting obscenity for activities conducted in the course
6 of employment at a school, college, university, museum or
7 public library; repealing obsolete provisions; and
8 providing for an effective date.

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

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1 **Section 1.** W.S. 6-4-301(a)(i) and (ii) and
2 6-4-302(c)(i) and by creating new subsections (d) through
3 (f) are amended to read:

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5 **6-4-301. Definitions.**

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7 (a) As used in this article:

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9 (i) "Disseminate" means to sell, distribute,
10 deliver, provide, exhibit, import, export, rent, lend,
11 transfer possession of or title to, provide, display, show,
12 present, broadcast, transmit, retransmit, communicate by
13 telephone, play, orally communicate, perform or otherwise
14 make available to another whether in person or
15 electronically;

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17 (ii) "Material" includes any form of human
18 expression or communication intended for, or capable of,
19 visual, auditory or sensory perception. ‡ This includes,
20 without limitation:

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22 (A) A book, leaflet, pamphlet, magazine,
23 picture, drawing, photograph, film, negative, slide, motion

1 picture, figure, object, novelty, device, recording,
2 transcription, live or recorded telephone message or any
3 other similar item, whether tangible or intangible;

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5 (B) A performance, exhibition, transmission
6 or distribution of any materials defined in subparagraph
7 (A) of this paragraph;

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9 (C) A live performance or exhibition that
10 depicts nudity, sexual conduct, sexual excitement,
11 sadomasochistic behavior or abuse, as those terms are
12 defined in this subsection, whether to the public or an
13 audience of one (1) or more persons.

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15 **6-4-302. Promoting obscenity; penalties.**

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17 (c) This section shall not apply to any person who
18 may produce, reproduce, possess or disseminate obscene
19 material:

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21 (i) In the course of law enforcement and
22 judicial activities or in the course of medical or mental
23 health care treatment;

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2 (d) A person commits the crime of promoting obscenity
3 to a minor if he, knowing the character of the material
4 involved, knowingly:

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6 (i) Disseminates, furnishes, presents, provides,
7 makes available, gives, lends, shows or advertises to a
8 minor material that is harmful to minors;

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10 (ii) Provides, invites or promotes an event to
11 minors that includes material that is harmful to minors; or

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13 (iii) Transmits or sends to a person that the
14 person believes is a minor by means of electronic mail,
15 personal messaging or any other direct internet
16 communication material that is harmful to minors when the
17 person knows or believes at the time of transmission that a
18 minor in this state will receive that material.

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20 (e) Promoting obscenity to a minor is a misdemeanor
21 punishable by a fine not to exceed six thousand dollars
22 (\$6,000.00) or by imprisonment for not to exceed one (1)
23 year, or both.

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2 (f) For purposes of subsection (d) of this section:

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4 (i) "Harmful to minors" means that quality of
5 any description, exhibition, presentation or
6 representation, in whatever form, of nudity, sexual
7 conduct, sexual excitement or sadomasochistic abuse, when
8 the material or performance has the following
9 characteristics:

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11 (A) The average person eighteen (18) years
12 of age or older would find that the material or performance
13 has a predominant tendency to appeal to a prurient interest
14 in sex to minors;

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16 (B) The average person eighteen (18) years
17 of age or older would find that the material or performance
18 depicts or describes nudity, sexual conduct, sexual
19 excitement or sadomasochistic abuse in a manner that is
20 patently offensive to prevailing standards in the adult
21 community with respect to what is suitable for minors; and

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1 (C) The material or performance lacks
2 serious literary, scientific, medical, artistic or
3 political value for minors.

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5 (ii) "Nudity" means a:

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7 (A) Showing of the human male or female
8 genitals, pubic area or buttocks with no covering or less
9 than a fully opaque covering;

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11 (B) Showing of the female breast with no
12 covering or less than a fully opaque covering of any
13 portion of the female breast below the top of the nipple;
14 or

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16 (C) Depiction of covered male genitals in a
17 discernibly turgid state.

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19 (iii) "Sexual conduct" means:

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21 (A) Any act of sexual intercourse,
22 masturbation, excretory functions, lewd exhibition of the
23 genitals, sadomasochistic abuse or bestiality;

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(B) Any other physical contact with a person's unclothed genitals, pubic area, buttocks or female breast, whether alone or between members of the same or opposite sex or between a human and an animal, in an act of sexual stimulation or attempting to sexually stimulate, gratification or perversion;

(C) Any sexual or gender-oriented material that knowingly exposes minors to persons who are dressed in sexually revealing, exaggerated or provocative clothing or costumes, or are stripping, or engaged in lewd or lascivious dancing or movements, presentations or activities in any place where minors are expected, invited or are known to be present.

(iv) "Sexual intercourse" means coitus or copulation, whether genital-genital, oral-genital, anal-genital or oral-anal, and whether between persons of the same or opposite sex or between a human and an animal.

Section 2. W.S. 6-4-302(b)(ii) and (c)(ii) is repealed.

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2 **Section 3.** This act is effective July 1, 2025.

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(END)