

HOUSE BILL NO. HB0214

Sex offender registry.

Sponsored by: Representative(s) Johnson, W.

A BILL

for

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

13

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

15

16 **Section 1.** W.S. 7-19-301(a)(intro), (iv) by creating
17 a new subparagraph (G), by renumbering (G) as (H) and by

1 creating new paragraphs (xvi) through (xviii),
2 7-19-302(a)(vi), (vii), by creating a new paragraph (viii),
3 (d) and by creating a new subsection (j), 7-19-303(b)(ii),
4 (c)(intro), (ii), by creating new subsections (h) and (j)
5 and by renumbering (h) as (k), 7-19-305(a)(v) and by
6 creating a new paragraph (vi) and 7-19-307(a) are amended
7 to read:

8

9 **7-19-301. Definitions.**

10

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

13

14 (iv) "Criminal offense against a minor" means
15 the offenses specified in this paragraph in which the
16 victim is less than eighteen (18) years of age. "Criminal
17 offense against a minor" includes an offense committed in
18 another jurisdiction, including a federal court or courts
19 martial, which, if committed in this state, would
20 constitute a "criminal offense against a minor" as defined
21 in this paragraph. "Criminal offense against a minor"
22 includes:

23

1 (G) Sexual exploitation of a child under
2 W.S. 6-4-303;

3

4 ~~(G)~~(H) An attempt to commit an offense
5 described in subparagraphs (A) through ~~(F)~~(G) of this
6 paragraph.

7

8 (xvi) "Attending school" means enrollment on a
9 full or part-time basis at any institution of higher
10 education;

11

12 (xvii) "Employed" means any full or part-time
13 employment, with or without compensation or other benefit,
14 for a period of more than fourteen (14) days, or for an
15 aggregate period exceeding thirty (30) days in any one (1)
16 calendar year;

17

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

24

1 **7-19-302. Registration of offenders; procedure;**
2 **verification.**

3

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

12

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

14

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

16

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

20

21 (d) The division shall accept registration
22 information for a nonresident who is employed or attends
23 school in this state. For purposes of this subsection,
24 "registration information" means the registrant's place of

1 employment or the school attended in this state and his
2 address in his state of residence. ~~.; "employed" and "attends~~
3 ~~school" means the same as defined in W.S. 7-19-305(a)(v).~~

4 The registration information accepted under this subsection
5 shall be subject to the provisions of W.S. 7-19-303.

6
7 (j) In addition to any other requirements of this
8 section and of this act, any person required to register
9 under this act shall provide information in writing
10 regarding each change in employment or enrollment status at
11 any educational institution in this state within five (5)
12 days of the change to the entity with whom the offender
13 last registered. This information shall be forwarded
14 immediately from the registering entity to the division on
15 a form prescribed by the division, and the division shall
16 then enter the information into the central registry and
17 forward the information to the campus police department or
18 other law enforcement agency with jurisdiction over the
19 institution.

20
21 **7-19-303. Offenders central registry; dissemination**
22 **of information.**

23

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

3

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

6

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

1 reoffense by the offender, utilizing a preponderance of the
2 evidence standard, authorize the county sheriff, police
3 chief or their designee to release information regarding an
4 offender who has been convicted of an offense that requires
5 registration under this act, as follows:

6
7 (ii) If the risk of reoffense is moderate,
8 notification shall be provided to residential neighbors
9 within at least seven hundred fifty (750) feet of the
10 offender's residence, organizations in the community,
11 including schools, religious and youth organizations, as
12 well as to the persons authorized under paragraph (i) of
13 this subsection, through means specified in the court's
14 order. In addition, notification regarding an offender
15 employed by or attending school at any educational
16 institution shall be provided upon request to a member of
17 the institution's campus community as defined by subsection
18 (h) of this section;

19
20 (h) An educational institution in this state shall
21 instruct members of its campus community, by direct
22 advisement, publication or other means, that a member can
23 obtain information regarding offenders employed by or
24 attending school at the institution by contacting the

1 campus police department or other law enforcement agency
2 with jurisdiction over the institution. The campus police
3 department or law enforcement agency with jurisdiction over
4 the institution shall disseminate the information regarding
5 the offender to the campus community in accordance with the
6 requirements of W.S. 7-19-106 and subsections (c) through
7 (g) of this section. For the purposes of this subsection,
8 "member of the campus community" means a person employed by
9 or attending school at the educational institution at which
10 the offender is employed or attending school, or a person's
11 parent or guardian if the person is a minor.

12

13 (j) Prior to the in-camera hearing required by
14 subsection (c) of this section, the district court in its
15 discretion may order any offender to obtain a psychosexual
16 offender evaluation at the offender's expense, to the
17 extent that the offender is capable of paying for such
18 evaluation. The evaluation shall be delivered to the
19 district court and the district attorney not less than ten
20 (10) days before the in-camera hearing. The district court,
21 in addition to the factors to be considered under
22 subsection (d) of this section, may consider the evaluation
23 in determining an offender's risk of reoffense.

24

1 ~~(h)~~(k) The attorney general shall maintain a public
2 record of the number of registered offenders in each county
3 which shall be broken down by degree of risk.

4

5 **7-19-305. Registration; duties of registering**
6 **entities; notice to persons required to register.**

7

8 (a) The entity required to register an offender under
9 W.S. 7-19-302(c) shall provide written notification to the
10 offender of the requirements of this act and shall receive
11 and retain a signed acknowledgment of receipt. The entity
12 shall forward all registration information to the division
13 within three (3) working days after registering the
14 offender. When registering an offender the registering
15 entity shall:

16

17 (v) Inform the offender that if he is employed
18 or attends school in another state while continuing
19 residence in this state he must register with the other
20 state as a nonresident worker or nonresident student~~;~~.~~For~~
21 ~~purposes of this paragraph, "employed" means any full-time~~
22 ~~or part-time employment in this state, with or without~~
23 ~~compensation, for more than fourteen (14) days, or for an~~
24 ~~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 days of the change with the entity with whom he last
12 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), is or failure to
21 provide 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), are punishable as
24 provided in subsections (c) and (d) of this section.

1

2 **Section 2.** This act is effective July 1, 2003.

3

4

(END)