

WORKING DRAFT

SENATE FILE NO. _____

Sex offender registry.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to sex offender registration; adding sexual
2 exploitation or sexual battery of children to the list of
3 offenses for which sex offender registration is required;
4 providing definitions; amending the amount of time in which
5 an offender is required to register after leaving a
6 residence or entering the state; requiring offenders to
7 provide information regarding educational institutions at
8 which the offender is employed or enrolls; requiring the
9 use of a preponderance of the evidence standard in certain
10 hearings; providing for notification to campus communities;
11 providing for penalties for failure to register changes in
12 employment or enrollment status; making conforming
13 amendments; and providing for an effective date.
14

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

2

3 **Section 1.** W.S. 7-19-301(a)(intro), (iv) by creating
4 a new subparagraph (G), by amending and renumbering (G) as
5 (H), (xi), (xiii) and by creating new paragraphs (xvi)
6 through (xviii)(xix), 7-19-302(a)(vi), (vii), by creating a
7 new paragraph (viii), (c)(iii) and (iv), (d), (e), (g), (h)
8 and by creating a new subsection (j), 7-19-303(b)(ii),
9 (c)(intro), (ii), by creating a new subsection (h) and by
10 renumbering (h) as (j), 7-19-305(a) (ii), (v) and by
11 creating a new paragraph (vi) and 7-19-307(a) are amended
12 to read:

13

*****Staff Comment*****

14 **The underscored and stricken text highlighted in**
15 **the sections affected table, *supra*, are intended**
16 **only to show additional provisions being amended**
17 **per the request of DCI. The actual text and**
18 **changes for those provisions, *infra*, are in the**
19 **traditional strike or underscore, as appropriate,**
20 **and are shown as highlighted text.**
21

22 **7-19-301. Definitions.**

23

24 (a) ~~For~~ Unless otherwise provided, for the purposes
25 of this act:

26

1 (iv) "Criminal offense against a minor" means
2 the offenses specified in this paragraph in which the
3 victim is less than eighteen (18) years of age. "Criminal
4 offense against a minor" includes an offense committed in
5 another jurisdiction, including a federal court or courts
6 martial, which, if committed in this state, would
7 constitute a "criminal offense against a minor" as defined
8 in this paragraph. "Criminal offense against a minor"
9 includes:

10
11 (G) Sexual exploitation of a child under
12 W.S. 6-4-303;

13
14 ~~(G)~~(H) An attempt to commit an offense
15 described in subparagraphs (A) through ~~(F)~~(G) of this
16 paragraph.

17
18 (xi) "Reside" and words of similar import mean
19 having established a permanent or temporary ~~domicile~~
20 residence for ~~thirty (30)~~ten (10) or more days;

21
22 (xiii) "Sex offense" means the offenses of
23 sexual assault under W.S. 6-2-304(a)(i) or 6-2-304(a)(iii)
24 if the victim is sixteen (16) years of age or older,

1 conspiracy to commit sexual assault as defined by W.S. 6-2-
2 301(a)(v), sexual battery under W.S. 6-2-313 provided the
3 victim was a minor and the offender was at least eighteen
4 years of age, indecent liberties under W.S. 14-3-105
5 provided the victim was at least sixteen (16) and less than
6 eighteen (18) years of age and the offender was at least
7 four (4) years older than the victim, or an attempt to
8 commit an offense enumerated in this paragraph. "Sex
9 offense" includes an offense committed in another
10 jurisdiction, including a federal court or courts martial,
11 which, if committed in this state, would constitute a "sex
12 offense" as defined in this paragraph;

13
14 (xvi) "Attending school" means enrollment on a
15 full or part-time basis at any institution ~~of higher~~
16 education;

17
18 (xvii) "Employed" means any full or part-time
19 employment, with or without compensation or other benefit,
20 for a period of more than fourteen (14) days, or for an
21 aggregate period exceeding thirty (30) days in any one (1)
22 calendar year. Institutional contractors and contract
23 employees performing work on an educational institution
24 campus shall be considered institution employees;

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(xviii) "Educational institution" or "institution" means any type of public or private educational facility or program, including elementary, middle and high schools, parochial, church and religious schools as defined by W.S. 21-4-101(a)(iv), trade and professional schools, colleges and universities;

(xix) "Residence" means a dwelling place with an established physical address or identifiable physical location intended for human habitation.

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

(a) Any offender residing in this state or entering this state for the purpose of residing in this state shall register with the division of criminal investigation or other entity in accordance with the provisions of this act. The offender shall be photographed and fingerprinted by the registering entity or another law enforcement agency and shall provide the following additional information when registering:

1 (vi) Date and place of conviction;~~and~~

2

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

4

5 (viii) The name and location of each educational
6 institution in this state at which the person is employed
7 or attending school.

8

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

12

13 (iii) Offenders convicted of an offense
14 subjecting them to registration, who are sentenced on or
15 after January 1, 1985, who reside in or enter this state
16 for the purposes of residing and who are under the
17 jurisdiction of the department or state board of parole or
18 other public agency as a result of that offense shall
19 register within ~~forty (40)~~ ten (10) days of entering this
20 state or on or before August 1, 1999, if a current
21 resident. The Wyoming agency that has jurisdiction over the
22 offender shall notify the offender of the registration
23 requirements before the offender moves to this state and

1 shall register the offender and perform the related duties
2 specified in W.S. 7-19-305;

3
4 (iv) Offenders convicted of an offense
5 subjecting them to registration, who are sentenced on or
6 after January 1, 1985, who reside in or enter this state
7 and who are not under the jurisdiction or custody of the
8 department, board of parole or other public agency as a
9 result of that offense shall register with the division on
10 or before August 1, 1999, if a current resident, or within
11 ~~forty (40)~~ ten (10) days of entering this state if not a
12 current resident.

13
14 (d) The division shall accept registration
15 information for a nonresident who is employed or attends
16 school in this state. For purposes of this subsection,
17 "registration information" means the registrant's place of
18 employment or the school attended in this state and his
19 address in his state of residence. ~~.; "employed" and "attends~~
20 ~~school" means the same as defined in W.S. 7-19-305(a)(v).~~
21 The registration information accepted under this subsection
22 shall be subject to the provisions of W.S. 7-19-303.

23

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

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

7
8 (g) For an offender other than an aggravated sex
9 offender required to register under this act the division
10 shall annually verify the accuracy of the offender's
11 registered address, and the offender shall annually report
12 his current address to the division, during the period in
13 which he is required to register. Any person under this
14 subsection who has not established a residence or is
15 transient, and who is reporting to the sheriff as required
16 under subsection (e) of this section, shall be deemed in
17 compliance with the address verification requirements of
18 this section.

19
20 (h) For aggravated sex offenders or those persons
21 found to be sexually violent predators by a sentencing
22 court in another state the division shall verify the
23 accuracy of the offender's registered address, and the
24 offender shall report his current address to the division,

1 every ninety (90) days after the date of the initial
2 release or commencement of parole. Any person under this
3 subsection who has not established a residence address or
4 is transient, and who is reporting to the sheriff as
5 required under subsection (e) of this section, shall be
6 deemed in compliance with the address verification
7 requirements of this section.

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

22
23 **7-19-303. Offenders central registry; dissemination**
24 **of information.**

1

2 (b) The information collected under this act shall be
3 confidential and disseminated only in accordance with:

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5 (ii) The requirements of subsections (c) through
6 ~~(g)~~ (h) of this section.

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

1 to the offender and an in-camera hearing, the district
2 court shall, based upon its finding as to the risk of
3 reoffense by the offender, utilizing a preponderance of the
4 evidence standard, authorize the county sheriff, police
5 chief or their designee to release information regarding an
6 offender who has been convicted of an offense that requires
7 registration under this act, as follows:

8
9 (ii) If the risk of reoffense is moderate,
10 notification shall be provided to residential neighbors
11 within at least seven hundred fifty (750) feet of the
12 offender's residence, organizations in the community,
13 including schools, religious and youth organizations, as
14 well as to the persons authorized under paragraph (i) of
15 this subsection, through means specified in the court's
16 order. In addition, notification regarding an offender
17 employed by or attending school at any educational
18 institution shall be provided upon request to a member of
19 the institution's campus community as defined by subsection
20 (h) of this section;

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 ~~W.S. 7-19-106~~ and subsections (c) through
9 (g) of this section. For the purposes of this subsection,
10 "member of the campus community" means a person employed by
11 or 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 ~~(h)~~ (j) The attorney general shall maintain a public
16 record of the number of registered offenders in each county
17 which shall be broken down by degree of risk.

18

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

21

22 (a) The entity required to register an offender under
23 W.S. 7-19-302(c) shall provide written notification to the
24 offender of the requirements of this act and shall receive

1 and retain a signed acknowledgment of receipt. The entity
2 shall forward all registration information to the division
3 within three (3) working days after registering the
4 offender. When registering an offender the registering
5 entity shall:

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

15
16 (v) Inform the offender that if he is employed
17 or attends school in another state while continuing
18 residence in this state he must register with the other
19 state as a nonresident worker or nonresident student; ~~For~~
20 ~~purposes of this paragraph, "employed" means any full-time~~
21 ~~or part-time employment in this state, with or without~~
22 ~~compensation, for more than fourteen (14) days, or for an~~
23 ~~aggregate period exceeding thirty (30) days in a calendar~~

1 ~~year and "attends school" means enrolled in any type of~~
2 ~~school on a full-time or part-time basis.~~

3
4 (vi) Inform the offender that in addition to any
5 other registration requirements of this act, if the
6 offender becomes employed by or attends school at any
7 educational institution in this state, or if his status of
8 employment or enrollment at any educational institution in
9 this state as reported during his last registration changes
10 in any manner, he shall register the change within ~~five (5)~~
11 ten (10) days of the change with the entity with whom he
12 last registered.

13
14 **7-19-307. Penalties.**

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

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Section 2. This act is effective July 1, 2005.

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(END)