

SENATE FILE NO. SF0135

Sex offender registry-process.

Sponsored by: Senator(s) Burns and Massie and
Representative(s) Hinckley and Warren

A BILL

for

1 AN ACT relating to the sex offender registry; requiring sex
2 offenders to undergo a psychological evaluation as
3 specified; conforming provisions; providing an
4 appropriation; authorizing positions; and providing for an
5 effective date.

6

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

8

9 **Section 1.** W.S. 7-13-402 by creating a new subsection
10 (j), 7-19-302 by creating a new subsection (j),
11 7-19-303(c) (intro) and (d) (intro) and 7-19-307 by creating
12 a new subsection (e) are amended to read:

13

14 **7-13-402. General powers and duties of board;**
15 **eligibility for parole; immunity.**

16

1 (j) The board shall implement a program to perform
2 psychological evaluations of sex offenders as required
3 under W.S. 7-19-302(j). The board may contract with
4 licensed professionals or entities qualified to conduct
5 psychological evaluations necessary to assess the risk
6 level of offenders for purposes of sex offender
7 registration under W.S. 7-19-301 et seq. The board shall
8 provide a copy of the report to the offender, the district
9 attorney and the district court as specified in W.S.
10 7-19-303(c).

11
12 **7-19-302. Registration of offenders; procedure;**
13 **verification.**

14
15 (j) Offenders in the custody of the department, local
16 jail or a public or private agency, pursuant to a court
17 order as a result of an offense subjecting them to
18 registration shall undergo a psychological evaluation
19 conducted by the state board of parole prior to release.
20 Offenders convicted of an offense subjecting them to
21 registration who are not in the custody of the department,
22 local jail or a public or private agency as a result of
23 that conviction shall undergo a psychological evaluation
24 conducted by the state board of parole prior to the hearing

1 required under W.S. 7-19-303(c). Offenders required to
2 undergo psychological evaluations pursuant to this
3 subsection shall execute any required releases of juvenile,
4 criminal, medical and mental health records as necessary
5 for completion of the psychological evaluations. Criminal
6 justice agencies and medical and mental health service
7 providers within the state shall provide records pursuant
8 to such releases upon the request of persons conducting
9 such psychological evaluations unless release of such
10 records is otherwise prohibited by law. The board of
11 parole shall contract with licensed professionals or
12 entities qualified to conduct psychological evaluations
13 necessary to assess the risk level of offenders. As part
14 of the psychological evaluation and assessment, the person
15 conducting the psychological evaluation and assessment
16 shall consider and report to the board of parole:

17

18 (i) Conditions of release that minimize risk of
19 reoffense, including whether the offender is under
20 supervision of probation or parole, receiving counseling,
21 therapy or treatment, or residing in a home situation that
22 provides guidance and supervision;

23

1 (ii) Physical conditions that minimize the risk
2 of reoffense, including advanced age or debilitating
3 illness;

4
5 (iii) Criminal history factors indicative of
6 high risk of reoffense, including:

7
8 (A) Whether the offender's conduct was
9 found to be characterized by repetitive and compulsive
10 behavior;

11
12 (B) Whether the offender served the maximum
13 term under the court order;

14
15 (C) Whether the offender committed the
16 sexual offense against a child;

17
18 (D) Whether psychological, substance abuse
19 or psychiatric profiles indicate a risk of recidivism;

20
21 (E) The offender's response to treatment;

22
23 (F) Recent behavior, including behavior
24 while confined or while under supervision in the community

1 as well as behavior in the community following service of
2 sentence;

3

4 (G) Recent threats against persons or
5 expressions of intent to commit additional crimes; and

6

7 (H) Other criminal history factors,
8 including:

9

10 (I) The relationship between the
11 offender and the victim;

12

13 (II) Whether the offense involved the
14 use of a weapon, violence or infliction of serious bodily
15 harm;

16

17 (III) The number, date and nature of
18 prior offenses.

19

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

22

23 (c) The division shall provide notification of
24 registration under this act, including all registration

1 information, to the district attorney of the county where
2 the registered offender is residing at the time of
3 registration or to which the offender moves. Upon receipt
4 of notification, the district attorney shall request the
5 board of parole to provide a psychological evaluation if
6 one (1) has not previously been performed pursuant to W.S.
7 7-19-302(j) and shall file an application for hearing under
8 this subsection if the offender is an aggravated sex
9 offender or a recidivist. For other offenders registered
10 under this act, the district attorney shall request the
11 board of parole to provide a psychological evaluation if
12 one (1) has not previously been performed pursuant to W.S.
13 7-19-302(j) and shall file an application for hearing under
14 this section if, based upon a review of the risk of
15 reoffense factors specified in W.S. ~~7-19-303(d)~~
16 7-19-302(j), it appears that public protection requires
17 notification be provided to persons in addition to those
18 authorized to receive criminal history record information
19 under W.S. 7-19-106. Upon application of the district
20 attorney, and following notice to the offender and an in-
21 camera hearing, the district court shall, based upon its
22 finding as to the risk of reoffense by the offender,
23 authorize the county sheriff, police chief or their
24 designee to release information regarding an offender who

1 has been convicted of an offense that requires registration
2 under this act, as follows:

3

4 (d) In determining an offender's risk of reoffense
5 under subsection (c) of this section, the court shall
6 consider the psychological evaluation conducted by the
7 state board of parole required under W.S. 7-19-302(j).

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9 **7-19-307. Penalties.**

10

11 (e) Any person who fails to undergo and complete a
12 psychological evaluation as required under W.S. 7-19-302(j)
13 is guilty of a misdemeanor punishable by a fine of not more
14 than seven hundred fifty dollars (\$750.00), imprisonment
15 for not more than one (1) year, or both.

16

17 **Section 2.** W.S. 7-19-303(d) (i) through (iii) is
18 repealed.

19

20 **Section 3.**

21

22 (a) There is appropriated to the state board of
23 parole four hundred fifty thousand dollars (\$450,000.00)
24 from the general fund for the fiscal year beginning July 1,

1 2005, to implement the program to provide psychological
2 evaluations of sex offenders as required under section 1 of
3 this act.

4

5 (b) The state board of parole is authorized five (5)
6 full-time equivalent positions to implement the program to
7 provide psychological evaluations of sex offenders as
8 required under section 1 of this act.

9

10 **Section 4.** This act is effective July 1, 2005.

11

12

(END)