

SENATE FILE NO. SF0135

Sex offender registry-process.

Sponsored by: Senator(s) Burns and Massie and  
Representative(s) Hinckley and Warren

A BILL

for

1 AN ACT relating to the sex offender registry; requiring sex  
2 offenders to undergo a psychological evaluation as  
3 specified; conforming provisions; and providing for an  
4 effective date.

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

7

8 **Section 1.** W.S. 7-13-402 by creating a new subsection  
9 (j), 7-19-302 by creating a new subsection (j),  
10 7-19-303(c) (intro) and (d) (intro) and 7-19-307 by creating  
11 a new subsection (e) are amended to read:

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13 **7-13-402. General powers and duties of board;**  
14 **eligibility for parole; immunity.**

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1       (j) The board shall implement a program to perform  
2 psychological evaluations of sex offenders as required  
3 under W.S. 7-19-302(j). The board may contract with  
4 licensed professionals qualified to assess the risk level  
5 of offenders for purposes of sex offender registration  
6 under W.S. 7-19-301 et seq. The board shall provide a copy  
7 of the report to the offender, the district attorney and  
8 the district court as specified in W.S. 7-19-303(c).

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10       **7-19-302. Registration of offenders; procedure;**  
11 **verification.**

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13       (j) Offenders in the custody of the department, local  
14 jail or a public or private agency, other than the state  
15 board of parole, pursuant to a court order as a result of  
16 an offense subjecting them to registration shall undergo a  
17 psychological evaluation conducted by the state board of  
18 parole prior to release. Offenders convicted of an offense  
19 subjecting them to registration who are not sentenced to a  
20 term of confinement, who are not in the custody of the  
21 department, but who are in the custody of the state board  
22 of parole, or who are new residents in the state shall  
23 undergo a psychological evaluation conducted by the state  
24 board of parole prior to the hearing required under W.S.

1 7-19-303(c). The board of parole shall contract with  
2 licensed professionals qualified to assess the risk level  
3 of offenders. As part of the assessment, the person  
4 conducting the assessment shall consider and report to the  
5 board of parole:

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7 (i) Conditions of release that minimize risk of  
8 reoffense, including whether the offender is under  
9 supervision of probation or parole, receiving counseling,  
10 therapy or treatment, or residing in a home situation that  
11 provides guidance and supervision;

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13 (ii) Physical conditions that minimize the risk  
14 of reoffense, including advanced age or debilitating  
15 illness;

16  
17 (iii) Criminal history factors indicative of  
18 high risk of reoffense, including:

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20 (A) Whether the offender's conduct was  
21 found to be characterized by repetitive and compulsive  
22 behavior;

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1                   (B) Whether the offender served the maximum  
2 term under the court order;

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4                   (C) Whether the offender committed the  
5 sexual offense against a child;

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7                   (D) Whether psychological or psychiatric  
8 profiles indicate a risk of recidivism;

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10                  (E) The offender's response to treatment;

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12                  (F) Recent behavior, including behavior  
13 while confined or while under supervision in the community  
14 as well as behavior in the community following service of  
15 sentence;

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17                  (G) Recent threats against persons or  
18 expressions of intent to commit additional crimes; and

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20                  (H) Other criminal history factors,  
21 including:

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23                  (I) The relationship between the  
24 offender and the victim;

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(II) Whether the offense involved the use of a weapon, violence or infliction of serious bodily harm;

(III) The number, date and nature of prior offenses.

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

(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)~~ 7-19-302(j), it appears that public protection requires notification be

1 provided to persons in addition to those authorized to  
2 receive criminal history record information under W.S.  
3 7-19-106. 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 finding as to the  
6 risk of reoffense by the offender, authorize the county  
7 sheriff, police chief or their designee to release  
8 information regarding an offender who has been convicted of  
9 an offense that requires registration under this act, as  
10 follows:

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12 (d) In determining an offender's risk of reoffense  
13 under subsection (c) of this section, the court shall  
14 consider+ the psychological evaluation conducted by the  
15 state board of parole required under W.S. 7-19-302(j).

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17 **7-19-307. Penalties.**

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19 (e) Any person who fails to undergo and complete a  
20 psychological evaluation as required under W.S. 7-19-302(j)  
21 is guilty of a misdemeanor punishable by a fine of not more  
22 than seven hundred fifty dollars (\$750.00), imprisonment  
23 for not more than one (1) year, or both.

1           **Section 2.**     W.S. 7-19-303(d) (i) through (iii) is  
2 repealed.

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4            **Section 3.**

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(a) There is appropriated to the state board of parole three hundred ninety-seven thousand eight hundred fifty-one dollars (\$397,851.00) from the general fund for the fiscal year beginning July 1, 2005, to implement the program to provide psychological evaluations of sex offenders as required under section 1 of this act.

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13           (b) The state board of parole is authorized one (1)  
14 full-time equivalent position to implement the program to  
15 provide psychological evaluations of sex offenders as  
16 required under section 1 of this act.

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

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20 (END)