

## HOUSE BILL NO. HB0078

Pornography and obscenity-crimes and penalties.

Sponsored by: Representative(s) Penn, Angelos, Haroldson, Hornok, Knapp, Neiman, Rodriguez-Williams, Strock, Styvar, Trujillo and Ward and Senator(s) Hutchings and Laursen, D

## A BILL

for

1 AN ACT relating to crimes and offenses; specifying  
2 penalties for promoting obscenity on an internet website;  
3 requiring a person who publishes material harmful to minors  
4 to an internet website to require age verification to  
5 access the website; prohibiting a person from retaining  
6 identifying information related to age verification;  
7 requiring the attorney general to provide for reporting of  
8 violations; providing penalties; and providing for an  
9 effective date.

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

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1           **Section 1.** W.S. 6-4-301(a)(iii)(B) and 6-4-302(b)(i),  
2 (ii) and by creating new subsections (d) through (g) are  
3 amended to read:

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5           **6-4-301. Definitions.**

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7           (a) As used in this article:

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9                   (iii) "Obscene" is material which the average  
10 person would find:

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12                           (B) Applying contemporary community  
13 standards, depicts or describes sexual conduct in a  
14 patently offensive way including, without limitation,  
15 visual depictions of rape or sexual abuse; and

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17           **6-4-302. Promoting obscenity; material harmful to**  
18 **minors; enforcement; penalties.**

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20           (b) Promoting obscenity is a misdemeanor punishable  
21 upon conviction as follows:

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1           (i) If to an adult, by a fine not to exceed one  
2 thousand dollars (\$1,000.00) or by imprisonment for not to  
3 exceed one (1) year, or both. If the obscene material is  
4 published on an internet website accessible in Wyoming, the  
5 fine under this paragraph shall be not more than one  
6 thousand dollars (\$1,000.00) for each day the obscene  
7 material is accessible on the internet website;

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9           (ii) If to a minor, for each violation, by a  
10 fine not to exceed six thousand dollars (\$6,000.00) or by  
11 imprisonment for not to exceed one (1) year, or both. If  
12 the obscene material is published on an internet website  
13 accessible in Wyoming, the fine under this paragraph shall  
14 be not more than six thousand dollars (\$6,000.00) for each  
15 day the material is actually accessed by a minor and not  
16 more than an additional one thousand dollars (\$1,000.00)  
17 per day for each additional day the obscene material is  
18 accessible on the internet website.

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20           (d) A person who publishes material harmful to minors  
21 on an internet website where more than one-third (1/3) of  
22 the content on the internet website is material harmful to  
23 minors shall be guilty of providing access to material

1 harmful to minors unless the person uses reasonable age  
2 verification methods to verify the age of persons  
3 attempting to access the material and prevent minors from  
4 accessing the material. As used in this subsection:

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6 (i) "Material harmful to minors" means any  
7 material consisting of visual depictions of nudity, sex or  
8 excretion that:

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10 (A) Appeals to the prurient interest of  
11 minors;

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13 (B) Applying community standards, is  
14 patently offensive with respect to what is suitable for  
15 minors; and

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17 (C) Lacks serious literary, artistic,  
18 political or scientific value for minors.

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20 (ii) "Reasonable age verification" means an age  
21 verification system that verifies age using:

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23 (A) Government issued identification; or

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(B) A method that reasonably relies on public or private transactional data to verify the age of the person.

(e) A violation of subsection (d) of this section shall be a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) per day for each day that material harmful to minors is accessible to minors on the internet website.

(f) No person shall retain any personally identifying information following any age verification completed under subsection (d) of this section. A violation of this subsection, including any violation by a third party used as part of the age verification process, shall be a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00).

(g) The Wyoming attorney general shall provide a mechanism for a person to report potential violations of this section to the attorney general's office. The Wyoming attorney general may report potential violations of federal

1 law to the child exploitation and obscenity section of the  
2 United States department of justice.

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4 **Section 2.** This act is effective July 1, 2024.

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6 (END)