

CHAPTER 35

Original House Bill No. 74

OBSCENITY

AN ACT to amend W.S. 6-5-303 and 6-5-304; and to repeal W.S. 6-5-305 relating to obscenity; redefining specified terms and providing new definitions; providing for the crime of "promoting obscenity"; providing exceptions; providing penalties; and providing for an effective date.

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

Section 1. W.S. 6-5-303 and 6-5-304 are amended to read:

6-5-303. 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) Sadomasochistic abuse; or

(C) Patently offensive representations or descriptions of masturbation, excretory functions or lewd exhibitions of the genitals.

6-5-304. Promoting obscenity; penalty.

(a) A person commits the offense 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 offense, by a fine not to exceed six thousand dollars (\$6,000.00) and/or by imprisonment for not to exceed one (1) year.

(c) This section does 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.

Section 2. W.S. 6-5-305 is repealed.

Section 3. This act is effective June 1, 1982.

Approved March 5, 1982.