

SENATE FILE NO. SF0087

Voyeurism amendments.

Sponsored by: Senator(s) Kost, Boner, Hutchings, Nethercott  
and Steinmetz and Representative(s) Duncan  
and Newsome

A BILL

for

1 AN ACT relating to crimes and offenses; amending the  
2 elements and penalties of the crime of voyeurism;  
3 authorizing the imposition of specified probation  
4 conditions for those persons convicted of voyeurism; making  
5 conforming amendments; and providing 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. 6-4-304(a)(intro), (iii), by creating  
10 new paragraphs (v) and (vi), (b)(intro), (ii) and by  
11 creating new subsections (c) through (f) and 7-13-304 by  
12 creating a new subsection (e) are amended to read:

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14       **6-4-304. Voyeurism; penalties.**

15

1           (a) Except as otherwise provided in this section, a  
2 person is guilty of a misdemeanor punishable by  
3 imprisonment for not more than six (6) months, a fine of  
4 not more than seven hundred fifty dollars (\$750.00), or  
5 both, if he, without the consent of the person being  
6 viewed, commits the crime of voyeurism by looking in a  
7 clandestine, surreptitious, prying or secretive nature into  
8 an ~~enclosed~~—area where the person being viewed has a  
9 reasonable expectation of privacy, including, but not  
10 limited to:

11

12                   (iii) Showers; ~~or~~

13

14                   (v) Bedrooms; or

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16                   (vi) Under the clothing being worn by another  
17 person, regardless of whether the person is in a place  
18 where the person has a reasonable expectation of privacy.

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20           (b) Except as otherwise provided in this section, a  
21 person is guilty of a felony punishable by imprisonment for  
22 not more than two (2) years, a fine of not more than five  
23 thousand dollars (\$5,000.00), or both, if he:

1

2 (ii) Uses a camera, video camera or any other  
3 image recording device:

4

5 (A) For the purpose of observing, viewing,  
6 photographing, filming, recording or videotaping the  
7 intimate areas of another person;

8

9 (B) Under ~~the~~ clothing being worn by the  
10 other person; and

11

12 (C) ~~where that other person has not~~  
13 ~~consented to the observing, viewing, photographing, filming~~  
14 ~~or videotaping~~ Without the consent of the other person.

15

16 (c) A person who is eighteen (18) years of age or  
17 older who commits an offense as specified in this section  
18 for which the victim is less than eighteen (18) years of  
19 age shall be guilty of a felony punishable by imprisonment  
20 of not less than five (5) years, a fine of not greater than  
21 five thousand dollars (\$5,000.00), or both.

22

1       (d) A person who commits an offense as specified in  
2 this section who has previously been convicted of an  
3 offense under this section or of a similar offense under  
4 the laws of another state shall be guilty of a felony  
5 punishable by imprisonment of not greater than five (5)  
6 years, a fine of not greater than five thousand dollars  
7 (\$5,000.00), or both.

8  
9       (e) In addition to the penalties specified in this  
10 section, a person guilty of the offense of voyeurism shall  
11 serve a term of supervised probation of:

12  
13       (i) One (1) year for a violation of paragraph  
14 (b)(ii) of this section;

15  
16       (ii) Not less than one (1) year and not greater  
17 than two (2) years for a violation of paragraph (b)(ii) of  
18 this section where one (1) or more photos, video segments  
19 or clips or other images or media of the victim are  
20 disseminated to another person or posted on the internet;  
21 or

22

1           (iii) Not less than three (3) to five (5) years  
2 for any violation of this section where the victim is less  
3 than eighteen (18) years of age at the time of the offense,  
4 notwithstanding W.S. 7-13-302(b).

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6           (f) As used in this section, "intimate area" means  
7 any portion of a person's pubic area, buttocks, vulva,  
8 genitals, female breast or undergarments intended to cover  
9 those portions. "Intimate area" does not include intimate  
10 areas visible through a person's clothing or intimate areas  
11 knowingly exposed in public.

12  
13           **7-13-304. Imposition or modification of conditions;**  
14 **performance of work by defendant.**

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16           (e) As a condition of probation or suspension of  
17 sentence for a person convicted of an offense under W.S.  
18 6-4-304, the court may require a defendant to complete  
19 successfully a sex offender treatment program.

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21           **Section 2.** This act is effective July 1, 2021.

22  
23           (END)