

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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16 **7-19-308. Active global position monitoring devices;**

1 **requirements; sex offender free zones; penalties;**
2 **affirmative defense.**

3
4 (a) There is created a pilot project to be
5 administered by the department of corrections to require
6 all aggravated sex offenders or sexually violent predators
7 who are required to register on or after April 1, 2006
8 pursuant to W.S. 7-19-302, who are not incarcerated in a
9 state institution under the control of the department of
10 corrections or in a jail of any county or city and who meet
11 the criteria established in subsection (b) of this section,
12 to wear an active global position monitoring device for the
13 duration of the registration. The division of criminal
14 investigation shall advise the department of corrections
15 when a sex offender who may be required to wear an active
16 global positioning device under this section registers with
17 the division of criminal investigation under W.S. 7-19-302.
18 The department of corrections shall contract by competitive
19 bid process for the lease of an active system of global
20 position monitoring devices, for the monitoring of the
21 active global position monitoring devices by a monitoring
22 facility and for the training of state personnel to operate
23 and attach the devices to the sex offender.

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

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15 (c) An aggravated sex offender or sexually violent
16 predator assigned an active global position monitoring
17 device under this section shall be required to reimburse
18 the department of corrections for all or part of the costs
19 of any monitoring device required to be worn by the
20 offender, supervision costs and other necessary costs
21 associated with the monitoring of the device while it is
22 assigned to the offender. The department shall determine
23 whether the offender has the ability to pay all or part of
24 such costs or fees and may waive the costs under this

1 subsection if undue hardship would result.

2

3 (d) Any aggravated sex offender or sexually violent
4 predator assigned an active global position monitoring
5 device shall wear the device at all times while registered
6 as a sex offender. No such sex offender shall live within
7 a sex offender free zone, which shall consist of the area
8 within one thousand (1,000) feet of the boundaries of real
9 property used by a school for education of any student from
10 kindergarten through twelfth grade. A sex offender who is
11 required to travel within a sex offender free zone, as a
12 condition of employment or for medical or other reasonable
13 purposes established by the department of corrections or as
14 authorized under the terms of his parole, shall only travel
15 within such zone for a period of time deemed necessary by
16 the department of corrections. The contracted monitoring
17 facility shall contact law enforcement officers if the sex
18 offender remains within the boundaries of property
19 specified in this subsection for any period of time in
20 excess of the time allowed by the department of
21 corrections. A sex offender who violates the provisions of
22 this subsection more than two (2) times shall have his
23 parole or probation revoked if supervised by the state
24 board of parole, or if not under supervision by the board

1 of parole, shall be charged with a violation of this
2 subsection and, upon conviction, shall be subject to
3 imprisonment for not less than two (2) years, nor more than
4 five (5) years.

5
6 (e) It is an affirmative defense to a charge under
7 subsection (d) of this section or any other law of this
8 state or any other state that prohibits conduct specified
9 in W.S. 6-2-302 through 6-2-304, 6-4-303, 14-3-104 or
10 14-3-105 that a sex offender who was wearing an active
11 global position monitoring device assigned to him could not
12 have, by reason of his location as indicated by the
13 monitoring of the device the sex offender was wearing,
14 violated subsection (d) of this section or any other law of
15 this state or any other state that prohibits conduct
16 specified in W.S. 6-2-302 through 6-2-304, 6-4-303,
17 14-3-104 or 14-3-105.

18
19 (f) The department of corrections shall promulgate
20 rules and regulations which shall at minimum include
21 establishing:

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23 (i) Standards regarding the use of assigned
24 global position monitoring devices;

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2 (ii) Standards regarding the removal of the
3 assigned active global position monitoring device when a
4 sex offender assigned such device leaves the state;

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6 (iii) Standards regarding authorized travel
7 within sex offender free zones and other travel by sex
8 offenders;

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

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13 (v) Procedures for notification of local law
14 enforcement agencies to respond when an active global
15 position monitoring device indicates a sex offender is in
16 violation of the standards established by the division for
17 appropriate tracking of the sex offender.

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19 (g) The department of corrections shall report to the
20 joint judiciary interim committee no later than September
21 1, 2007, with respect to the number of sex offenders who
22 have been assigned an active global positioning device, the
23 rate of recidivism of such offenders, the costs associated
24 with the project, project expenses reimbursed by offenders,

1 recommendations for continuing or terminating the project
2 and any other information that the department believes
3 would assist the committee in its consideration of the
4 continuation or termination of the project.

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

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

11
12 **7-19-303. Offenders central registry; dissemination**
13 **of information.**

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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 except a hearing under this subsection shall not be
24 required if the offender is assigned an active global

1 positioning device pursuant to W.S. 7-19-308. For other
2 offenders registered under this act, the district attorney
3 shall file an application for hearing under this section
4 if, based upon a review of the risk of reoffense factors
5 specified in W.S. 7-19-303(d), utilizing a preponderance of
6 the evidence standard, it appears that public protection
7 requires notification be provided to persons in addition to
8 those authorized to receive criminal history record
9 information under W.S. 7-19-106. Prior to any application
10 for hearing under this subsection, the district attorney
11 may apply to the court, with notice to the offender, for an
12 order requiring the offender to obtain a psychological or
13 other evaluation report at the offender's expense. The
14 court may enter any order it deems appropriate after an in-
15 camera hearing unless waived by the offender. Upon
16 application of the district attorney, and following notice
17 to the offender and an in-camera hearing, the district
18 court shall make a finding by a preponderance of the
19 evidence of the risk of reoffense by the offender, and
20 based on that finding authorize the county sheriff, police
21 chief or their designee to release information regarding an
22 offender who has been convicted of an offense that requires
23 registration under this act, as follows:

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

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11 **Section 3.** Effective immediately, there is
12 appropriated five million three hundred forty-six thousand
13 dollars (\$5,346,000.00) from the general fund to the
14 department of corrections to implement the purposes of this
15 act. The appropriation under this subsection shall not
16 expire or revert to the general fund until June 30, 2008,
17 notwithstanding W.S. 9-4-207(a).

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

23
24 (END)