

HOUSE BILL NO. HB0238

Nude image of a minor disseminated or possessed by a minor.

Sponsored by: Representative(s) Connolly, Baker, Bovee, Brown, Freeman, Halverson, Miller, Northrup, Pelkey and Sommers and Senator(s) Anselmi-Dalton, Christensen, Coe, Pappas, Rothfuss and Wasserburger

A BILL

for

1 AN ACT relating to crimes and offenses; creating offenses
2 for the dissemination or possession of a nude image of a
3 minor by a minor; specifying elements of the offenses;
4 providing definitions; providing penalties; and providing
5 for an effective date.

6

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

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9 **Section 1.** W.S. 6-4-305 is created to read:

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11 **6-4-305. Dissemination or possession of a nude image**
12 **of a minor by a minor; definitions; penalties.**

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14 (a) As used in this section:

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2 (i) "Disseminate" means to sell, distribute,
3 deliver, provide, publish, transmit, text, email, exhibit
4 or otherwise make available to another person but does not
5 include any action taken to notify a person in a position
6 of authority of the existence of a nude image of a minor;

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8 (ii) "Juvenile detention facility" means as
9 defined in W.S. 7-1-107(b)(i);

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11 (iii) "Minor" means an individual who is under
12 the age of eighteen (18) years;

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14 (iv) "Nude image" means a photograph or video
15 depicting a person's genitalia, perineum, anus or pubic
16 area or the breast of a female. The term does not include a
17 depiction of explicit sexual conduct as defined in W.S.
18 6-4-303(a)(iii) or a nude image that relates to a
19 newsworthy event.

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21 (b) A minor is guilty of dissemination or possession
22 of a nude image of a minor in the third degree if he
23 knowingly:

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2 (i) Disseminates a nude image of himself; or

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4 (ii) Possesses a nude image of another minor who
5 is at least eleven (11) years of age unless the minor
6 inadvertently came into possession of the image and took
7 reasonable steps to destroy the image or notify a person in
8 a position of authority of its existence.

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10 (c) A minor is guilty of dissemination of a nude
11 image of a minor in the second degree if he knowingly
12 disseminates a nude image of another minor who is at least
13 eleven (11) years of age.

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15 (d) A minor is guilty of dissemination or possession
16 of a nude image of a minor in the first degree if, with the
17 intent to coerce, intimidate, torment, harass or otherwise
18 cause emotional distress to another minor, the minor:

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20 (i) Disseminates or threatens to disseminate a
21 nude image of another minor who is at least eleven (11)
22 years of age without the consent of the depicted minor; or

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1 (ii) Captures a nude image of another minor who
2 is at least eleven (11) years of age without the knowledge
3 and consent of the depicted minor.

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5 (e) A minor convicted of violating subsection (b) of
6 this section is guilty of a status offense as defined in
7 W.S. 7-1-107(b)(iii) and may be fined not more than two
8 hundred fifty dollars (\$250.00).

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10 (f) A minor convicted of violating subsection (c) or
11 (d) of this section is guilty of a misdemeanor punishable
12 by:

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14 (i) For a violation of subsection (c) of this
15 section, a fine of not more than five hundred dollars
16 (\$500.00), imprisonment in a juvenile detention facility
17 for not more than three (3) months, or both;

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19 (ii) For a violation of subsection (d) of this
20 section, a fine of not more than seven hundred fifty
21 dollars (\$750.00), imprisonment in a juvenile detention
22 facility for not more than six (6) months, or both.

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