

HOUSE BILL NO. HB0072

Obscenity amendments.

Sponsored by: Representative(s) Lucas

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; prohibiting public school libraries and county
5 libraries from curating materials that are harmful to
6 minors; repealing an exemption from the crime of promoting
7 obscenity for activities conducted in the course of
8 employment at a school, college, university, museum or
9 public library; repealing obsolete provisions; and
10 providing for an effective date.

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

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14 **Section 1.** W.S. 6-4-301(a)(i) and (ii) and
15 6-4-302(c)(i), by creating new paragraphs (iii) and (iv)

1 and by creating new subsections (d) through (g) are amended
2 to read:

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

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6 (a) As used in this article:

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8 (i) "Disseminate" means to ~~sell, distribute,~~
9 ~~deliver, provide, exhibit or otherwise make available~~ or
10 distribute, in any possible way or method, to another
11 whether in person or electronically, unless by an internet
12 service provider to the extent the internet service
13 provider is not responsible for the creation of the
14 material;

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

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21 (A) A book, leaflet, pamphlet, magazine,
22 picture, drawing, photograph, film, negative, slide, motion
23 picture, figure, object, novelty, device, recording,

1 transcription, live or recorded telephone message or any
2 other similar item, whether tangible or intangible;

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

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

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14 **6-4-302. Promoting obscenity; penalties; library**
15 **materials and challenges.**

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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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(iii) If the person is a parent or guardian, and the person is providing the obscene material to the person's child or is permitting the child to attend an exhibition of any obscene material if the child is accompanied by the parent or guardian;

(iv) For health instruction and sex education pertaining to human reproduction, venereal and other sexually transmitted diseases, provided that written consent by the parent or guardian is obtained before the instruction or education begins and that the curriculum and associated materials for instruction or education specified in this paragraph shall be made available for inspection by the public.

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

(i) Disseminates or distributes, in any possible way or method, to a minor material that is harmful to minors;

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

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5 (iii) Transmits or sends to a person that the
6 person believes is a minor by means of electronic mail,
7 personal messaging or any other direct internet
8 communication material that is harmful to minors when the
9 person knows or believes at the time of transmission that a
10 minor in this state will receive that material.

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12 (e) Promoting obscenity to a minor is a misdemeanor
13 punishable by imprisonment for not more than one (1) year,
14 a fine of not more than six thousand dollars (\$6,000.00),
15 or both.

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17 (f) For purposes of subsections (d) and (g) of this
18 section:

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20 (i) "Harmful to minors" means that quality of
21 any description, exhibition, presentation or
22 representation, in whatever form, of nudity, sexual
23 conduct, sexual excitement or sadomasochistic abuse;

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(ii) "Sexual conduct" means:

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

(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.

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

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6 (g) No public school library or county library that
7 curates collections intended for minors shall curate
8 materials for minors that are harmful to minors as defined
9 by paragraph (f)(i) of this section, subject to all of the
10 following:

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12 (i) A person may challenge a material as being
13 harmful to minors or obscene under this subsection by
14 filing a challenge with the library;

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16 (ii) Not later than sixty (60) days after
17 receipt of the challenge, the library shall review the
18 challenged material to determine if the material is obscene
19 or harmful to minors in violation of this subsection;

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21 (iii) If the challenged material is determined
22 by the library to be obscene or harmful to minors, the
23 library shall move the challenged material from the

1 location in the library for minors to an adult section of
2 the library and restrict access by minors to the challenged
3 material, unless the minor's parent or guardian has
4 provided permission to the library for the minor to access
5 materials from the adult section of the library.

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

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

12 (END)