

SENATE FILE NO. SF0101

Child predator tracking.

Sponsored by: Senator(s) Jennings, Aullman and Cooper and
Representative(s) Davison, Gingery and
Hammons

A BILL

for

1 AN ACT relating to persons convicted of a criminal offense
2 against a minor; requiring offenders convicted of a
3 criminal offense against minors to wear active global
4 position monitoring devices as specified; restricting
5 movements and places of habitation of offenders convicted
6 of a criminal offense against minors; establishing
7 criteria; providing penalties; requiring rulemaking;
8 providing an appropriation; requiring a report; and
9 providing for an effective date.

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

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13 **Section 1.** W.S. 7-19-308 is created to read:

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1 **7-19-308. Active global position monitoring devices;**
2 **requirements; sex offender free zones; penalties.**

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4 (a) In addition to other sentencing powers of the
5 court, in the case of an offender convicted of a criminal
6 offense against a minor as defined in W.S. 7-19-301(a)(iv)
7 and who is required to register pursuant to W.S. 7-19-302,
8 the court shall order the offender be assigned an active
9 global position monitoring device for the duration of the
10 registration. The director of the department of corrections
11 shall administer the monitoring of the active global
12 position monitoring devices. The director shall contract
13 by competitive bid process for the rental of an active
14 system of global position monitoring devices, including use
15 of a monitoring facility, and for the training of
16 department of correction personnel to operate and attach
17 the devices to the offender.

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19 (b) The device shall be attached by authorized
20 department of correction personnel and shall be worn by the
21 offender from the date of conviction, regardless of any
22 appeal the offender may pursue as a result of the
23 conviction, until the registration period terminates under

1 W.S. 7-19-304 or the person successfully appeals the
2 conviction, whichever occurs earlier.

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4 (c) An offender convicted of a criminal offense
5 against a minor assigned to electronic monitoring under
6 this section shall be required to reimburse the department
7 of corrections for all or part of the costs of any
8 monitoring device required to be worn by the offender,
9 supervision costs and other necessary costs associated with
10 the monitoring of the device while it is assigned to the
11 offender. The court shall determine whether the offender
12 has the ability to pay all or part of such costs or fees.
13 The court may allow an offender to perform community
14 service and be granted credit against all or part of such
15 costs and fees at the rate of five dollars (\$5.00) for each
16 hour of community service performed.

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18 (d) Any offender convicted of a criminal offense
19 against a minor assigned an active global position
20 monitoring device shall wear the device at all times while
21 registered as an offender unless the offender is
22 incarcerated. No such offender shall live within a sex
23 offender free zone, which shall consist of the area within
24 one thousand (1,000) feet of the boundaries of real

1 property used as a daycare center, as a school for
2 education of any student from preschool through twelfth
3 grade or any other area as described by the director of the
4 department of corrections. An offender who is required to
5 travel within a sex offender free zone, as a condition of
6 employment or for medical or other reasonable purposes
7 established by the director of the department of
8 corrections, shall only travel within such zone for a
9 period of time deemed necessary by the director of the
10 department of corrections. The contracted monitoring
11 facility shall contact law enforcement officers if the
12 offender remains within the boundaries of property
13 specified in this subsection for any period of time in
14 excess of the time allowed by the director of the
15 department of corrections. An offender who violates the
16 provisions of this subsection more than two (2) times shall
17 be charged with a violation of this subsection and, upon
18 conviction, shall be subject to imprisonment for not less
19 than two (2) years, nor more than five (5) years in
20 addition to any probation or parole revocation.

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22 (e) The director of the department of corrections
23 shall promulgate rules and regulations which shall include:

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1 (i) Standards regarding the use of assigned
2 global position monitoring devices;

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4 (ii) Standards regarding the removal of the
5 assigned active global position monitoring device when an
6 offender assigned such device leaves the state;

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

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12 (iv) Standards for reporting by offenders
13 assigned an active global position monitoring device;

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

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21 (f) Removal of a global positioning device from the
22 body of an assigned offender convicted of a criminal
23 offense against a minor by an unauthorized individual is a
24 misdemeanor punishable by a fine of up to seven hundred

1 fifty dollars (\$750.00), imprisonment for not more than one
2 (1) year, or both.

3

4 **Section 2.**

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6 (a) There is appropriated four million eight hundred
7 thousand dollars (\$4,800,000.00) from the general fund to
8 the department of corrections, for the period beginning
9 with the effective date of this act and ending June 30,
10 2008, to implement the purposes of this act.

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12 (b) The director of the department of corrections
13 shall report to the legislature no later than January 15 of
14 each year, beginning January 15, 2008. The report shall
15 include:

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17 (i) The total number of reported criminal
18 offenses against minors as defined in W.S. 7-19-301(a)(iv)
19 in the state for the previous year;

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21 (ii) The total number of convictions for
22 criminal offenses against minors as defined in W.S.
23 7-19-301(a)(iv) in the state for the previous year;

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1 (iii) The total number of monitoring devices
2 attached and removed in the state for the previous year;

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4 (iv) Recommendations to increase the efficiency
5 of the program.

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7 **Section 3.** This act is effective immediately upon
8 completion of all acts necessary for a bill to become law
9 as provided by Article 4, Section 8 of the Wyoming
10 Constitution.

11

12 (END)