

SENATE FILE NO. SF0081

Registration of offenders-2.

Sponsored by: Senator(s) Sessions and Jennings and
Representative(s) Hammons, Lubnau and
Quarberg

A BILL

for

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

13

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

15

1 **Section 1.** W.S. 7-19-303(b)(intro), (c)(intro), (ii),
2 (iii)(intro), by creating a new paragraph (iv), (h), (j)
3 and by creating a new subsection (k) and 7-19-304(a) are
4 amended to read:

5
6 **7-19-303. Offenders central registry; dissemination**
7 **of information.**

8
9 (b) The information collected under this act shall be
10 confidential, ~~and disseminated only in accordance with:~~
11 except for that information collected in accordance with
12 paragraph (c)(iii) of this section which information shall
13 be a matter of public record.

14
15 (c) The division shall provide notification of
16 registration under this act, including all registration
17 information, to the district attorney of the county where
18 the registered offender is residing at the time of
19 registration or to which the offender moves. ~~Upon receipt~~
20 ~~of notification, the district attorney shall file an~~
21 ~~application for hearing under this subsection if the~~
22 ~~offender is an aggravated sex offender or a recidivist.~~
23 ~~For other offenders registered under this act, the district~~
24 ~~attorney shall file an application for hearing under this~~

1 ~~section if, based upon a review of the risk of reoffense~~
2 ~~factors specified in W.S. 7-19-303(d), utilizing a~~
3 ~~preponderance of the evidence standard, it appears that~~
4 ~~public protection requires notification be provided to~~
5 ~~persons in addition to those authorized to receive criminal~~
6 ~~history record information under W.S. 7-19-106. Prior to~~
7 ~~any application for hearing under this subsection, the~~
8 ~~district attorney may apply to the court, with notice to~~
9 ~~the offender, for an order requiring the offender to obtain~~
10 ~~a psychological or other evaluation report at the~~
11 ~~offender's expense. The court may enter any order it deems~~
12 ~~appropriate after an in camera hearing unless waived by the~~
13 ~~offender. Upon application of the district attorney, and~~
14 ~~following notice to the offender and an in camera hearing,~~
15 ~~the district court shall make a finding by a preponderance~~
16 ~~of the evidence of the risk of reoffense by the offender,~~
17 ~~and based on that finding authorize the county sheriff,~~
18 ~~police chief or their designee to release information~~
19 ~~regarding an offender who has been convicted of an offense~~
20 ~~that requires registration under this act, as follows~~ In
21 addition, the following shall apply:

22
23 (ii) ~~If the risk of reoffense is moderate,~~
24 ~~notification shall be provided to residential neighbors~~

1 ~~within at least seven hundred fifty (750) feet of the~~
2 ~~offender's residence, organizations in the community,~~
3 ~~including schools, religious and youth organizations, as~~
4 ~~well as to the persons authorized under paragraph (i) of~~
5 ~~this subsection, through means specified in the court's~~
6 ~~order. In addition,~~ Notification regarding an offender

7 employed by or attending school at any educational
8 institution shall be provided upon request to a member of
9 the institution's campus community as defined by subsection
10 (h) of this section;

11
12 (iii) ~~If the risk of reoffense is high,~~
13 Notification of registration under this act shall be
14 provided to the public through a public registry and
15 through any additional means specified ~~in the court's~~ by a
16 court order, as well as to the persons and entities
17 required by ~~paragraphs (i) and~~ paragraph (ii) of this
18 subsection. The division shall make the public registry
19 available to the public through electronic internet
20 technology and shall include:

21
22 (iv) The division shall adopt rules necessary to
23 provide for the maintenance and dissemination of the
24 information contained in the central registry of offenders.

1

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

18

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

22

23 (k) The legislature directs the division to
24 facilitate access to the information on the public registry

1 available through electronic internet technology without
2 the need to consider or assess the specific risk of
3 reoffense with respect to any individual prior to his
4 inclusion within the registry, and the division shall place
5 a disclaimer on the division's internet website indicating
6 that:

7
8 (i) No determination has been made that any
9 individual included in the registry is currently dangerous;

10
11 (ii) Individuals included within the registry
12 are included solely by virtue of their conviction record
13 and state law; and

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

19
20 **7-19-304. Termination of duty to register.**

21
22 (a) The duty to register under W.S. 7-19-302 shall
23 ~~terminate as follows~~ begin on the date of sentencing and

1 continue for the duration of the offender's life, subject
2 to the following:

3
4 (i) For an offender other than an aggravated sex
5 offender, ~~or a~~ recidivist or a sexually violent predator,
6 ~~the duty to register shall end ten (10) years after the~~
7 ~~offender was released from prison, placed on parole,~~
8 ~~supervised release or probation, provided the registration~~
9 ~~period shall be tolled for subsequent periods of~~
10 ~~confinement~~ after twenty (20) years of registration, the
11 offender may petition the district court for the district
12 in which the offender is registered to be relieved of the
13 duty to continue registration. Upon a showing that the
14 offender has had no further felony or misdemeanor
15 convictions during the period of registration, the district
16 court may order the offender relieved of the duty to
17 continue registration; and

18
19 (ii) For an aggravated sex offender, ~~or a~~
20 recidivist or a sexually violent predator, the duty to
21 register shall continue for the duration of the offender's
22 life.

23

1 **Section 2.** W.S. 7-19-303(b)(i), (ii), (c)(i), (d) and
2 (e) is repealed.

3

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

9

10 **Section 4.** This act is effective July 1, 2006.

11

12 (END)