

SENATE FILE NO. SF0047

Juvenile sex offender-risk assessment.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal history records; requiring a
2 court to conduct a hearing to determine the risk of
3 reoffense for juvenile sex offenders as specified;
4 requiring the disclosure of information as specified;
5 providing a conflict of law provision; amending related
6 provisions; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 7-19-309 is created to read:

11

12 **7-19-309. Juvenile sex offenders; risk assessment;**
13 **factors; reporting requirements.**

14

1 (a) A minor offender convicted or adjudicated as a
2 delinquent as specified in W.S. 7-19-301(a)(iii), shall be
3 subject to this section.

4
5 (b) The division shall provide notification of
6 registration under this section, including all registration
7 information, to the district attorney of the county where
8 the registered offender is residing at the time of
9 registration or to which the offender moves. Upon receipt
10 of notification, the district attorney shall file an
11 application for hearing under this subsection if, based
12 upon a review of the risk of reoffense factors specified in
13 subsection (c) of this section, the review indicates that
14 public safety requires that notification be provided to
15 persons in addition to those authorized to receive criminal
16 history record information under W.S. 7-19-106. Upon
17 application of the district attorney and following notice
18 to the offender and an in-camera hearing, the district
19 court shall, based upon its finding as to the risk of
20 reoffense by the offender, authorize the division, county
21 sheriff, police chief or their designee to release
22 information regarding the offender as follows:

1 (i) If the risk of reoffense is low,
2 notification shall be in accordance with the requirements
3 of W.S. 7-19-106 to persons authorized to receive criminal
4 history record information under W.S. 7-19-106;

5
6 (ii) If the risk of reoffense is moderate,
7 notification shall be provided to residential neighbors
8 within seven hundred fifty (750) feet of the offender's
9 residence, organizations in the community including
10 schools, religious and youth organizations and to the
11 persons authorized under paragraph (i) of this subsection,
12 through means specified in the court's order;

13
14 (iii) If the risk of reoffense is high,
15 notification shall be provided to the public through the
16 same procedure as provided in W.S. 7-19-303(c)(iii).

17
18 (c) In determining an offender's risk of reoffense
19 under subsection (b) of this section, the court shall
20 consider:

21
22 (i) Conditions of release that minimize risk of
23 reoffense, including whether the offender is under

1 supervision through a program provided in title 14 or a
2 juvenile service program, on probation or parole, receiving
3 counseling, therapy or treatment or residing in a home
4 situation that provides guidance and supervision;

5
6 (ii) Physical conditions that minimize the risk
7 of reoffense;

8
9 (iii) Criminal history factors indicative of
10 high risk of reoffense, including:

11
12 (A) Whether the offender's conduct was
13 found to be characterized by repetitive and compulsive
14 behavior;

15
16 (B) The age of the victim of the sexual
17 offense;

18
19 (C) Whether psychological or psychiatric
20 profiles indicate a risk of recidivism;

21
22 (D) The offender's response to treatment;

23

1 (E) Recent behavior, including behavior
2 while confined or while under supervision in the community
3 as well as behavior in the community following service of
4 sentence;

5

6 (F) Recent threats against any person or
7 expressions of intent to commit additional crimes;

8

9 (G) Other criminal history factors,
10 including:

11

12 (I) The relationship between the
13 offender and the victim;

14

15 (II) The number, date and nature of
16 any prior offenses or acts resulting in an adjudication of
17 delinquency; and

18

19 (H) Any other factors the court deems
20 necessary and relevant.

21

1 (d) To the extent any other provision of law
2 conflicts with the disclosure requirements of this section,
3 the provisions of this section shall govern.

4
5 **Section 2.** W.S. 7-19-102(c), 7-19-301(a)(xv) and
6 7-19-303(c)(iii)(intro) are amended to read:

7
8 **7-19-102. Scope and applicability of provisions.**

9
10 (c) Notwithstanding any provision of this act,
11 specific provisions relating to confidentiality of records
12 contained in Title 14, Wyoming statutes, shall govern in
13 those circumstances to which the more specific statute
14 applies. This subsection shall not apply to the disclosure
15 requirements provided in W.S. 7-19-309.

16
17 **7-19-301. Definitions.**

18
19 (a) Unless otherwise provided, for the purposes of
20 this act:

21
22 (xv) "This act" means W.S. 7-19-301 through
23 ~~7-19-307~~ 7-19-309;

1

2 **7-19-303. Offenders central registry; dissemination**
3 **of information.**

4

5 (c) The division shall provide notification of
6 registration under this act, including all registration
7 information, to the district attorney of the county where
8 the registered offender is residing at the time of
9 registration or to which the offender moves. In addition,
10 the following shall apply:

11

12 (iii) Notification of registration under this
13 act shall be provided to the public through a public
14 registry, as well as to the persons and entities required
15 by paragraph (ii) of this subsection. The division shall
16 make the public registry available to the public, with the
17 exception of internet identifiers, telephone numbers and
18 adjudications as delinquent unless disclosure is authorized
19 pursuant to W.S. 7-19-309, through electronic internet
20 technology and shall include:

21

1 **Section 3.** This act shall apply to juvenile
2 convictions or adjudications commenced on or after the
3 effective date of this act.

4

5 **Section 4.** This act is effective July 1, 2016.

6

7 (END)