

ENROLLED ACT NO. 32, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

AN ACT relating to crimes and offenses; specifying that using artificial intelligence to commit a criminal offense shall not be a defense to the offense; establishing criminal offenses concerning the use of synthetic sexual material or artificial intelligence against children; establishing criminal offenses concerning the use of artificial intelligence to promote self-harm or to censor political speech; providing immunity for developers of artificial intelligence systems as specified; specifying penalties; providing and amending definitions; providing causes of action; and providing for an effective date.

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

Section 1. W.S. 1-1-143, 6-1-206, 6-4-307, 6-4-308 and 6-4-701 are created to read:

1-1-143. Developers of artificial intelligence systems; liability; limitations.

(a) As used in this section, "artificial intelligence system" means as defined by W.S. 6-1-104(a)(xix).

(b) Except as provided in subsection (c) of this section, the developer of an artificial intelligence system shall not be liable for damages arising from the use of an artificial intelligence system when another person used the system with the intent to commit or engage in illegal or illicit activities or to cause harm.

(c) The immunity provided in subsection (b) of this section shall not apply if the artificial intelligence system was developed with the knowledge or intent that the primary purpose of the system would be for illegal or illicit activities.

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6-1-206. Artificial intelligence; liability and defense.

(a) Nothing in the Wyoming Criminal Code shall be construed to prohibit the application of this code against activity facilitated by an artificial intelligence system.

(b) The use of an artificial intelligence system by a person to commit a criminal offense shall not be a defense to a criminal charge.

6-4-307. Unlawful distribution of nonconsensual synthetic sexual material.

(a) A person commits the offense of unlawful distribution of nonconsensual synthetic sexual material if:

(i) The person:

(A) Knowingly, distributes, transmits or otherwise makes available synthetic sexual material that realistically depicts another identifiable person without that person's knowledge or consent;

(B) At the time of the distribution or transmission, knows that the synthetic sexual material was created or altered without the knowledge or consent of the depicted person and under circumstances in which the depicted person had a reasonable expectation of privacy; and

(C) The distribution of the synthetic sexual material causes harm to the depicted person or is intended to cause harm to the depicted person.

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(ii) The person promotes synthetic sexual material on an internet website, social media website or other digital platform knowing the character and content of the synthetic sexual material; or

(iii) The person intentionally threatens to distribute synthetic sexual material that depicts a person's intimate parts exposed or engaged in sexual conduct without that person's consent and makes the threat to obtain a benefit in:

(A) Return for not making the disclosure;
or

(B) Connection with the threatened disclosure.

(b) It shall not be a defense to prosecution under this section that the person depicted in the synthetic sexual material:

(i) Created or consented to the creation of the synthetic sexual material, unless the depicted person is the person who distributes, transmits or otherwise makes the material available for lawful purposes; or

(ii) Voluntarily transmitted the synthetic sexual material to the defendant.

(c) Unlawful distribution of synthetic sexual material is:

(i) Except as provided in paragraph (ii) of this subsection, a felony punishable by imprisonment for not

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more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both;

(ii) For a second or subsequent conviction under this section or of a substantially similar law of any other jurisdiction, a felony punishable by imprisonment for not more than twelve (12) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

(d) Nothing in this act shall be construed to impose liability on interactive computer services as defined in 47 U.S.C. 230(f)(2) or on information services or telecommunications services as defined in 47 U.S.C. 153 for content provided by another person.

6-4-308. Unlawful development or distribution of artificial intelligence system for child pornography.

(a) As used in this section, "child pornography" means as defined by W.S. 6-4-303(a)(ii).

(b) A person commits the offense of unlawful development or distribution of an artificial intelligence system for child pornography if the person:

(i) Knowingly develops or distributes an artificial intelligence system specifically designed to create, distribute or promote child pornography or to create, distribute or promote synthetic sexual material; and

(ii) Develops or distributes the artificial intelligence system with the intent that the system be used by other persons to create, distribute or promote child

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pornography or with knowledge that the system will be used to create, distribute or promote child pornography.

(c) This section shall not apply:

(i) To any artificial intelligence system that produces content that promotes child pornography solely as a result of user prompts or inputs and without the developer's intent to encourage or promote child pornography;

(ii) To conduct taken in the course of bona fide school, college, university, museum or public library activities or in the course of employment of such an organization;

(iii) To conduct taken in the course of law enforcement and judicial activities;

(iv) To an interactive computer service as defined in 47 U.S.C. 230(f)(2) or to an information service or telecommunications service as defined in 47 U.S.C. 153 for content provided by another person.

(d) Unlawful development or distribution of an artificial intelligence system for child pornography is a felony punishable by imprisonment not to exceed ten (10) years, a fine not to exceed ten thousand dollars (\$10,000.00), or both.

ARTICLE 7
ARTIFICIAL INTELLIGENCE OFFENSES

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6-4-701. Unlawful development or distribution of artificial intelligence systems intended to promote self-harm.

(a) As used in this section, "self-harm" means any behavior or action that is self-directed and that deliberately results in bodily injury, serious bodily injury or death or the potential of bodily injury, serious bodily injury or death to oneself.

(b) A person commits the offense of unlawful development or distribution of an artificial intelligence system intended to promote self-harm if the person:

(i) Knowingly develops or distributes an artificial intelligence system specifically designed to promote self-harm; and

(ii) Develops or distributes the system with the intent that the system will be used by others to promote self-harm or with knowledge that the system will be used to promote self-harm.

(c) This section shall not apply:

(i) To any artificial intelligence system that produces content that promotes self-harm solely as a result of user prompts or inputs and without the developer's intent to encourage or promote self-harm;

(ii) To conduct taken in the course of bona fide school, college, university, museum or public library activities or in the course of employment of such an organization;

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(iii) To conduct taken in the course of law enforcement and judicial activities;

(iv) To licensed health care providers providing legitimate medical or therapeutic services;

(v) To an interactive computer service as defined in 47 U.S.C. 230(f)(2) or to an information service or telecommunications service as defined in 47 U.S.C. 153 for content provided by another person.

(d) Unlawful development or distribution of an artificial intelligence system to promote self-harm is a felony punishable by imprisonment for not more than ten (10) years, a fine not to exceed ten thousand dollars (\$10,000.00), or both.

Section 2. W.S. 6-1-104(a) by creating a new paragraph (xix) and by renumbering (xix) as (xx), 6-4-301(a) by creating new paragraphs (vi) and (vii) and 6-4-303(a)(ii)(intro), (b) by creating new paragraphs (v) and (vi) and (c) through (e) are amended to read:

6-1-104. Definitions.

(a) As used in this act, unless otherwise defined:

(xix) "Artificial intelligence system" means any machine learning-based system that can, for any given set of objectives, generate outputs that include images, audio content, video content, digitally generated text, three-dimensional models, predictions, recommendations or decisions influencing physical or virtual environments;

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~~(xix)~~ (xx) "This act" means title 6 of the Wyoming statutes.

6-4-301. Definitions.

(a) As used in this article:

(vi) "Intimate parts" means as defined by W.S. 6-2-301(a)(ii);

(vii) "Synthetic sexual material" means material that has been created, altered or manipulated through the use of an artificial intelligence system or another digital method to realistically depict the intimate parts of a specific person.

6-4-303. Sexual exploitation of children; penalties; definitions.

(a) As used in this section:

(ii) "Child pornography" means any visual depiction, including any photograph, film, video, picture, computer or computer-generated image, film, video or picture, whether or not made or produced by electronic, mechanical or other means, of explicit sexual conduct, where:

(b) A person is guilty of sexual exploitation of a child if, for any purpose, he knowingly:

(v) Uses an artificial intelligence system to generate or create child pornography;

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(vi) Possesses child pornography that the person knows was generated by an artificial intelligence system.

(c) The sexual exploitation of a child pursuant to paragraphs (b)(i) through (iii) and (v) of this section is a felony punishable by imprisonment for not less than five (5) years nor more than twelve (12) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

(d) The sexual exploitation of a child by possession of sexually exploitive material pursuant to paragraph (b)(iv) of this section or by possession of child pornography generated by an artificial intelligence system under paragraph (b)(vi) of this section is a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

(e) A second or subsequent conviction pursuant to paragraphs (b)(i) through ~~(iv)~~ (vi) of this section, or of a substantially similar law of any other jurisdiction, is a felony punishable by imprisonment for not less than seven (7) years nor more than twelve (12) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

ORIGINAL HOUSE
BILL NO. HB0102

ENGROSSED

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Section 3. This act is effective July 1, 2026.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk