

ENROLLED ACT NO. 110, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

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

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

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

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

(a) As used in this section:

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

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

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

(iv) "Nude image" means a photograph or video depicting a person's genitalia, perineum, anus or pubic area or the breast of a female. The term does not include a depiction of explicit sexual conduct as defined in W.S. 6-4-303(a) (iii).

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

(i) Disseminates a nude image of himself; or

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

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

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

(i) Disseminates or threatens to disseminate a nude image of another minor who is at least eleven (11) years of age; or

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

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

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

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

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

ORIGINAL HOUSE
BILL NO. HB0238

ENGROSSED

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Section 2. This act is effective July 1, 2017.

(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