

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

SENATE FILE NO. \_\_\_\_\_

Sex offender registration.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to registration of sex offenders; amending  
2 sex offender registration requirements; amending a  
3 definition; clarifying with which law enforcement agency an  
4 offender is required to register; amending information an  
5 offender is required to provide; conforming registration  
6 deadlines; specifying the category of offense under which  
7 an offender will be classified if information is not  
8 available to determine the proper classification;  
9 clarifying the procedure for seeking a reduction in the  
10 registration period for an offender; and providing for an  
11 effective date.

12

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

14

1           **Section 1.** W.S. 7-19-301(a)(xi), 7-19-302(a)(intro),  
2 (ix), (x) and by creating a new paragraph (xi), (c)(i),  
3 (ii) and (iv), (d), (e) and (g) through (k) and by creating  
4 new subsections (m) through (o), 7-19-303(a) and (c)(ii)  
5 and (iii)(H), 7-19-304(a)(i) and (d)(iv), 7-19-305(a)(ii),  
6 (iii) and (vi), 7-19-307(a) and 7-19-308(a)(intro) are  
7 amended to read:

8  
9           **7-19-301. Definitions.**

10  
11           (a) Unless otherwise provided, for the purposes of  
12 this act:

13  
14                   (xi) "Reside" and words of similar import mean  
15 ~~having established a permanent or temporary residence for~~  
16 ~~ten (10) or more days~~ the physical address of each  
17 residence of an offender, including:

18  
19                           (A) All real property owned by the offender  
20 that is used by the offender for the purpose of shelter or  
21 other activities of daily living;

22

1                   (B) Any physical address where the offender  
2 habitually visits; and

3  
4                   (C) Temporary domiciles such as hotels,  
5 motels, public or private housing, camping areas, parks  
6 public buildings, streets, roads, highway, restaurants,  
7 libraries or other places the offender may frequent and use  
8 for shelter or other activities of daily living.

9  
10           **7-19-302. Registration of offenders; procedure;**  
11 **verification.**

12  
13           (a) Any offender residing in this state or entering  
14 this state for the purpose of residing, attending school,  
15 seeking employment or being employed in this state shall  
16 register with the ~~division of criminal investigation~~  
17 sheriff of the county in which he resides, attends school  
18 or is employed, or other relevant entity ~~in accordance with~~  
19 ~~the provisions of this act~~ specified in subsection (c) of  
20 this section. The offender shall be photographed,  
21 fingerprinted and palmprinted by the registering entity or  
22 another law enforcement agency and shall provide the  
23 following additional information when registering:

1

2

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

4

5

(x) A DNA sample. As used in this paragraph, "DNA" means as defined in W.S. 7-19-401(a)(vi); ~~and~~

7

8

(xi) The age of each victim.

9

10

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

13

14

(i) Offenders who, on or after July 1, 1999, are in custody of the department, local jail or a public or private agency pursuant to a court order, as a result of an offense subjecting them to registration, who are sentenced on or after January 1, 1985, shall register prior to release from custody. The agency with custody of the offender immediately prior to release shall register the offender and perform the duties specified in W.S. 7-19-305.

21

22

If the offender refuses to register or refuses to provide

1 the required information, the agency shall so notify local  
2 law enforcement before releasing the offender;

3  
4 (ii) Offenders who are convicted of an offense  
5 subjecting them to registration under this act but who are  
6 not sentenced to a term of confinement shall register  
7 immediately after the imposition of the sentence. The  
8 sheriff of the county where the judgment and sentence is  
9 entered shall register the offender and perform the related  
10 duties specified in W.S. 7-19-305 unless the offender does  
11 not reside in the county where the judgment and sentence is  
12 entered, in which case he shall register in the county in  
13 which he resides within three (3) working days;

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

1

2 (d) ~~The division shall accept registration~~  
3 ~~information for~~ A nonresident who is employed or attends  
4 school in this state shall register with the county sheriff  
5 of the county in which he is employed or attends school.

6 ~~For purposes of this subsection, "registration information"~~

7 ~~means the registrant's place of employment or the school~~

8 ~~attended in this state and his address in his state of~~

9 ~~residence.~~ A resident or nonresident who is employed,

10 resides or attends school in more than one (1) location in

11 this state, shall register with the county sheriff of each

12 county in which he is employed, resides or attends school.

13 The registration information accepted under this subsection

14 shall be subject to the provisions of W.S. 7-19-303.

15

16 (e) If any person required to register under this act

17 changes his residence address within the same county, he

18 shall ~~send written~~ provide notice of the change of address

19 in person to the ~~division~~ sheriff of the county in which he

20 resides within three (3) working days of establishing the

21 new residence. If any person required to register under

22 this act moves to a new county in this state, he shall

23 notify ~~the division,~~ in person the county sheriff in the

1 new county and the county sheriff of the county of his  
2 previous residence within three (3) working days of  
3 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 three (3) working days of leaving his  
10 previous residence, or becomes transient through lack of  
11 residence, shall report on a weekly basis to the sheriff in  
12 the county in which he is registered, until he establishes  
13 another residence. ~~The division shall, within three (3)~~  
14 ~~working days of receipt of a registration or notice of~~  
15 ~~change of address, notify the sheriff of the county in~~  
16 ~~which an offender resides, unless the division received the~~  
17 ~~registration information from the sheriff.~~ The information  
18 provided to a sheriff under this subsection shall be  
19 transmitted by the sheriff to the division within three (3)  
20 working days of receipt for entry into the central  
21 registry. 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

1 victim's parent or guardian, has requested in writing that  
2 the division provide notification of a change of address of  
3 the offender and has provided the division a current  
4 address of the victim, parent or guardian as applicable.  
5

6 (g) For an offender convicted of a violation of W.S.  
7 6-2-202 if the victim was a minor and the offender is not  
8 the victim's parent or guardian, W.S. 6-2-203 if the victim  
9 was a minor and the offender is not the victim's parent or  
10 guardian, W.S. 6-2-315(a)(iv), 6-2-316(a)(iii) and (iv),  
11 6-2-317(a)(i), 6-4-303(b)(iv) or W.S. 6-4-304(b) if the  
12 victim was a minor, or an attempt or conspiracy to commit  
13 any of the offenses specified in this subsection, the  
14 division shall annually verify the accuracy of the  
15 offender's registered address, and the offender shall  
16 annually report, in person, his current address to the  
17 sheriff in the county in which the offender resides, during  
18 the period in which he is required to register. During the  
19 annual in-person verification, the sheriff shall photograph  
20 the offender. Confirmation of the in-person verification  
21 required under this subsection, along with the photograph  
22 of the offender, shall be transmitted by the sheriff to the  
23 division within three (3) working days. Any person under



1 this subsection who has not established a residence or is  
2 transient, and who is reporting to the sheriff as required  
3 under subsection (e) of this section, shall be deemed in  
4 compliance with the address verification requirements of  
5 this section.

6  
7 (h) For an offender convicted of a violation of W.S.  
8 6-2-304(a)(iii) if the victim was at least fourteen (14)  
9 years of age, W.S. 6-2-314(a)(ii) and (iii),  
10 6-2-315(a)(iii), 6-2-316(a)(i), 6-2-317(a)(ii) or 6-2-318,  
11 W.S. 6-4-102 if the person solicited was a minor, W.S.  
12 6-4-103 if the person enticed or compelled was a minor,  
13 W.S. 6-4-302(a)(i) if the offense involves the use of a  
14 minor in a sexual performance or W.S. 6-4-303(b)(i) through  
15 (iii), an attempt or conspiracy to commit any of the  
16 offenses specified in this subsection, or any felony  
17 enumerated in this section if the offender was previously  
18 convicted of a felony under subsection (g) of this section,  
19 the division shall verify the accuracy of the offender's  
20 registered address, and the offender shall report, in  
21 person, his current address to the sheriff in the county in  
22 which the offender resides, every six (6) months after the  
23 date of the initial release or commencement of parole. If

1 the offender's appearance has changed substantially, and in  
2 any case at least annually, the sheriff shall photograph  
3 the offender. Confirmation of the in-person verification  
4 required by this subsection, and any new photographs of the  
5 offender, shall be transmitted by the sheriff to the  
6 division within three (3) working days. Any person under  
7 this subsection who has not established a residence or is  
8 transient, and who is reporting to the sheriff as required  
9 under subsection (e) of this section, shall be deemed in  
10 compliance with the address verification requirements of  
11 this section.

12

13 (j) For an offender convicted of a violation of W.S.  
14 6-2-201 if the victim was a minor, W.S. 6-2-302 or 6-2-303,  
15 W.S. 6-2-304(a)(iii) if the victim was under fourteen (14)  
16 years of age, W.S. 6-2-314(a)(i), 6-2-315(a)(i) and (ii),  
17 6-2-316(a)(ii), 6-4-402, an attempt or conspiracy to commit  
18 any of the offenses specified in this subsection, or any  
19 felony enumerated in this section if the offender was  
20 previously convicted of a felony under subsection ~~(g) or~~  
21 (h) of this section, the division shall verify the accuracy  
22 of the offender's registered address, and the offender  
23 shall report, in person, his current address to the sheriff

1 in the county in which the offender resides every three (3)  
2 months after the date of the initial release or  
3 commencement of parole. If the offender's appearance has  
4 changed substantially, and in any case at least annually,  
5 the sheriff shall photograph the offender. Confirmation of  
6 the in-person verification required by this subsection, and  
7 any new photographs of the offender, shall be transmitted  
8 by the sheriff to the division within three (3) working  
9 days. Any person under this subsection who has not  
10 established a residence or is transient, and who is  
11 reporting to the sheriff as required under subsection (e)  
12 of this section, shall be deemed in compliance with the  
13 address verification requirements of this section.

14

15 (k) ~~In addition to any other requirements of this~~  
16 ~~section and of this act,~~ Any person required to register  
17 under this act shall provide information in writing to the  
18 sheriff of the county in which he is registered and to any  
19 other relevant registering entity specified in subsection  
20 (c) of this section regarding each change in employment or  
21 enrollment status at any educational institution in this  
22 state, including any of the information collected pursuant  
23 to subsection (a) of this section within three (3) working

1 days of the change to the entity with whom the offender  
2 last registered. This information shall be forwarded  
3 immediately from the registering entity to the division on  
4 a form prescribed by the division, and the division shall  
5 then enter the information into the central registry and  
6 forward the information to the campus police department or  
7 other law enforcement agency with jurisdiction over the  
8 educational institution.

9  
10 (m) Any person required to register under this act  
11 shall provide information in writing to the sheriff of the  
12 county in which he is registered and to any other relevant  
13 registering entity specified in subsection (c) of this  
14 section regarding each change of employment and shall list  
15 all places of employment if there is more than one (1),  
16 including any loss of employment, within three (3) working  
17 days of the change to the entity with whom the offender  
18 last registered. The information shall be forwarded  
19 immediately from the registering entity to the division and  
20 the division shall then enter the information into the  
21 central registry.

22

1       (n) Any person required to register under this act  
2 shall provide any new or updated information in writing to  
3 the sheriff of the county in which he is registered and to  
4 any other relevant registering entity specified in  
5 subsection (c) of this section regarding any changes,  
6 modifications or other information necessary to keep  
7 current any of the information specified in this section  
8 and W.S. 7-19-303, within three (3) working days of the  
9 change to the entity with whom the offender last  
10 registered. The information shall be forwarded immediately  
11 from the registering entity to the division and the  
12 division shall then enter the information into the central  
13 registry.

14  
15       (o) If the division lacks sufficient information or  
16 documentation to identify the offender's crime for which  
17 convicted or equivalent Wyoming offense , it shall register  
18 the offender as if he were convicted of an offense listed  
19 in subsection (j) of this section. If the division  
20 receives additional verifiable information or  
21 documentation, it shall re-evaluate the offender's status.

22                   **\*\*\* STAFF COMMENT \*\*\***

23           **Subsection (o) was proposed in concept by a**  
24           **member of the Committee, but there was no**  
25           **discussion or decision made whether or not the**

1           **provision should be included in the bill. The**  
2           **language of subsection (o) is provided in case**  
3           **the Committee decides to include such provision**  
4           **in the bill.**  
5

6           **7-19-303. Offenders central registry; dissemination**  
7           **of information.**  
8

9           (a) An entity registering an offender shall forward  
10          the information and fingerprints obtained pursuant to W.S.  
11          7-19-302 to the division within three (3) working days. The  
12          division shall maintain a central registry of offenders  
13          required to register under W.S. 7-19-302 and shall adopt  
14          rules necessary to carry out the purposes of W.S. 7-19-302.  
15          The division shall immediately enter information received  
16          pursuant to this act into the central registry and shall  
17          immediately transmit the conviction data, palmpoints and  
18          fingerprints to the federal bureau of investigation and  
19          national sex offender registry.  
20

21          (c) The division shall provide notification of  
22          registration under this act, including all registration  
23          information, to the district attorney of the county where  
24          the registered offender is residing at the time of

1 registration or to which the offender moves. In addition,  
2 the following shall apply:

3

4 (ii) If the offender was convicted of an offense  
5 specified in W.S. 7-19-302(h) or (j), notification shall be  
6 provided to residential neighbors within at least seven  
7 hundred fifty (750) feet of the offender's residence,  
8 organizations in the community, including schools,  
9 religious and youth organizations by the sheriff or his  
10 designee. In addition, notification regarding an offender  
11 employed by or attending school at any educational  
12 institution shall be provided upon request by the  
13 educational institution to a member of the institution's  
14 campus community as defined by subsection (h) of this  
15 section;

16

17 (iii) Notification of registration under this  
18 act shall be provided to the public through a public  
19 registry, as well as to the persons and entities required  
20 by paragraph (ii) of this subsection. The division shall  
21 make the public registry available to the public through  
22 electronic internet technology and shall include:

23

1 (H) History of all criminal convictions  
2 subjecting an offender to the registration requirements of  
3 this act; and

4 \*\*\* STAFF COMMENT \*\*\*

5 **This language was revised from the language suggested, by**  
6 **using similar language found in W.S. 7-19-302(c)(ii)**  
7

8 **7-19-304. Termination of duty to register.**

9  
10 (a) The duty to register under W.S. 7-19-302 shall  
11 begin on the date of sentencing and continue for the  
12 duration of the offender's life, subject to the following:

13  
14 (i) For an offender specified in W.S.  
15 7-19-302(g), the duty to register shall end fifteen (15)  
16 years after the offender was released from prison, placed  
17 on parole, supervised release or probation, provided the  
18 registration period shall be tolled for subsequent periods  
19 of confinement. The offender may petition the district  
20 court for the district in the which the offender is  
21 registered to reduce the period of registration under this  
22 paragraph ~~may be reduced~~ by five (5) years if the offender  
23 maintains a clean record as provided in subsection (d) of  
24 this section; and



1

2 (d) A registration period under subsection (a) of  
3 this section may be reduced if, after the duty to register  
4 arises, the offender specified in W.S. 7-19-302(g)  
5 maintains a clean record for ten (10) years by:

6

7 (iv) Successfully completing ~~an appropriate~~ any  
8 sex offender treatment ~~program certified by the state~~  
9 ordered by the trial court or by his probation or parole  
10 agent.

11

**\*\*\* STAFF COMMENT \*\*\***

12 **The Committee discussed, but did not decide, whether the**  
13 **treatment program should be ordered only by the court, or**  
14 **if the other persons could also order a treatment program.**  
15

16 **7-19-305. Registration; duties of registering**  
17 **entities; notice to persons required to register.**

18

19 (a) The entity required to register an offender under  
20 W.S. 7-19-302(c) shall provide written notification to the  
21 offender of the requirements of this act and shall receive  
22 and retain a signed acknowledgment of receipt. The entity  
23 shall forward all registration information to the division  
24 within three (3) working days after registering the

1 offender. When registering an offender the registering  
2 entity shall:

3

4 (ii) Inform the offender that if he changes  
5 residence address he shall give the new address to the  
6 ~~division~~ sheriff in writing within ~~ten (10)~~ three (3)  
7 working days, or if he ~~has not established a new residence~~  
8 ~~within ten (10) days of leaving his previous residence or~~  
9 becomes transient through lack of residence, he shall  
10 report on a weekly basis to the sheriff in the county in  
11 which he is registered until he establishes another  
12 residence;

13

14 (iii) Inform the offender that if he changes  
15 residence to another state, he shall register the new  
16 address with the law enforcement agency with whom he last  
17 registered and shall also register with the designated law  
18 enforcement agency in the new state not later than ~~ten (10)~~  
19 three (3) working days after establishing residence in the  
20 new state;

21

22 (vi) Inform the offender that in addition to any  
23 other registration requirements of this act, if the

1 offender becomes employed by or attends school at any  
2 educational institution in this state, or if his status of  
3 employment or enrollment at any educational institution in  
4 this state as reported during his last registration changes  
5 in any manner, he shall register the change within ~~ten (10)~~  
6 three (3) working days of the change with the entity with  
7 whom he last registered.

8  
9 **7-19-307. Penalties.**

10  
11 (a) Failure to register or update any registration  
12 information within the time required under W.S. 7-19-302  
13 constitutes a per se violation of this act and is  
14 punishable as provided in subsections (c) and (d) of this  
15 section. ~~Failure to report his address as required by W.S.~~  
16 ~~7-19-302(g) through (j), or failure to provide information~~  
17 ~~regarding any change in employment or enrollment status at~~  
18 ~~any educational institution in this state as required by~~  
19 ~~W.S. 7-19-302(k), is punishable as provided in subsections~~  
20 ~~(c) and (d) of this section.~~

21  
22 **7-19-308. Harboring a sex offender; penalties;**  
23 **exceptions.**

1

2           (a) A person is guilty of the crime of harboring,  
3 assisting, concealing, or withholding information about, a  
4 sex offender, if the person has knowledge that a sex  
5 offender ~~who~~ is required to register under W.S. 7-19-302 ~~is~~  
6 ~~not complying, or has not complied, with the requirements~~  
7 ~~of W.S. 7-19-302~~ and the person:

8

9           **Section 2.** This act is effective July 1, 2009.

10

11

(END)