

## Wyoming

### Wyo. Stat.

#### Wyo. Stat. § 6-4-301. Definitions.

- **(a)** As used in this article:
  - **(i)** "Disseminate" means to sell, distribute, deliver, provide, exhibit or otherwise make available to another;
  - **(ii)** "Material" includes any form of human expression or communication intended for, or capable of, visual, auditory or sensory perception;
  - **(iii)** "Obscene" is material which the average person would find:
    - **(A)** Applying contemporary community standards, taken as a whole, appeals to the prurient interest;
    - **(B)** Applying contemporary community standards, depicts or describes sexual conduct in a patently offensive way; and
    - **(C)** Taken as a whole, lacks serious literary, artistic, political or scientific value.
  - **(iv)** "Produce or reproduce" means to bring into being regardless of the process or means employed. Undeveloped photographs, films, molds, casts, printing plates and like articles may be obscene notwithstanding that further processing or other acts are necessary to make the obscenity patent or to disseminate or exhibit the obscene material;
  - **(v)** "Sexual conduct" means:
    - **(A)** Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated;
    - **(B)** Sado-masochistic abuse; or
    - **(C)** Patently offensive representations or descriptions of masturbation, excretory functions or lewd exhibitions of the genitals.

#### § 6-4-302. Promoting obscenity; penalties.

- **(a)** A person commits the crime of promoting obscenity if he:
  - (i)** Produces or reproduces obscene material with the intent of disseminating it;
  - (ii)** Possesses obscene material with the intent of disseminating it; or
  - (iii)** Knowingly disseminates obscene material.
- **(b)** Promoting obscenity is a misdemeanor punishable upon conviction as follows:
  - (i)** If to an adult, by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment for not to exceed one (1) year, or both;
  - (ii)** If to a minor, for each violation, by a fine not to exceed six thousand dollars (\$6,000.00) or by imprisonment for not to exceed one (1) year, or both.
- **(c)** This section shall not apply to any person who may produce, reproduce, possess or disseminate obscene material:
  - (i)** In the course of law enforcement and judicial activities;
  - (ii)** In the course of bona fide school, college, university, museum or public

library activities or in the course of employment of such an organization.

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

- **(a)** As used in this section:
  - (i)** "Child" means a person under the age of eighteen (18) years;
  - (ii)** "Child pornography" means any visual depiction, including any photograph, film, video, picture, computer or computer-generated image or picture, whether or not made or produced by electronic, mechanical or other means, of explicit sexual conduct, where:
    - (A)** The production of the visual depiction involves the use of a child engaging in explicit sexual conduct;
    - (B)** The visual depiction is of explicit sexual conduct involving a child or an individual virtually indistinguishable from a child; or
    - (C)** The visual depiction has been created, adapted or modified to depict explicit sexual conduct involving a child or an individual virtually indistinguishable from a child.
    - (D)** Repealed by Laws 2005, ch. 70, § 2.
  - (iii)** "Explicit sexual conduct" means actual or simulated sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, between persons of the same or opposite sex, bestiality, masturbation, sadistic or masochistic abuse or lascivious exhibition of the genitals or pubic area of any person;
  - (iv)** "Visual depiction" means developed and undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image.
- **(b)** A person is guilty of sexual exploitation of a child if, for any purpose, he knowingly:
  - (i)** Causes, induces, entices, coerces or permits a child to engage in, or be used for, the making of child pornography;
  - (ii)** Causes, induces, entices or coerces a child to engage in, or be used for, any explicit sexual conduct;
  - (iii)** Manufactures, generates, creates, receives, distributes, reproduces, delivers or possesses with the intent to deliver, including through digital or electronic means, whether or not by computer, any child pornography;
  - (iv)** Possesses child pornography, except that this paragraph shall not apply to:
    - (A)** Peace officers, court personnel or district attorneys engaged in the lawful performance of their official duties;
    - (B)** Physicians, psychologists, therapists or social workers, provided such persons are duly licensed in Wyoming and the persons possess such materials in the course of a bona fide treatment or evaluation program at the treatment or evaluation site; or
    - (C)** Counsel for a person charged under this section.
- **(c)** The sexual exploitation of a child pursuant to paragraphs (b)(i) through (iii) 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 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) 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.
- **(f)** Any person who is convicted of an offense under this section shall forfeit to the state the person's interest in:
  - (i)** Any visual depiction of a child engaging in explicit sexual conduct in violation of this section, or any book, magazine, periodical, film, videotape or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, possessed or received in violation of this section;
  - (ii)** Any property, real or personal, constituting or traceable to gross proceeds obtained from such offense;
  - (iii)** Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

**§ 6-4-304. Voyeurism; penalties.**

- **(a)** A person is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if he, without the consent of the person being viewed, commits the crime of voyeurism by looking in a clandestine, surreptitious, prying or secretive nature into an enclosed area where the person being viewed has a reasonable expectation of privacy, including, but not limited to:
  - (i)** Restrooms;
  - (ii)** Baths;
  - (iii)** Showers; or
  - (iv)** Dressing or fitting rooms.
- **(b)** A person is guilty of a felony punishable by imprisonment for not more than two (2) years, a fine of not more than five thousand dollars (\$5,000.00), or both, if he:
  - (i)** Commits the offense specified in subsection (a) of this section by knowingly or intentionally capturing an image by means of a camera, a video camera or any other image recording device; or
  - (ii)** Uses a camera, video camera or any other image recording device for the purpose of observing, viewing, photographing, filming or videotaping another person under the clothing being worn by the other person where that other person has not consented to the observing, viewing, photographing, filming or videotaping.

**§ 6-4-403. Abandoning or endangering children; penalties; "child"; disclosure or publication of identifying information; "minor victim."**

- **(a)** No parent, guardian or custodian of a child shall:
  - (i)** Abandon the child without just cause; or
  - (ii)** Knowingly or with criminal negligence cause, permit or contribute to the endangering of the child's life or health by violating a duty of care, protection or support.
- **(b)** No person shall knowingly:
  - (i)** Cause, encourage, aid or contribute to a child's violation of any law of this state;
  - (ii)** Cause, encourage, aid or permit a child to enter, remain or be employed in any place or premises used for prostitution or for professional gambling;

- (iii) Commit any indecent or **obscene** act in the presence of a child;
  - (iv) Sell, give or otherwise furnish a child any drug prohibited by law without a physician's prescription;
  - (v) Conceal or refuse to reveal to the parent, guardian, lawful custodian or to a peace officer the location of a child knowing that the child has run away from a parent, guardian or lawful custodian, except when the action of the defendant is necessary to protect the child from an immediate danger to the child's welfare; or
  - (vi) Cause, encourage, aid or contribute to the endangering of a child's health, welfare or morals, by using, employing or permitting a child:
    - (A) In any business enterprise which is injurious or dangerous to the health, morals, life or physical safety of the child;
    - (B) In any place for purposes of begging;
    - (C) To be exhibited for the purpose of displaying any deformity of a child, except to physicians, nurses or other health professionals; or
    - (D) In a place used for prostitution.
    - (E) Repealed by Laws 1999, ch. 180, § 3.
- (c) A person violating this section is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both. A person convicted of a second violation of this section is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both.
  - (d) As used in this section, "child" means a person under the age of sixteen (16) years.
  - (e) Paragraph (b)(ii) of this section does not apply to crimes chargeable under W.S. 6-4-103(a)(i). Paragraph (b)(iv) of this section does not apply to crimes chargeable under W.S. 35-7-1036.
  - (f) Prior to the filing of an information or indictment charging a violation of W.S. 6-4-403(b)(ii), (iii) or (v)(D) or (E), neither the name of the person accused or the victim nor any other information reasonably likely to disclose the identity of the victim shall be released or negligently allowed to be released to the public by any public employee, except as authorized by the judge with jurisdiction over the criminal charges. The name of the person accused may be released to the public to aid or facilitate an arrest.
  - (g) After the filing of an information or indictment and absent a request to release the identity of a minor victim by the victim or another acting on behalf of a minor victim, the trial court shall restrict the disclosure or publication of information reasonably likely to identify the minor victim.
  - (h) Any person who willfully violates subsection (f) or (g) of this section or who willfully neglects or refuses to obey any court order made pursuant thereto is guilty of contempt and, upon conviction, shall be fined not more than seven hundred fifty dollars (\$750.00) or be imprisoned in the county jail not more than ninety (90) days, or both.
  - (j) A release of a name or other information to the public in violation of the proscriptions of subsection (f) or (g) of this section shall not stand as a bar to the prosecution of a defendant or be grounds for dismissal of any charges against a defendant.
  - (k) As used in subsection (g) of this section, "minor victim" means a person under the age of eighteen (18) years.

**§ 6-4-201. Public indecency; exception; penalties.**

- **(a)** A person is guilty of public indecency if, while in a public place where he may reasonably be expected to be viewed by others, he:
  - (i)** Performs an act of sexual intrusion, as defined by W.S. 6-2-301(a)(vii); or
  - (ii)** Exposes his intimate parts, as defined by W.S. 6-2-301(a)(ii), with the intent of arousing the sexual desire of himself or another person; or
  - (iii)** Engages in sexual contact, as defined by W.S. 6-2-301(a)(vi), with or without consent, with the intent of arousing the sexual desire of himself or another person.
- **(b)** The act of breastfeeding an infant child, including breastfeeding in any place where the woman may legally be, does not constitute public indecency.
- **(c)** Public indecency is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

**§ 1-29-106. Publication of indecent matter prohibited.**

Nothing in W.S. 1-29-104 or 1-29-105 shall authorize the publication of blasphemous or indecent matter.

**§ 12-5-204. Prohibited acts within dispensing room; violation cause for suspension or revocation of license or permit.**

- **(a)** No licensee or agent or employee thereof shall knowingly permit prostitution under W.S. 6-4-101, public indecency under W.S. 6-4-201 or gambling as prohibited by W.S. 6-7-102 or shall promote obscenity under W.S. 6-4-302 within any dispensing room, building or premises licensed under this title.
- **(b)** Any licensee or agent or employee thereof violating subsection (a) of this section, or aiding, abetting or inciting any violation thereof, is in addition to other penalties provided by law, sufficient cause for the suspension or revocation of a license or permit.