

SENATE FILE NO. SF0097

Tracking of registered sex offenders-pilot project.

Sponsored by: Senator(s) Jennings, Cooper and Sessions and  
Representative(s) Hammons and Olsen

A BILL

for

1 AN ACT relating to sex offenders; creating a pilot project  
2 to track specified sex offenders; requiring convicted sex  
3 offenders to wear active global position monitoring devices  
4 as specified; restricting movements and places of  
5 habitation of sex offenders; establishing criteria;  
6 providing an affirmative defense; requiring rulemaking;  
7 providing for dissemination of information of sex offenders  
8 required to wear active global positioning devices;  
9 providing an appropriation; providing a termination date  
10 for the pilot project; and providing for an effective date.

11

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

13

14 **Section 1.** W.S. 7-19-308 is created to read:

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1           **7-19-308. Active global position monitoring devices;**  
2 **requirements; sex offender free zones; penalties;**  
3 **affirmative defense.**

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5           (a) There is created a pilot project to be  
6 administered by the department of corrections to require  
7 all aggravated sex offenders or sexually violent predators  
8 living or working in Natrona County who are required to  
9 register pursuant to W.S. 7-19-302, who are not  
10 incarcerated in a state institution under the control of  
11 the department of corrections or in a jail of any county or  
12 city and who meet the criteria established in subsection  
13 (b) of this section, to wear an active global position  
14 monitoring device for the duration of the registration.  
15 The division of criminal investigation shall advise the  
16 department of corrections when a sex offender who may be  
17 required to wear an active global positioning device under  
18 this section registers with the division of criminal  
19 investigation under W.S. 7-19-302. The department of  
20 corrections shall contract by competitive bid process for  
21 the lease of an active system of global position monitoring  
22 devices, for the monitoring of the active global position  
23 monitoring devices by a monitoring facility and for the

1 training of state personnel or designee to operate and  
2 attach the devices to the sex offender.

3

4 (b) In the case of an aggravated sex offender who is  
5 convicted of a sex offense under W.S. 6-2-302 or 6-2-303,  
6 regardless of the age of the victim, or who is convicted of  
7 a sex offense under W.S. 6-2-304, 6-4-303 or 14-3-105, if  
8 the victim was under the age of thirteen (13) years, or who  
9 is a sexually violent predator, the department of  
10 corrections shall assign an active global position  
11 monitoring device for the period of registration required  
12 under W.S. 7-19-302 or until the pilot project ends,  
13 whichever occurs earlier. The device shall be attached by  
14 an agent or designee of the department of corrections and  
15 shall be worn by the offender from the date of registration  
16 until the registration period under W.S. 7-19-302 expires.

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18 (c) An aggravated sex offender or sexually violent  
19 predator assigned an active global position monitoring  
20 device under this section shall be required to reimburse  
21 the department of corrections for all or part of the costs  
22 of any monitoring device required to be worn by the  
23 offender, supervision costs and other necessary costs  
24 associated with the monitoring of the device while it is

1 assigned to the offender. The department shall determine  
2 whether the offender has the ability to pay all or part of  
3 such costs or fees and may waive the costs under this  
4 subsection if undue hardship would result.

5

6 (d) Any aggravated sex offender or sexually violent  
7 predator assigned an active global position monitoring  
8 device shall wear the device at all times while registered  
9 as a sex offender. No such sex offender shall live within  
10 a sex offender free zone, which shall consist of the area  
11 within one thousand (1,000) feet of the boundaries of real  
12 property used by a school for education of any student from  
13 kindergarten through twelfth grade or additional locations  
14 of risk identified by the department. A sex offender who  
15 is required to travel within a sex offender free zone, as a  
16 condition of employment or for medical or other reasonable  
17 purposes established by the department of corrections or as  
18 authorized under the terms of his parole, shall only travel  
19 within such zone for a period of time deemed necessary by  
20 the department of corrections. The contracted monitoring  
21 facility shall contact law enforcement officers if the sex  
22 offender remains within the boundaries of property  
23 specified in this subsection for any period of time in  
24 excess of the time allowed by the department of

1 corrections. A sex offender who violates the provisions of  
2 this subsection more than two (2) times shall have his  
3 parole or probation revoked if supervised by the state  
4 board of parole, or if not under supervision by the board  
5 of parole, shall be charged with a violation of this  
6 subsection and, upon conviction, shall be subject to  
7 imprisonment for not less than two (2) years, nor more than  
8 five (5) years.

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10 (e) It is an affirmative defense to a charge under  
11 subsection (d) of this section or any other law of this  
12 state or any other state that prohibits conduct specified  
13 in W.S. 6-2-302 through 6-2-304, 6-4-303, 14-3-104 or  
14 14-3-105 that a sex offender who was wearing an active  
15 global position monitoring device assigned to him could not  
16 have, by reason of his location as indicated by the  
17 monitoring of the device the sex offender was wearing,  
18 violated subsection (d) of this section or any other law of  
19 this state or any other state that prohibits conduct  
20 specified in W.S. 6-2-302 through 6-2-304, 6-4-303,  
21 14-3-104 or 14-3-105.

22

1           (f) The department of corrections shall promulgate  
2 rules and regulations which shall at minimum include  
3 establishing:

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5           (i) Standards regarding the use of assigned  
6 global position monitoring devices;

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8           (ii) Standards regarding the removal of the  
9 assigned active global position monitoring device when a  
10 sex offender assigned such device leaves the county;

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12           (iii) Standards regarding authorized travel  
13 within sex offender free zones and other travel by sex  
14 offenders;

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16           (iv) Standards for reporting by sex offenders  
17 assigned an active global position monitoring device;

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19           (v) Procedures for notification of local law  
20 enforcement agencies to respond when an active global  
21 position monitoring device indicates a sex offender is in  
22 violation of the standards established by the division for  
23 appropriate tracking of the sex offender;

24

1           (vi) Procedures for a sex offender working but  
2 not living in Natrona County.

3

4           (g) The department of corrections shall report to the  
5 joint judiciary interim committee no later than December  
6 15, 2007, with respect to the number of sex offenders who  
7 have been assigned an active global positioning device, the  
8 rate of recidivism of such offenders, the costs associated  
9 with the project, project expenses reimbursed by offenders,  
10 recommendations for continuing or terminating the project  
11 and any other information that the department believes  
12 would assist the committee in its consideration of the  
13 continuation or termination of the project.

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15           (h) Unless otherwise extended by the legislature,  
16 this section is repealed effective June 30, 2008.

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18           **Section 2.** W.S. 7-19-303(c)(intro) and (iii)(intro)  
19 is amended to read:

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

23

1 (c) The division shall provide notification of  
2 registration under this act, including all registration  
3 information, to the district attorney of the county where  
4 the registered offender is residing at the time of  
5 registration or to which the offender moves. Upon receipt  
6 of notification, the district attorney shall file an  
7 application for hearing under this subsection if the  
8 offender is an aggravated sex offender or a recidivist,  
9 except a hearing under this subsection shall not be  
10 required if the offender is assigned an active global  
11 positioning device pursuant to W.S. 7-19-308. For other  
12 offenders registered under this act, the district attorney  
13 shall file an application for hearing under this section  
14 if, based upon a review of the risk of reoffense factors  
15 specified in W.S. 7-19-303(d), utilizing a preponderance of  
16 the evidence standard, it appears that public protection  
17 requires notification be provided to persons in addition to  
18 those authorized to receive criminal history record  
19 information under W.S. 7-19-106. Prior to any application  
20 for hearing under this subsection, the district attorney  
21 may apply to the court, with notice to the offender, for an  
22 order requiring the offender to obtain a psychological or  
23 other evaluation report at the offender's expense. The  
24 court may enter any order it deems appropriate after an in-



1 camera hearing unless waived by the offender. Upon  
2 application of the district attorney, and following notice  
3 to the offender and an in-camera hearing, the district  
4 court shall make a finding by a preponderance of the  
5 evidence of the risk of reoffense by the offender, and  
6 based on that finding authorize the county sheriff, police  
7 chief or their designee to release information regarding an  
8 offender who has been convicted of an offense that requires  
9 registration under this act, as follows:

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11 (iii) If the risk of reoffense is high, or if  
12 the offender is assigned an active global positioning  
13 device pursuant to W.S. 7-19-308, notification shall be  
14 provided to the public through a public registry and  
15 through any additional means specified in the court's  
16 order, as well as to the persons and entities required by  
17 paragraphs (i) and (ii) of this subsection. The division  
18 shall make the public registry available to the public  
19 through electronic internet technology and shall include:

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21 **Section 3.** Effective immediately, there is  
22 appropriated five hundred ninety-four thousand dollars  
23 (\$594,000.00) from the general fund to the department of  
24 corrections to implement the pilot project in Natrona

1 County for the purposes of this act. No expenditure shall  
2 be made without approval of the state chief information  
3 officer. The appropriation under this subsection shall not  
4 expire or revert to the general fund until June 30, 2008,  
5 notwithstanding W.S. 9-4-207(a).

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7       **Section 4.** This act is effective immediately upon  
8 completion of all acts necessary for a bill to become law  
9 as provided by Article 4, Section 8 of the Wyoming  
10 Constitution.

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(END)