

HOUSE BILL NO. HB0087

Sex offender registry.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to sex offender registration; adding sexual  
2 exploitation of children to the list of offenses for which  
3 sex offender registration is required; providing  
4 definitions; amending the amount of time in which an  
5 offender is required to register after leaving a residence  
6 or entering the state; requiring offenders to provide  
7 information regarding educational institutions at which the  
8 offender is employed or enrolls; requiring the use of a  
9 preponderance of the evidence standard in certain hearings;  
10 providing for notification to campus communities; providing  
11 for penalties for failure to register changes in employment  
12 or enrollment status; making conforming amendments; and  
13 providing for an effective date.

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

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1           **Section 1.** W.S. 7-19-301(a) (intro), (iv) by creating  
2 a new subparagraph (G), by amending and renumbering (G) as  
3 (H), (xi) and by creating new paragraphs (xvi) through  
4 (xix), 7-19-302(a) (vi), (vii), by creating a new paragraph  
5 (viii), (c) (iii), (iv), (d), (e), (g), (h) and by creating  
6 a new subsection (j), 7-19-303(b) (ii), (c) (intro), (ii), by  
7 creating a new subsection (h) and by renumbering (h) as  
8 (j), 7-19-305(a) (ii), (v) and by creating a new paragraph  
9 (vi) and 7-19-307(a) are amended to read:

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11           **7-19-301. Definitions.**

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13           (a) ~~For~~ Unless otherwise provided, for the purposes  
14 of this act:

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16           (iv) "Criminal offense against a minor" means  
17 the offenses specified in this paragraph in which the  
18 victim is less than eighteen (18) years of age. "Criminal  
19 offense against a minor" includes an offense committed in  
20 another jurisdiction, including a federal court or courts  
21 martial, which, if committed in this state, would  
22 constitute a "criminal offense against a minor" as defined  
23 in this paragraph. "Criminal offense against a minor"  
24 includes:

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(G) Sexual exploitation of a child under  
W.S. 6-4-303;

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~~(G)~~(H) An attempt to commit an offense  
described in subparagraphs (A) through ~~(F)~~(G) of this  
paragraph.

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(xi) "Reside" and words of similar import mean  
having established a permanent or temporary ~~domicile~~  
residence for ~~thirty (30)~~ten (10) or more days;

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(xvi) "Attending school" means enrollment on a  
full or part-time basis at any institution;

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(xvii) "Employed" means any full or part-time  
employment, with or without compensation or other benefit,  
for a period of more than fourteen (14) days, or for an  
aggregate period exceeding thirty (30) days in any one (1)  
calendar year. Institutional contractors and contract  
employees performing work on an educational institution  
campus shall be considered institution employees;

1                   (xviii) "Educational institution" or  
2 "institution" means any type of public or private  
3 educational facility or program, including elementary,  
4 middle and high schools, parochial, church and religious  
5 schools as defined by W.S. 21-4-101(a)(iv), trade and  
6 professional schools, colleges and universities;

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8                   (xix) "Residence" means a dwelling place with an  
9 established physical address or identifiable physical  
10 location intended for human habitation.

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12           **7-19-302. Registration of offenders; procedure;**  
13 **verification.**

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15           (a) Any offender residing in this state or entering  
16 this state for the purpose of residing in this state shall  
17 register with the division of criminal investigation or  
18 other entity in accordance with the provisions of this act.  
19 The offender shall be photographed and fingerprinted by the  
20 registering entity or another law enforcement agency and  
21 shall provide the following additional information when  
22 registering:

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24           (vi) Date and place of conviction; ~~and~~

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(vii) Crime for which convicted;~~;~~ and

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(viii) The name and location of each educational institution in this state at which the person is employed or attending school.

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(c) Offenders required to register under this act shall register with the entities specified in this subsection and within the following time periods:

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(iii) Offenders convicted of an offense subjecting them to registration, who are sentenced on or after January 1, 1985, who reside in or enter this state for the purposes of residing and who are under the jurisdiction of the department or state board of parole or other public agency as a result of that offense shall register within ~~forty (40)~~ ten (10) days of entering this state or on or before August 1, 1999, if a current resident. The Wyoming agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to this state and shall register the offender and perform the related duties specified in W.S. 7-19-305;

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2 (iv) Offenders convicted of an offense  
3 subjecting them to registration, who are sentenced on or  
4 after January 1, 1985, who reside in or enter this state  
5 and who are not under the jurisdiction or custody of the  
6 department, board of parole or other public agency as a  
7 result of that offense shall register with the division on  
8 or before August 1, 1999, if a current resident, or within  
9 ~~forty (40)~~ ten (10) days of entering this state if not a  
10 current resident.

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12 (d) The division shall accept registration  
13 information for a nonresident who is employed or attends  
14 school in this state. For purposes of this subsection,  
15 "registration information" means the registrant's place of  
16 employment or the school attended in this state and his  
17 address in his state of residence. ~~;~~ ~~"employed" and "attends~~  
18 ~~school" means the same as defined in W.S. 7-19-305(a)(v).~~  
19 The registration information accepted under this subsection  
20 shall be subject to the provisions of W.S. 7-19-303.

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22 (e) If any person required to register under this act  
23 changes his residence address within the same county, he  
24 shall send written notice of the change of address to the

1 division within ten (10) days of establishing the new  
2 residence. If any person required to register under this  
3 act moves to a new county in this state, he shall notify  
4 the division, the county sheriff in the new county and the  
5 county sheriff of the county of his previous residence  
6 within ten (10) days of establishing the new residence. If  
7 the person changes residence to another state and that  
8 state has a registration requirement, the division shall,  
9 within three (3) working days of receipt of the  
10 information, notify the law enforcement agency with which  
11 the person must register in the new state. Any person who  
12 has not established a new residence within ten (10) days of  
13 leaving his previous residence, or becomes transient  
14 through lack of residence, shall report on a weekly basis  
15 to the sheriff in the county in which he is registered,  
16 until he establishes another residence. The division  
17 shall, within three (3) working days of receipt of a  
18 registration or notice of change of address, notify the  
19 sheriff of the county in which an offender resides, unless  
20 the division received the registration information from the  
21 sheriff. The division shall also notify the victim, or if  
22 the victim is a minor the victim's parent or guardian,  
23 within the same time period if the victim, or a minor  
24 victim's parent or guardian, has requested in writing that

1 the division provide notification of a change of address of  
2 the offender and has provided the division a current  
3 address of the victim, parent or guardian as applicable.  
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5 (g) For an offender other than an aggravated sex  
6 offender required to register under this act the division  
7 shall annually verify the accuracy of the offender's  
8 registered address, and the offender shall annually report  
9 his current address to the division, during the period in  
10 which he is required to register. Any person under this  
11 subsection who has not established a residence or is  
12 transient, and who is reporting to the sheriff as required  
13 under subsection (e) of this section, shall be deemed in  
14 compliance with the address verification requirements of  
15 this section.  
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17 (h) For aggravated sex offenders or those persons  
18 found to be sexually violent predators by a sentencing  
19 court in another state the division shall verify the  
20 accuracy of the offender's registered address, and the  
21 offender shall report his current address to the division,  
22 every ninety (90) days after the date of the initial  
23 release or commencement of parole. Any person under this  
24 subsection who has not established a residence or is



1 transient, and who is reporting to the sheriff as required  
2 under subsection (e) of this section, shall be deemed in  
3 compliance with the address verification requirements of  
4 this section.

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6 (j) In addition to any other requirements of this  
7 section and of this act, any person required to register  
8 under this act shall provide information in writing  
9 regarding each change in employment or enrollment status at  
10 any educational institution in this state within ten (10)  
11 days of the change to the entity with whom the offender  
12 last registered. This information shall be forwarded  
13 immediately from the registering entity to the division on  
14 a form prescribed by the division, and the division shall  
15 then enter the information into the central registry and  
16 forward the information to the campus police department or  
17 other law enforcement agency with jurisdiction over the  
18 institution.

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20 **7-19-303. Offenders central registry; dissemination**  
21 **of information.**

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23 (b) The information collected under this act shall be  
24 confidential and disseminated only in accordance with:

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(ii) The requirements of subsections (c) through ~~(g)~~ (h) of this section.

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(c) The division shall provide notification of registration under this act, including all registration information, to the district attorney of the county where the registered offender is residing at the time of registration or to which the offender moves. Upon receipt of notification, the district attorney shall file an application for hearing under this subsection if the offender is an aggravated sex offender or a recidivist. For other offenders registered under this act, the district attorney shall file an application for hearing under this section if, based upon a review of the risk of reoffense factors specified in W.S. 7-19-303(d), utilizing a preponderance of the evidence standard, it appears that public protection requires notification be provided to persons in addition to those authorized to receive criminal history record information under W.S. 7-19-106. Prior to any application for hearing under this subsection, the district attorney may apply to the court, with notice to the offender, for an order requiring the offender to obtain a psychological or other evaluation report at the

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1 offender's expense. The court may enter any order it deems  
2 appropriate after an in-camera hearing unless waived by the  
3 offender. Upon application of the district attorney, and  
4 following notice to the offender and an in-camera hearing,  
5 the district court shall, ~~based upon its~~ make a finding ~~as~~  
6 ~~to~~ by a preponderance of the evidence of the risk of  
7 reoffense by the offender, and based on that finding  
8 authorize the county sheriff, police chief or their  
9 designee to release information regarding an offender who  
10 has been convicted of an offense that requires registration  
11 under this act, as follows:

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13 (ii) If the risk of reoffense is moderate,  
14 notification shall be provided to residential neighbors  
15 within at least seven hundred fifty (750) feet of the  
16 offender's residence, organizations in the community,  
17 including schools, religious and youth organizations, as  
18 well as to the persons authorized under paragraph (i) of  
19 this subsection, through means specified in the court's  
20 order. In addition, notification regarding an offender  
21 employed by or attending school at any educational  
22 institution shall be provided upon request to a member of  
23 the institution's campus community as defined by subsection  
24 (h) of this section;

1       (h) An educational institution in this state shall  
2 instruct members of its campus community, by direct  
3 advisement, publication or other means, that a member can  
4 obtain information regarding offenders employed by or  
5 attending school at the institution by contacting the  
6 campus police department or other law enforcement agency  
7 with jurisdiction over the institution. The campus police  
8 department or law enforcement agency with jurisdiction over  
9 the institution shall disseminate the information regarding  
10 the offender to the campus community in accordance with the  
11 requirements of subsections (c) through (g) of this  
12 section. For the purposes of this subsection, "member of  
13 the campus community" means a person employed by or  
14 attending school at the educational institution at which  
15 the offender is employed or attending school, or a person's  
16 parent or guardian if the person is a minor.

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18       ~~(h)~~(j) The attorney general shall maintain a public  
19 record of the number of registered offenders in each county  
20 which shall be broken down by degree of risk.

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22       **7-19-305. Registration; duties of registering**  
23 **entities; notice to persons required to register.**

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1           (a) The entity required to register an offender under  
2 W.S. 7-19-302(c) shall provide written notification to the  
3 offender of the requirements of this act and shall receive  
4 and retain a signed acknowledgment of receipt. The entity  
5 shall forward all registration information to the division  
6 within three (3) working days after registering the  
7 offender. When registering an offender the registering  
8 entity shall:

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10           (ii) Inform the offender that if he changes  
11 residence address he shall give the new address to the  
12 division in writing within ten (10) days, or if he has not  
13 established a new residence within ten (10) days of leaving  
14 his previous residence or becomes transient through lack of  
15 residence, he shall report on a weekly basis to the sheriff  
16 in the county in which he is registered until he  
17 establishes another residence;

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19           (v) Inform the offender that if he is employed  
20 or attends school in another state while continuing  
21 residence in this state he must register with the other  
22 state as a nonresident worker or nonresident student; ~~For~~  
23 ~~purposes of this paragraph, "employed" means any full-time~~  
24 ~~or part-time employment in this state, with or without~~

1 ~~compensation, for more than fourteen (14) days, or for an~~  
2 ~~aggregate period exceeding thirty (30) days in a calendar~~  
3 ~~year and "attends school" means enrolled in any type of~~  
4 ~~school on a full-time or part-time basis.~~

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6 (vi) Inform the offender that in addition to any  
7 other registration requirements of this act, if the  
8 offender becomes employed by or attends school at any  
9 educational institution in this state, or if his status of  
10 employment or enrollment at any educational institution in  
11 this state as reported during his last registration changes  
12 in any manner, he shall register the change within ten (10)  
13 days of the change with the entity with whom he last  
14 registered.

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16 **7-19-307. Penalties.**

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18 (a) Failure to register within the time required  
19 under W.S. 7-19-302 constitutes a per se violation of this  
20 act and is punishable as provided in subsections (c) and  
21 (d) of this section. Failure to report his address as  
22 required by W.S. 7-19-302 (g) and (h), or failure to provide  
23 information regarding any change in employment or  
24 enrollment status at any educational institution in this

1 state as required by W.S. 7-19-302(j), is punishable as  
2 provided in subsections (c) and (d) of this section.

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4 **Section 2.** This act is effective July 1, 2005.

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(END)