

HOUSE BILL NO. HB0009

Grooming of children-offenses and amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; establishing the  
2 criminal offense of grooming of a minor for a sexual  
3 offense; specifying penalties; providing definitions;  
4 making conforming amendments; and providing for an  
5 effective date.

6

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

8

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

10

11 **6-2-321. Grooming of minor for sexual offense;**  
12 **definitions; penalties.**

13

14 (a) As used in this section:

15

1           (i) "Electronic communication" means a sign,  
2 signal, writing, image, sound, data or intelligence of any  
3 nature transmitted or created, in whole or in part, by a  
4 wire, radio, electromagnetic, photoelectronic or  
5 photo-optical system or on a social media platform, gaming  
6 platform or any other digital communication service;

7  
8           (ii) Except as provided by W.S. 6-2-302 through  
9 6-2-304 and 6-2-313 through 6-2-318, "grooming" means  
10 behavior, including sending an electronic communication,  
11 that seeks to prepare, induce or persuade a minor to engage  
12 in sexual conduct or exploitation, even if no meeting or  
13 sexual conduct is completed. "Grooming" includes:

14  
15           (A) Deliberate acts that establish an  
16 emotional connection with a minor through manipulation,  
17 trust-building or influence to facilitate acts of sexual  
18 conduct, sexual abuse or exploitation;

19  
20           (B) Online or in-person activities, the use  
21 of third parties or indirect methods to facilitate the  
22 manipulation of a minor.

23

1 (iii) "Sexual conduct" means:

2

3 (A) Actual or simulated:

4

5 (I) Sexual intercourse, whether  
6 between persons of the same or opposite sex;

7

8 (II) Penetration of the vagina or  
9 rectum by any object, except when done as part of a  
10 recognized medical procedure performed by a licensed  
11 medical professional;

12

13 (III) Bestiality;

14

15 (IV) Masturbation;

16

17 (V) Sadomasochistic abuse;

18

19 (VI) Lewd exhibition of the genitals,  
20 breasts, pubic or rectal area or other intimate parts of a  
21 person; or

22

1 (VII) Defecation or urination for the  
2 purpose of the sexual stimulation of the viewer.

3

4 (B) The depiction or observation of a child  
5 in the nude or in a state of partial undress with the  
6 purpose to:

7

8 (I) Abuse, humiliate, harass or  
9 degrade the child;

10

11 (II) To arouse or gratify the person's  
12 own sexual response or desire; or

13

14 (III) To arouse or gratify the sexual  
15 response or desire of another person.

16

17 (iv) "Simulated" means any depiction of the  
18 genitals or pubic or rectal area that gives the appearance  
19 of sexual conduct or incipient sexual conduct.

20

21 (b) A person commits the offense of grooming of a  
22 minor for a sexual offense if the person:

23

1           (i) Is eighteen (18) years of age or older and  
2 not less than four (4) years older than the minor; and

3

4           (ii) Purposely or knowingly engages in a pattern  
5 of grooming aimed at a minor or the minor's parent or  
6 guardian with the intent to:

7

8           (A) Manipulate the minor into engaging in  
9 sexual conduct;

10

11           (B) Coerce or entice a minor to meet in  
12 person to engage in sexual conduct;

13

14           (C) Distribute or facilitate access to  
15 sexually explicit material; or

16

17           (D) Exploit a position of authority to  
18 develop an intimate or secretive relationship with a minor.

19

20           (c) Except as provided in subsections (d), (e) and  
21 (g) of this section, grooming of a minor for a sexual  
22 offense is a felony punishable by imprisonment for not more

1 than five (5) years, a fine not to exceed ten thousand  
2 dollars (\$10,000.00), or both.

3

4 (d) A person who commits grooming of a minor for a  
5 sexual offense against a minor who is younger than sixteen  
6 (16) years of age but older than twelve (12) years of age  
7 shall be guilty of a felony punishable by imprisonment for  
8 not more than ten (10) years, a fine not to exceed ten  
9 thousand dollars (\$10,000.00), or both.

10

11 (e) A person who is not less than eighteen (18) years  
12 of age who commits the offense of grooming of a minor for a  
13 sexual offense against a minor who is less than twelve (12)  
14 years of age shall be guilty of a felony punishable by  
15 imprisonment for not more than fifteen (15) years, a fine  
16 not to exceed fifteen thousand dollars (\$15,000.00), or  
17 both.

18

19 (f) A person guilty of grooming of a minor for a  
20 sexual offense under this section shall:

21

22 (i) Complete a sexual offender treatment program  
23 provided or approved by the department of corrections;

1

2 (ii) Be subject to probation for a period not to  
3 exceed ten (10) years.

4

5 (g) A person who occupies a position of authority in  
6 relation to the victim and who commits the offense of  
7 grooming of a minor for a sexual offense shall:

8

9 (i) Except as provided in paragraphs (ii) and  
10 (iii) of this subsection, be guilty of a felony punishable  
11 by imprisonment for not more than ten (10) years, a fine  
12 not to exceed twenty thousand dollars (\$20,000.00), or  
13 both;

14

15 (ii) If the minor is between twelve (12) and  
16 sixteen (16) years of age, be guilty of a felony punishable  
17 by imprisonment for not more than twenty (20) years, a fine  
18 not to exceed twenty thousand dollars (\$20,000.00), or  
19 both;

20

21 (iii) If the minor is younger than twelve (12)  
22 years of age, be guilty of a felony punishable by  
23 imprisonment for not more than thirty (30) years, a fine

1 not to exceed thirty thousand dollars (\$30,000.00), or  
2 both.

3

4 **Section 2.** W.S. 6-2-301(a) (intro), 7-13-301(a) (intro)  
5 and 7-19-302(g) are amended to read:

6

7 **6-2-301. Definitions.**

8

9 (a) As used in this article, unless otherwise  
10 defined:

11

12 **7-13-301. Placing person found guilty, but not**  
13 **convicted, on probation.**

14

15 (a) If a person who has not previously been convicted  
16 of any felony is charged with or is found guilty of or  
17 pleads guilty or no contest to any misdemeanor except any  
18 second or subsequent violation of W.S. 31-5-233 or any  
19 similar provision of law, or any second or subsequent  
20 violation of W.S. 6-2-510(a) or 6-2-511(a) or any similar  
21 provision of law, or any felony except murder, sexual  
22 assault in the first or second degree, grooming of a minor  
23 for a sexual offense, aggravated assault and battery or

1 arson in the first or second degree, the court may, with  
2 the consent of the defendant and the state and without  
3 entering a judgment of guilt or conviction, defer further  
4 proceedings and place the person on probation for a term  
5 not to exceed thirty-six (36) months upon terms and  
6 conditions set by the court. The terms of probation shall  
7 include that he:

8

9 **7-19-302. Registration of offenders; procedure;**  
10 **verification; fees.**

11

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

1 during the period in which he is required to register.  
2 During the annual in-person verification, the sheriff shall  
3 photograph the offender. Confirmation of the in-person  
4 verification required under this subsection, along with the  
5 photograph of the offender, shall be transmitted by the  
6 sheriff to the division within three (3) working days. Any  
7 person under this subsection who has not established a  
8 residence or is transient, and who is reporting to the  
9 sheriff as required under subsection (e) of this section,  
10 shall be deemed in compliance with the address verification  
11 requirements of this section.

12

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

17

18

(END)