

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.

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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 other than a  
5 school employee or law enforcement personnel in performance  
6 of their official duties;

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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 twelve (12) years of age unless the minor  
6 inadvertently came into possession of the image and  
7 promptly took reasonable steps to destroy the image or  
8 notify a school employee or law enforcement personnel of  
9 its existence.

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

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

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21 (i) Disseminates or threatens to disseminate a  
22 nude image of another minor who is at least twelve (12)  
23 years of age without the consent of the depicted minor; or

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2           (ii) Captures a nude image of another minor who  
3 is at least twelve (12) years of age without the knowledge  
4 and consent of the depicted minor.

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

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

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

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

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

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(END)