

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Sexually explicit materials in libraries-requirements.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to libraries and education; specifying
2 requirements for county libraries and school libraries to
3 govern access to sexually explicit materials by minors;
4 providing definitions; providing a cause of action for
5 violations; specifying penalties; making conforming
6 amendments; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 1-39-125, 18-7-107 and 21-3-138 are
11 created to read:

12

1 **1-39-125. Liability; sexually explicit materials in**
2 **children's sections of libraries.**

3
4 A governmental entity is liable for damages resulting from
5 a violation of W.S. 18-7-107 or 21-3-138 in accordance with
6 W.S. 18-7-107 or 21-3-138.

7
8 **18-7-107. Sexually explicit materials available to**
9 **children; requirements; penalties; cause of action.**

10
11 (a) As used in this section:

12
13 (i) "Children's section" means any portion of a
14 library devoted primarily to or that provides materials
15 aimed toward persons younger than age eighteen (18);

16
17 *****

18 *****

19 **STAFF COMMENT**

20
21 For the Committee's reference, the definition of "obscene"
22 as used in Wyoming law is below. The Committee may wish to
23 consider the use of the existing definition for "obscene"
24 as the designation of sexually explicit material.

25
26 **6-4-301. Definitions.**

27
28 (a) As used in this article:

1 (iii) "Obscene" is material which the average
2 person would find:

3
4 (A) Applying contemporary community
5 standards, taken as a whole, appeals to the prurient
6 interest;

7
8 (B) Applying contemporary community
9 standards, depicts or describes sexual conduct in a
10 patently offensive way; and

11
12 (C) Taken as a whole, lacks serious
13 literary, artistic, political or scientific value.

14 *****
15 *****
16 *****
17

18 (ii) "Sexually explicit material" means any
19 depiction or description, in any written, pictorial or
20 electronic form, of sexual contact between two (2) or more
21 persons by any one (1) or more of the following:

22
23 (A) Penetration of the penis into the vagina
24 or anus;

25
26 (B) Contact between the mouth and genitalia
27 or mouth and anus or by contact between the genitalia of
28 one person and the genitalia or anus of another person;

29
30 (C) Contact between the finger, hand or
31 other body part of one (1) person and the genitalia or anus

1 of another person, except in the course of an examination
2 or treatment by a person licensed to provide care or
3 treatment under title 33 of the Wyoming statutes;

4

5 (D) Ejaculation onto the person of another;

6

7 (E) The use of artificial sexual organs or
8 substitutes to contact with the genitalia or anus;

9

10 (F) The touching of a person's own genitals
11 or anus with a finger, hand, artificial sexual organ or
12 other similar device.

13

14 *****
15 *****

16 **STAFF COMMENT**

17

18 The Committee may wish to consider how subparagraph (F)
19 above fits may interact with the introductory language of
20 this definition, which specifies any description or
21 depiction "of sexual contact between two (2) or more
22 persons."

23

24 *****
25 *****

26

27 (b) Each public library and employee and staff of a
28 public library shall ensure that no sexually explicit

1 materials are accessible in the children's section of the
2 library at any time.

3

4 (c) If any person violates subsection (b) of this
5 section, the library that employs or contracts with the
6 person shall be liable for a civil penalty of fifty
7 thousand dollars (\$50,000.00) for each violation of
8 subsection (b) of this section.

9

10 *****
11 *****
12 **STAFF COMMENT**
13
14 **The Committee may wish to consider replacing the term "any**
15 **person" in subsection (c) above with "If any employee,**
16 **staff or contractor of a library violates..."**
17
18 *****
19 *****
20

21 (d) Any interested party shall have a cause of action
22 against a library violating this section. A court may order
23 any injunctive or equitable relief, award damages, costs or
24 fees or order any other legal remedy permitted by law. A
25 court may award reasonable attorney fees and costs to an
26 interested party prevailing in an action brought under this
27 subsection.

28

1 **21-3-138. Sexually explicit materials in school**
2 **libraries; penalties; cause of action.**

3

4 (a) As used in this section, "sexually explicit
5 material" means as defined by W.S. 18-7-107(a)(ii).

6

7 (b) Each school district, and each employee of the
8 school district, shall ensure that no sexually explicit
9 materials are accessible by any student in any library of
10 the school district.

11

12 (c) If any person violates subsection (b) of this
13 section, the school district that employs or contracts with
14 the person shall be liable for a civil penalty of fifty
15 thousand dollars (\$50,000.00) for each violation of
16 subsection (b) of this section.

17

18 (d) Any interested party shall have a cause of action
19 against a school district violating this section. A court
20 may order any injunctive or equitable relief, award
21 damages, costs or fees or order any other legal remedy
22 permitted by law. A court may award reasonable attorney

1 fees and costs to an interested party prevailing in an
2 action brought under this subsection.

3

4 **Section 2.** W.S. 1-39-103(a)(ix) and 1-39-104(a) are
5 amended to read:

6

7 **1-39-103. Definitions.**

8

9 (a) As used in this act:

10

11 (ix) "This act" means W.S. 1-39-101 through ~~1-~~
12 ~~39-123-~~1-39-125.

13

14 **1-39-104. Granting immunity from tort liability;**
15 **liability on contracts; exceptions.**

16

17 (a) A governmental entity and its public employees
18 while acting within the scope of duties are granted
19 immunity from liability for any tort except as provided by
20 W.S. 1-39-105 through 1-39-112 and 1-39-122 through ~~1-39-~~
21 ~~124-~~1-39-125. Any immunity in actions based on a contract
22 entered into by a governmental entity is waived except to
23 the extent provided by the contract if the contract was

1 within the powers granted to the entity and was properly
2 executed and except as provided in W.S. 1-39-120(b). The
3 claims procedures of W.S. 1-39-113 apply to contractual
4 claims against governmental entities.

5

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

7

8 (END)