

Scott

89 LSO -0390

^{#1}
SENATE FILE 0077

Th SF0077

AN ACT to create W.S. 6-4-303 relating to child pornography; prohibiting the sale or other transfer of material depicting an actual sexual assault on a person under sixteen; providing definitions; providing penalties; and providing for an effective date.

SENATE FILE 0077

Introduced by: Charles W. Scott

DATE	ACTION	DATE	ACTION
JAN 10 1989	INTRODUCED		
	READ FIRST TIME		
	REFERRED TO COM. NO. <u>1</u>		
	DELIVERED TO COM. NO. <u>1</u>		
JAN 20 1989	STANDING COMM. REPORT		
	<i>Recommended</i> AMEND AND DO PASS		
JAN 23 1989	CONSIDERED IN COM. OF WHOLE		
	STANDING COM. AMDT. ADOPTED		
	<i>SF0077SS1/A</i>		
	DO PASS		
JAN 24 1989	READ SECOND TIME		
	DO PASS		
JAN 25 1989	READ THIRD TIME		
	<i>Consent List</i>		
	PASSED		
	AYES <u>30</u> NOES <u>0</u> EXCUSED <u>0</u> ABSENT <u>0</u>		
	<i>Sent to LSO</i>		
1-26-89	ENGROSSED		
	<i>Sent to House</i>		
JAN 27 1989	Received from LSO		
	READ FIRST TIME		
	REFERRED TO COM. NO. <u>1</u>		
	DELIVERED TO COM. NO. <u>1</u>		
3-1-89	<i>Died in Committee</i>		

count list

SF 77 3rd Date 1-25-89

SENATE ROLL CALL

FIFTIETH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent
APPLEGATE	✓			
BURNETT	✓			
BYRD	✓			
COE	✓			
DIXON	✓			
DUSL	✓			
EDDINS	✓			
FANOS	✓			
GERINGER	✓			
GRIEVE	✓			
HEALY	✓			
HERBST	✓			
HICKEY	✓			
HOWARD	✓			
KINNEY	✓			
KINNISON	✓			
MADER	✓			
MALDONADO	✓			
NORRIS	✓			
PERRY	✓			
PREVEDEL	✓			
REESE	✓			
SCOTT	✓			
STROOCK	✓			
SULLIVAN, DAN	✓			
TRUE	✓			
TURNER	✓			
TWIFORD	✓			
VINICH	✓			
ZIMMER				
MR. PRESIDENT	✓			

PRESENT _____

AYES 30
NOES _____
EXCUSED _____
ABSENT _____
TOTAL 30

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, January 20, 1989..

Mr. President:

Your Committee No. 1 on JUDICIARY

to whom was referred S.F. No. 0077

respectfully reports same back to the Senate with the recommendation that it

DO PASS as amended:

Page 4--lines 5 through 19

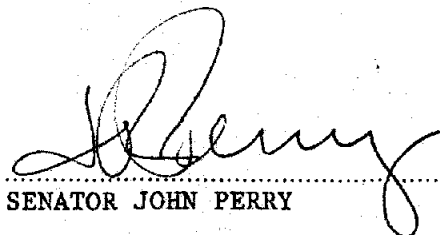
Delete ~~subsection (F)~~ entirely and renumber
subsequent subsections accordingly.

SF 0077 SS1/

De

AYES

Sen. Perry
 Sen. Howard
 Sen. Kinney
 Sen. Norris
 Sen. Scott



SENATOR JOHN PERRY

Chairman

House of Intro
To Com. No. _____
Stand Report Do Amd Not _____
Com Whole Do Amd Not _____
2nd Reading Amd _____
3rd Reading Amd Pass Fail _____

Second House
To Com No. _____
Stand Report Do Amd Not _____
Com Whole Do Amd Not _____
2nd Reading Amd _____
3rd Reading Amd Pass Fail _____

INTRODUCED

1989

STATE OF WYOMING

89LSO-0390.01

SENATE FILE NO. 0077

Child pornography.

Sponsored by: Senator(s) SCOTT

Charles H. Scott

A BILL

for

1 AN ACT to create W.S. 6-4-303 relating to child pornogra-
2 phy; prohibiting the sale or other transfer of material
3 depicting an actual sexual assault on a person under six-
4 teen; providing definitions; providing penalties; and pro-
5 viding for an effective date.

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

7 Section 1. W.S. 6-4-303 is created to read:

8 6-4-303. Child pornography; defined; penalties.

9 (a) Any person who sells, leases, rents, manufac-

- 1 -

SF 22

NO SIGNIFICANT FISCAL OR
PERSONNEL IMPACT AT STATE LEVEL

1 turers or otherwise provides or causes to be sold, leased,
2 rented, manufactured or provided any photographs, motion
3 pictures, video tapes or other electronic or physical
4 images showing an actual sexual assault on a person under
5 the age of sixteen (16) which would be a violation of W.S.
6 6-2-302, 6-2-303, 6-2-304, 6-2-305 or 14-3-105 if it
7 occurred within the jurisdiction of the state of Wyoming,
8 is guilty of being an accessory to sexual assault upon a
9 minor and shall be punished:

10 (i) By not more than five (5) years imprison-
11 ment, a fine of not more than ten thousand dollars
12 (\$10,000.00), or both, if the sexual assault included sex-
13 ual intrusion;

14 (ii) By not more than six (6) months imprison-
15 ment, a fine of seven hundred fifty dollars (\$750.00), or
16 both, if the sexual assault includes sexual contact but no
17 sexual intrusion.

18 (b) All photographs, motion pictures, video tapes or
19 other electronic or physical images showing an actual sex-
20 ual assault on a person under the age of sixteen (16)
21 shall be held as evidence of violation of subsection (a)
22 of this section and shall be forfeited to the state upon
23 conviction of the person for violation of subsection (a)

1 of this section or upon proof that the victim of the sex-
2 ual assault is under the age of sixteen (16). These may
3 be destroyed when in the judgment of the prosecutor they
4 are no longer needed as evidence.

5 (c) For the purposes of subsection (a) of this sec-
6 tion, photographs, motion pictures, video tapes or other
7 physical images shall be deemed to show an actual sexual
8 assault only if one (1) or more of the intimate parts of
9 the victim are shown.

10 (d) If actual proof of the age of the victim cannot
11 be obtained, a person may be convicted of violating sub-
12 section (a) of this section only with the testimony of a
13 licensed physician that based on the pictures or images of
14 the victim contained in the material provided or in adver-
15 tising at the place of sale or lease in his professional
16 judgment there is no reasonable probability that the vic-
17 tim could be at or over the age of sixteen (16).

18 (e) No person shall be convicted of violating sub-
19 section (a) of this section unless:

20 (i) A reasonable person would not have known
21 or suspected that the victim was under the age of sixteen
22 (16) based on the contents of the advertising or material

1 provided at the place of sale or lease or other material
2 available to the person; or

3 (ii) The person knew the victim was under the
4 age of sixteen (16).

5 (f) If a person commits an act which is both a
6 violation of subsection (a) of this section and W.S.
7 6-4-302 he shall be deemed to be guilty of subsection (a)
8 of this section and not W.S. 6-4-302. If a person pub-
9 lishes or participates in the publication of material
10 which includes pictures or images of actual sexual intru-
11 sion, he may be found guilty of violating either subsec-
12 tion (a) of this section or W.S. 6-4-302 as appropriate
13 but not, for acts incident to the publication, of violat-
14 ing W.S. 6-4-101 through 6-4-103 unless he also partici-
15 pated in and paid for the sexual intrusion or participated
16 in and received payment from another participant in which
17 case he may be guilty of violating W.S. 6-4-101 through
18 6-4-103 in addition to subsection (a) of this section or
19 W.S. 6-4-302.

20 (g) The definitions contained in W.S. 6-2-301 apply
21 to this section, except that "sexual assault" also means
22 any act made criminal pursuant to W.S. 14-3-105.

1 Section 2. This act is effective June 8, 1989.

2 (END)

SF 77

①

JAN 23 1989

SF0077SS1/A

✓ Page 4-lines 5 through 19 Delete entirely and renumber subsequent subsection accordingly. PERRY,
CHAIRMAN

House of Intro
To Com. No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

Second House
To Com No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

1989

STATE OF WYOMING

89LSO-0390/eng

SENATE FILE NO. 0077

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