

ORIGINAL HOUSE
BILL NO. 0087

ENROLLED ACT NO. 110, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

AN ACT relating to sex offender registration; adding sexual exploitation of children to the list of offenses for which sex offender registration is required; providing definitions; amending the amount of time in which an offender is required to register after leaving a residence or entering the state; requiring offenders to provide information regarding educational institutions at which the offender is employed or enrolls; requiring the use of a preponderance of the evidence standard in certain hearings; providing for notification to campus communities; providing for penalties for failure to register changes in employment or enrollment status; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 7-19-301(a)(intro), (iv) by creating a new subparagraph (G), by amending and renumbering (G) as (H), (xi) and by creating new paragraphs (xvi) through (xix), 7-19-302(a)(vi), (vii), by creating a new paragraph (viii), (c)(iii), (iv), (d), (e), (g), (h) and by creating a new subsection (j), 7-19-303(b)(ii), (c)(intro), (ii), by creating a new subsection (h) and by renumbering (h) as (j), 7-19-305(a)(ii), (v) and by creating a new paragraph (vi) and 7-19-307(a) are amended to read:

7-19-301. Definitions.

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

(iv) "Criminal offense against a minor" means the offenses specified in this paragraph in which the victim is less than eighteen (18) years of age. "Criminal offense against a minor" includes an offense committed in

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another jurisdiction, including a federal court or courts martial, which, if committed in this state, would constitute a "criminal offense against a minor" as defined in this paragraph. "Criminal offense against a minor" includes:

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

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

(xi) "Reside" and words of similar import mean having established a permanent or temporary ~~domicile~~ residence for ~~thirty (30)~~ten (10) or more days;

(xvi) "Attending school" means enrollment on a full or part-time basis at any institution;

(xvii) "Employed" means any full or part-time employment, with or without compensation or other benefit, for a period of more than fourteen (14) days, or for an aggregate period exceeding thirty (30) days in any one (1) calendar year. Institutional contractors and contract employees performing work on an educational institution campus shall be considered institution employees;

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

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(xix) "Residence" means a dwelling place with an established physical address or identifiable physical location intended for human habitation.

7-19-302. Registration of offenders; procedure; verification.

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

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

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

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

(c) Offenders required to register under this act shall register with the entities specified in this subsection and within the following time periods:

(iii) Offenders convicted of an offense subjecting them to registration, who are sentenced on or after January 1, 1985, who reside in or enter this state for the purposes of residing and who are under the jurisdiction of the department or state board of parole or other public agency as a result of that offense shall register within ~~forty (40)~~ ten (10) days of entering this state or on or before August 1, 1999, if a current

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resident. The Wyoming agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to this state and shall register the offender and perform the related duties specified in W.S. 7-19-305;

(iv) Offenders convicted of an offense subjecting them to registration, who are sentenced on or after January 1, 1985, who reside in or enter this state and who are not under the jurisdiction or custody of the department, board of parole or other public agency as a result of that offense shall register with the division on or before August 1, 1999, if a current resident, or within ~~forty (40)~~ ten (10) days of entering this state if not a current resident.

(d) The division shall accept registration information for a nonresident who is employed or attends school in this state. For purposes of this subsection, "registration information" means the registrant's place of employment or the school attended in this state and his address in his state of residence. ~~;~~ ~~"employed" and "attends school" means the same as defined in W.S. 7-19-305(a)(v).~~ The registration information accepted under this subsection shall be subject to the provisions of W.S. 7-19-303.

(e) If any person required to register under this act changes his residence address within the same county, he shall send written notice of the change of address to the division within ten (10) days of establishing the new residence. If any person required to register under this act moves to a new county in this state, he shall notify the division, the county sheriff in the new county and the county sheriff of the county of his previous residence within ten (10) days of establishing the new residence. If the person changes residence to another state and that

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state has a registration requirement, the division shall, within three (3) working days of receipt of the information, notify the law enforcement agency with which the person must register in the new state. Any person who has not established a new residence within ten (10) days of leaving his previous residence, or becomes transient through lack of residence, shall report on a weekly basis to the sheriff in the county in which he is registered, until he establishes another residence. The division shall, within three (3) working days of receipt of a registration or notice of change of address, notify the sheriff of the county in which an offender resides, unless the division received the registration information from the sheriff. The division shall also notify the victim, or if the victim is a minor the victim's parent or guardian, within the same time period if the victim, or a minor victim's parent or guardian, has requested in writing that the division provide notification of a change of address of the offender and has provided the division a current address of the victim, parent or guardian as applicable.

(g) For an offender other than an aggravated sex offender required to register under this act the division shall annually verify the accuracy of the offender's registered address, and the offender shall annually report his current address to the division, during the period in which he is required to register. Any person under this subsection who has not established a residence or is transient, and who is reporting to the sheriff as required under subsection (e) of this section, shall be deemed in compliance with the address verification requirements of this section.

(h) For aggravated sex offenders or those persons found to be sexually violent predators by a sentencing court in another state the division shall verify the

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accuracy of the offender's registered address, and the offender shall report his current address to the division, every ninety (90) days after the date of the initial release or commencement of parole. Any person under this subsection who has not established a residence or is transient, and who is reporting to the sheriff as required under subsection (e) of this section, shall be deemed in compliance with the address verification requirements of this section.

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

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

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

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

(c) The division shall provide notification of registration under this act, including all registration information, to the district attorney of the county where

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the registered offender is residing at the time of registration or to which the offender moves. Upon receipt of notification, the district attorney shall file an application for hearing under this subsection if the offender is an aggravated sex offender or a recidivist. For other offenders registered under this act, the district attorney shall file an application for hearing under this section if, based upon a review of the risk of reoffense factors specified in W.S. 7-19-303(d), utilizing a preponderance of the evidence standard, it appears that public protection requires notification be provided to persons in addition to those authorized to receive criminal history record information under W.S. 7-19-106. Prior to any application for hearing under this subsection, the district attorney may apply to the court, with notice to the offender, for an order requiring the offender to obtain a psychological or other evaluation report at the offender's expense. The court may enter any order it deems appropriate after an in-camera hearing unless waived by the offender. Upon application of the district attorney, and following notice to the offender and an in-camera hearing, the district court shall, ~~based upon its~~ make a finding as to by a preponderance of the evidence of the risk of reoffense by the offender, and based on that finding authorize the county sheriff, police chief or their designee to release information regarding an offender who has been convicted of an offense that requires registration under this act, as follows:

(ii) If the risk of reoffense is moderate, notification shall be provided to residential neighbors within at least seven hundred fifty (750) feet of the offender's residence, organizations in the community, including schools, religious and youth organizations, as well as to the persons authorized under paragraph (i) of this subsection, through means specified in the court's

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order. In addition, notification regarding an offender employed by or attending school at any educational institution shall be provided upon request to a member of the institution's campus community as defined by subsection (h) of this section;

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

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

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

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

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offender. When registering an offender the registering entity shall:

(ii) Inform the offender that if he changes residence address he shall give the new address to the division in writing within ten (10) days, or if he has not established a new residence within ten (10) days of leaving his previous residence or becomes transient through lack of residence, he shall report on a weekly basis to the sheriff in the county in which he is registered until he establishes another residence;

(v) Inform the offender that if he is employed or attends school in another state while continuing residence in this state he must register with the other state as a nonresident worker or nonresident student; ~~For purposes of this paragraph, "employed" means any full-time or part-time employment in this state, with or without compensation, for more than fourteen (14) days, or for an aggregate period exceeding thirty (30) days in a calendar year and "attends school" means enrolled in any type of school on a full-time or part-time basis.~~

(vi) Inform the offender that in addition to any other registration requirements of this act, if the offender becomes employed by or attends school at any educational institution in this state, or if his status of employment or enrollment at any educational institution in this state as reported during his last registration changes in any manner, he shall register the change within ten (10) days of the change with the entity with whom he last registered.

7-19-307. Penalties.

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(a) Failure to register within the time required under W.S. 7-19-302 constitutes a per se violation of this act and is punishable as provided in subsections (c) and (d) of this section. Failure to report his address as required by W.S. 7-19-302(g) and (h), or failure to provide information regarding any change in employment or enrollment status at any educational institution in this state as required by W.S. 7-19-302(j), is punishable as provided in subsections (c) and (d) of this section.

Section 2. This act is effective July 1, 2005.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk