STATE OF WYOMING

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

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

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Section 1. W.S. 7-19-301(a)(intro), (iv) by creating 1 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 a new subsection (j), 7-19-303(b)(ii), (c)(intro), (ii), by 6 7 creating a new subsection (h) and by renumbering (h) as (j), 7-19-305(a)(ii), (v) and by creating a new paragraph 8 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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(iv) "Criminal offense against a minor" means 16 17 the offenses specified in this paragraph in which the victim is less than eighteen (18) years of age. "Criminal 18 offense against a minor" includes an offense committed in 19 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 in this paragraph. "Criminal offense against a minor" 23 24 includes:

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                  (G)
                       Sexual exploitation of a child under
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    W.S. 6-4-303;
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                  (G) (H) An attempt to commit an offense
    described in subparagraphs (A) through \frac{F}{F} of this
 6
7
    paragraph.
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              (xi) "Reside" and words of similar import mean
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    having established a permanent or temporary domicile
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    residence for thirty (30) ten (10) or more days;
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             (xvi) "Attending school" means enrollment on a
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    full or part-time basis at any institution;
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             (xvii) "Employed" means any full or part-time
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    employment, with or without compensation or other benefit,
    for a period of more than fourteen (14) days, or for an
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    aggregate period exceeding thirty (30) days in any one (1)
    calendar year. Institutional contractors and contract
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    employees performing work on an educational institution
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    campus shall be considered institution employees;
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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	<pre>professional schools, colleges and universities;</pre>
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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:
23	
24	(vi) Date and place of conviction; and

1 2 (vii) Crime for which convicted; - and 3 4 (viii) The name and location of each educational 5 institution in this state at which the person is employed 6 or attending school. 7 (c) Offenders required to register under this act 8 9 shall register with the entities specified in this 10 subsection and within the following time periods: 11 12 (iii) Offenders convicted of offense an 13 subjecting them to registration, who are sentenced on or after January 1, 1985, who reside in or enter this state 14 for the purposes of residing and who are under the 15 jurisdiction of the department or state board of parole or 16 17 other public agency as a result of that offense shall register within forty (40) ten (10) days of entering this 18 state or on or before August 1, 1999, if a current 19 resident. The Wyoming agency that has jurisdiction over the 20 offender shall notify the offender of the registration 21 requirements before the offender moves to this state and 22 shall register the offender and perform the related duties 23

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 department, board of parole or other public agency as a 6 7 result of that offense shall register with the division on or before August 1, 1999, if a current resident, or within 8 9 forty (40) ten (10) days of entering this state if not a current resident. 10

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12 division shall accept registration (d) The 13 information for a nonresident who is employed or attends 14 school in this state. For purposes of this subsection, "registration information" means the registrant's place of 15 employment or the school attended in this state and his 16 address in his state of residence.; "employed" and "attends 17 school" means the same as defined in W.S. 7-19-305(a)(v). 18 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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(e) If any person required to register under this act changes his residence address within the same county, he 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 within ten (10) days of establishing the new residence. If 6 7 the person changes residence to another state and that state has a registration requirement, the division shall, 8 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 to the sheriff in the county in which he is registered, 15 16 until he establishes another residence. The division 17 shall, within three (3) working days of receipt of a registration or notice of change of address, notify the 18 sheriff of the county in which an offender resides, unless 19 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, within the same time period if the victim, or a minor 23 victim's parent or guardian, has requested in writing that 24

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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 offender required to register under this act the division 6 7 shall annually verify the accuracy of the offender's registered address, and the offender shall annually report 8 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 found to be sexually violent predators by a sentencing 18 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

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- 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 <u>a form prescribed by the division, and the division shall</u>
- 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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- 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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2 (ii) The requirements of subsections (c) through 3 $\frac{\text{(g)}_{\text{(h)}}}{\text{(h)}}$ of this section.

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5 (C) The division shall provide notification registration under this act, including all registration 6 7 information, to the district attorney of the county where the registered offender is residing at the time of 8 registration or to which the offender moves. Upon receipt 9 of notification, the district attorney shall file 10 11 application for hearing under this subsection if the 12 offender is an aggravated sex offender or a recidivist. 13 For other offenders registered under this act, the district attorney shall file an application for hearing under this 14 section if, based upon a review of the risk of reoffense 15 16 factors specified in W.S. 7-19-303(d), utilizing a 17 preponderance of the evidence standard, it appears that public protection requires notification be provided to 18 persons in addition to those authorized to receive criminal 19 20 history record information under W.S. 7-19-106. Prior to 21 any application for hearing under this subsection, the 22 district attorney may apply to the court, with notice to 23 the offender, for an order requiring the offender to obtain 24 a psychological or other evaluation report at the

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 to the risk of reoffense by the offender, utilizing a 6 7 preponderance of the evidence standard, and based on its findings authorize the county sheriff, police chief or 8 9 their designee to release information regarding an offender who has been convicted of an offense that requires 10 11 registration under this act, as follows: 12 (ii) If the risk of reoffense is moderate, 13 notification shall be provided to residential neighbors 14 within at least seven hundred fifty (750) feet of the 15 offender's residence, organizations in the community, 16 17 including schools, religious and youth organizations, as well as to the persons authorized under paragraph (i) of 18 this subsection, through means specified in the court's 19 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 the institution's campus community as defined by subsection 23 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.

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

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(a) The entity required to register an offender under 1 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 within three (3) working days after registering the 6 7 offender. When registering an offender the registering entity shall: 8 9 Inform the offender that if he changes 10 (ii) 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 residence, he shall report on a weekly basis to the sheriff 15 16 in the county in which he is registered until he 17 establishes another residence; 18 19 (v) Inform the offender that if he is employed 20 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 purposes of this paragraph, "employed" means any full-time 23 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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(vi) Inform the offender that in addition to any 6 7 other registration requirements of this act, if the offender becomes employed by or attends school at any 8 educational institution in this state, or if his status of 9 employment or enrollment at any educational institution in 10 11 this state as reported during his last registration changes in any manner, he shall register the change within ten (10) 12 13 days of the change with the entity with whom he last

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16 7-19-307. Penalties.

registered.

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(a) Failure to register within the time required 18 under W.S. 7-19-302 constitutes a per se violation of this 19 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 enrollment status at any educational institution in this 24

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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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6	(END)