

HOUSE BILL NO. HB0120

Sex offender registration.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to registration of sex offenders; amending
2 registration requirements; reducing the number of days for
3 an offender to register as a sex offender; eliminating the
4 requirement for a hearing to determine the level of the sex
5 offender's risk of reoffense; eliminating the levels of
6 risk of reoffense for sex offenders; increasing the number
7 of years offenders are required to be registered with the
8 division of criminal investigation as specified;
9 authorizing petitions to seek relief from the duty to
10 register as an offender; amending definitions; expanding
11 the scope of dissemination of information contained in the
12 central registry of offenders; increasing penalties for
13 failure to register as an offender; requiring rulemaking;
14 conforming provisions; repealing provisions; and providing
15 for an effective date.

16

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

1

2 **Section 1.** W.S. 7-19-301(a)(iii), (viii), (xiv) and
3 by creating a new paragraph (xx), 7-19-302(a)(intro),
4 (vii), (viii), by creating new paragraphs (ix) and (x),
5 (b), (c)(iii), (iv), (e) through (h), by creating a new
6 subsection (j) and by amending and renumbering (j) as (k),
7 7-19-303(b)(intro), (c)(intro), (ii), (iii)(intro), by
8 creating new subparagraphs (H) and (J), by creating a new
9 paragraph (iv), (h), (j) and by creating a new subsection
10 (k), 7-19-304(a) and 7-19-307(a), (c) and (d) are amended
11 to read:

12

13 **7-19-301. Definitions.**

14

15 (a) Unless otherwise provided, for the purposes of
16 this act:

17

18 (iii) "Convicted" includes pleas of guilty, nolo
19 contendere, ~~and~~ verdicts of guilty upon which a judgment of
20 conviction may be rendered, adjudications of delinquency
21 for a violation of W.S. 6-2-302 or 6-2-303, or conspiracy
22 or attempt to commit a violation of W.S. 6-2-302 or 6-2-303
23 if the offender was at least fourteen (14) years of age at

1 the time of the offense. "Convicted" shall not include
2 dispositions pursuant to W.S. 7-13-301;

3

4 (viii) "Offender" means a ~~sex offender or a~~
5 person convicted of a criminal offense ~~against a minor~~
6 specified in W.S. 7-19-302(g) through (j);

7

8 (xiv) "Sexually violent predator" means a person
9 who has been convicted of an ~~aggravated sex~~ offense
10 specified under W.S. 7-19-302(j) and who suffers from a
11 mental abnormality or personality disorder that makes the
12 person likely to engage in predatory aggravated sex
13 offenses;

14

15 (xx) "Report" means providing information in
16 person, or by any other means authorized by the sheriff if
17 the person is required to report to the sheriff.

18

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

21

22 (a) Any offender residing in this state or entering
23 this state for the purpose of residing in this state shall
24 register with the division of criminal investigation or

1 other entity in accordance with the provisions of this act.

2 The offender shall be photographed, ~~and~~ fingerprinted and
3 palmprinted by the registering entity or another law
4 enforcement agency and shall provide the following
5 additional information when registering:

6

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

8

9 (viii) The name and location of each educational
10 institution in this state at which the person is employed
11 or attending school; ~~;~~

12

13 (ix) The license plate number and a description
14 of any vehicle owned or operated by the offender; and

15

16 (x) A DNA sample, unless one (1) has already
17 been provided pursuant to the offender's judgment and
18 sentence. As used in this paragraph, "DNA" means as
19 defined in W.S. 7-19-401(a)(vi).

20

21 (b) In addition to the requirements of subsection (a)
22 of this section, the department, for ~~aggravated~~ sex
23 offenders sentenced to imprisonment, and the sheriff of the
24 county where judgment and sentence is entered for all other

1 ~~aggravated-sex~~ offenders, shall obtain the name of the ~~sex~~
2 offender, identifying factors, anticipated future
3 residence, offense history and documentation of any
4 treatment received, including prescribed psychotropic
5 medication history, for any mental abnormality or
6 personality disorder of the ~~aggravated-sex~~ offender. This
7 information shall be transmitted to the division within
8 three (3) working days of receipt for entry into the
9 central registration system. A person found to be a
10 sexually violent predator by a sentencing court in another
11 state shall provide information required under this
12 subsection at the time of registration under this act.

13

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

17

18 (iii) Offenders convicted of an offense
19 subjecting them to registration, who are sentenced on or
20 after January 1, 1985, who reside in or enter this state
21 for the purposes of residing and who are under the
22 jurisdiction of the department or state board of parole or
23 other public agency as a result of that offense shall
24 register within ~~ten (10)~~ three (3) working days of entering

1 this state or on or before August 1, 1999, if a current
2 resident. The Wyoming agency that has jurisdiction over the
3 offender shall notify the offender of the registration
4 requirements before the offender moves to this state and
5 shall register the offender and perform the related duties
6 specified in W.S. 7-19-305;

7

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

17

18 (e) If any person required to register under this act
19 changes his residence address within the same county, he
20 shall send written notice of the change of address to the
21 division within ~~ten (10)~~ three (3) working days of
22 establishing the new residence. If any person required to
23 register under this act moves to a new county in this
24 state, he shall notify the division, the county sheriff in

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

1

2 (f) An offender who changes residence to another
3 state shall register the new address with the law
4 enforcement agency with whom he last registered and shall
5 also register with the designated law enforcement agency in
6 the new state not later than ~~ten (10)~~ three (3) working
7 days after establishing residence in the new state.

8

9 (g) For an offender ~~other than an aggravated sex~~
10 ~~offender required to register under this act~~ convicted of a
11 violation of W.S. 6-2-202 if the victim was a minor, W.S.
12 6-2-203 if the victim was a minor, W.S. 6-2-304(a)(i) or
13 6-4-303(b)(iv) or 6-4-304(b) if the victim was a minor, or
14 W.S. 14-3-105 if the act does not fall under the criteria
15 specified in W.S. 7-19-302(h) or (j), or an attempt or
16 conspiracy to commit any of the offenses specified in this
17 subsection, the division shall annually verify the accuracy
18 of the offender's registered address, and the offender
19 shall annually report, in person, his current address to
20 the division, during the period in which he is required to
21 register. Any person under this subsection who has not
22 established a residence or is transient, and who is
23 reporting to the sheriff as required under subsection (e)

1 of this section, shall be deemed in compliance with the
2 address verification requirements of this section.

3

4 (h) For ~~aggravated sex offenders or those persons~~
5 ~~found to be sexually violent predators by a sentencing~~
6 ~~court in another state~~ an offender convicted of a violation
7 of W.S. 6-2-304(a)(iii) if the victim was at least thirteen
8 (13) years of age, W.S. 6-4-102 if the person solicited was
9 a minor, W.S. 6-4-103 if the person enticed or compelled
10 was a minor, W.S. 6-4-302(a)(i) if the offense involves the
11 use of a minor in a sexual performance, W.S. 6-4-303(b)(i)
12 through (iii) or 14-3-104 or 14-3-105 if the victim has
13 attained twelve (12) years of age but has not attained
14 sixteen (16) years of age and the offender is at least four
15 (4) years older than the victim, an attempt or conspiracy
16 to commit any of the offenses specified in this subsection,
17 or any felony enumerated in this section if the offender
18 was previously convicted of a felony under subsection (g)
19 of this section, the division shall verify the accuracy of
20 the offender's registered address, and the offender shall
21 report, in person, his current address to the division,
22 every ~~ninety (90) days~~ six (6) months after the date of the
23 initial release or commencement of parole. Any person
24 under this subsection who has not established a residence

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

5
6 (j) For an offender convicted of a violation of W.S.
7 6-2-202 if the victim was a minor, W.S. 6-2-302 or 6-2-303,
8 6-2-304(a)(ii) or (iii) if the victim was under thirteen
9 (13) years of age, W.S. 6-4-402 or 14-3-105 if the victim
10 has not attained twelve (12) years of age and the offender
11 is at least four (4) years older than the victim, an
12 attempt or conspiracy to commit any of the offenses
13 specified in this subsection, or any felony enumerated in
14 this section if the offender was previously convicted of a
15 felony under subsection (g) or (h) of this section, the
16 division shall verify the accuracy of the offender's
17 registered address, and the offender shall report, in
18 person, his current address to the division every three (3)
19 months after the date of the initial release or
20 commencement of parole. Any person under this subsection
21 who has not established a residence or is transient, and
22 who is reporting to the sheriff as required under
23 subsection (e) of this section, shall be deemed in

1 compliance with the address verification requirements of
2 this section.

3

4 ~~(j)~~(k) In addition to any other requirements of this
5 section and of this act, any person required to register
6 under this act shall provide information in writing
7 regarding each change in employment or enrollment status at
8 any educational institution in this state within ~~ten (10)~~
9 three (3) working days of the change to the entity with
10 whom the offender last registered. This information shall
11 be forwarded immediately from the registering entity to the
12 division on a form prescribed by the division, and the
13 division shall then enter the information into the central
14 registry and forward the information to the campus police
15 department or other law enforcement agency with
16 jurisdiction over the institution.

17

18 **7-19-303. Offenders central registry; dissemination**
19 **of information.**

20

21 (b) The information collected under this act shall be
22 confidential, ~~and disseminated only in accordance with:~~
23 except for that information collected in accordance with

1 paragraph (c)(iii) of this section which information shall
2 be a matter of public record.

3
4 (c) The division shall provide notification of
5 registration under this act, including all registration
6 information, to the district attorney of the county where
7 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 an~~
10 ~~application for hearing under this subsection if the~~
11 ~~offender is an aggravated sex offender or a recidivist.~~
12 ~~For other offenders registered under this act, the district~~
13 ~~attorney shall file an application for hearing under this~~
14 ~~section if, based upon a review of the risk of reoffense~~
15 ~~factors specified in W.S. 7-19-303(d), utilizing a~~
16 ~~preponderance of the evidence standard, it appears that~~
17 ~~public protection requires notification be provided to~~
18 ~~persons in addition to those authorized to receive criminal~~
19 ~~history record information under W.S. 7-19-106. Prior to~~
20 ~~any application for hearing under this subsection, the~~
21 ~~district attorney may apply to the court, with notice to~~
22 ~~the offender, for an order requiring the offender to obtain~~
23 ~~a psychological or other evaluation report at the~~
24 ~~offender's expense. The court may enter any order it deems~~

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

11

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 ~~including schools, religious and youth organizations, as~~
17 ~~well as to the persons authorized under paragraph (i) of~~
18 ~~this subsection, through means specified in the court's~~
19 ~~order. In addition, Notification regarding an offender~~
20 ~~employed by or attending school at any educational~~
21 ~~institution shall be provided upon request to a member of~~
22 ~~the institution's campus community as defined by subsection~~
23 ~~(h) of this section;~~

24

1 (iii) ~~If the risk of reoffense is high,~~
2 Notification of registration under this act shall be
3 provided to the public through a public registry and
4 through any additional means specified ~~in the court's~~ by a
5 court order, as well as to the persons and entities
6 required by ~~paragraphs (i) and~~ paragraph (ii) of this
7 subsection. The division shall make the public registry
8 available to the public through electronic internet
9 technology and shall include:

10

11 (H) History of all criminal convictions;12 and

13

14 (J) The license plate number and a
15 description of any vehicle owned or operated by the
16 offender.

17

18 (iv) The division shall adopt rules necessary to
19 provide for the maintenance and dissemination of the
20 information contained in the central registry of offenders.

21

22 (h) An educational institution in this state shall
23 instruct members of its campus community, by direct
24 advisement, publication or other means, that a member can

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

14

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

18

19 (k) The legislature directs the division to
20 facilitate access to the information on the public registry
21 available through electronic internet technology without
22 the need to consider or assess the specific risk of
23 reoffense with respect to any individual prior to his
24 inclusion within the registry, and the division shall place

1 a disclaimer on the division's internet website indicating
2 that:

3

4 (i) No determination has been made that any
5 individual included in the registry is currently dangerous;

6

7 (ii) Individuals included within the registry
8 are included solely by virtue of their conviction record
9 and state law; and

10

11 (iii) The main purpose of providing the
12 information on the internet is to make the information more
13 easily available and accessible, not to warn about any
14 specific individual.

15

16 **7-19-304. Termination of duty to register.**

17

18 (a) The duty to register under W.S. 7-19-302 shall
19 ~~terminate as follows~~ begin on the date of sentencing and
20 continue for the duration of the offender's life, subject
21 to the following:

22

23 (i) For an offender ~~other than an aggravated sex~~
24 ~~offender or a recidivist~~ specified in W.S. 7-19-302(g), the

1 duty to register shall end ~~ten (10)~~ fifteen (15) years
2 after the offender was released from prison, placed on
3 parole, supervised release or probation, provided the
4 registration period shall be tolled for subsequent periods
5 of confinement; and

6
7 (ii) ~~For~~ An ~~aggravated sex~~ offender ~~or a~~
8 ~~recidivist, the duty to register shall continue for the~~
9 ~~duration of the offender's life~~ specified in W.S.
10 7-19-302(h) who has been registered for at least twenty-
11 five (25) years, exclusive of periods of confinement, may
12 petition the district court for the district in which the
13 offender is registered to be relieved of the duty to
14 continue to register. Upon a showing that the offender has
15 had no further felony or misdemeanor convictions during the
16 period of registration, the district court may order the
17 offender relieved of the duty to continue registration.

18

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

20

21 (a) Failure to register within the time required
22 under W.S. 7-19-302 constitutes a per se violation of this
23 act and is punishable as provided in subsections (c) and
24 (d) of this section. Failure to report his address as

1 required by W.S. 7-19-302(g) ~~and (h) through (j)~~, or
2 failure to provide information regarding any change in
3 employment or enrollment status at any educational
4 institution in this state as required by W.S. ~~7-19-302(j)~~
5 7-19-302(k), is punishable as provided in subsections (c)
6 and (d) of this section.

7
8 (c) A person who knowingly fails to register as
9 required by W.S. 7-19-302 is guilty of a ~~high misdemeanor~~
10 felony punishable by a fine of up to ~~seven hundred fifty~~
11 ~~dollars (\$750.00)~~ one thousand dollars (\$1,000.00),
12 imprisonment for not more than ~~one (1) year~~ five (5) years,
13 or both.

14
15 (d) A person convicted of a subsequent violation of
16 knowingly failing to register as required by W.S. 7-19-302
17 is guilty of a felony punishable by a fine of one thousand
18 dollars (\$1,000.00), imprisonment for not more than ~~five~~
19 ~~(5)~~ ten (10) years, or both.

20
21 **Section 2.** W.S. 7-19-301(a)(i), (ii), (xii) and
22 (xiii) and 7-19-303(b)(i), (ii), (c)(i), (d) and (e) are
23 repealed.

24

1 **Section 3.** The Wyoming legislature, by enacting this
2 act into law, specifically concurs with the findings of the
3 Wyoming supreme court that registry information serves the
4 purpose of protecting the safety and general welfare of the
5 citizens of Wyoming.

6

7 **Section 4.** This act is effective July 1, 2007.

8

9

(END)