

ENROLLED ACT NO. 113, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2007 GENERAL SESSION

AN ACT relating to registration of sex offenders; amending registration requirements; reducing the number of days for an offender to register as a sex offender; eliminating the requirement for a hearing to determine the level of the sex offender's risk of reoffense; eliminating the levels of risk of reoffense for sex offenders; increasing the number of years offenders are required to be registered with the division of criminal investigation as specified; authorizing petitions to seek relief from the duty to register as an offender; amending definitions; expanding the scope of dissemination of information contained in the central registry of offenders; increasing penalties for failure to register as an offender; requiring rulemaking; conforming provisions; repealing provisions; providing an appropriation; and providing for effective dates.

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

**Section 1.** W.S. 7-19-301(a)(viii) and by creating new paragraphs (xx) and (xxi), 7-19-302(a)(intro), (vii), (viii), by creating new paragraphs (ix) and (x), (b), (c)(iii), (iv), (e) through (h), by creating a new subsection (j) and by amending and renumbering (j) as (k), 7-19-303(b)(intro), (c)(intro), (ii), (iii)(intro), by creating new subparagraphs (H) and (J), by creating a new paragraph (iv), (h), (j) and by creating a new subsection (k), 7-19-304(a) and by creating a new subsection (d) and 7-19-307(a), (c) and (d) are amended to read:

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

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

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(viii) "Offender" means a ~~sex offender or a~~ person convicted of a criminal offense ~~against a minor~~ specified in W.S. 7-19-302(g) through (j), or convicted of a criminal offense from Wyoming or any other jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances, as a criminal offense specified in W.S. 7-19-302(g) through (j);

(xx) "Report" means providing information in person, or by any other means authorized by the sheriff if the person is required to report to the sheriff;

(xxi) "Working days" shall not include Saturdays, Sundays and legal holidays.

**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 and palmprinted by the registering entity or another law enforcement agency and shall provide the following additional information when registering:

(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; ~~i.~~

(ix) The license plate number and a description of any vehicle owned or operated by the offender; and

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(x) A DNA sample. As used in this paragraph, "DNA" means as defined in W.S. 7-19-401(a)(vi).

(b) In addition to the requirements of subsection (a) of this section, the department, for ~~aggravated-sex~~ offenders sentenced to imprisonment, and the sheriff of the county where judgment and sentence is entered for all other ~~aggravated-sex~~ offenders, shall obtain the name of the ~~sex~~ offender, identifying ~~factors~~ features, anticipated future residence, offense history and documentation of any treatment received, including prescribed psychotropic medication history, for any ~~mental abnormality or personality disorder~~ psychiatric condition of the ~~aggravated-sex~~ offender. This information shall be transmitted to the division within three (3) working days of receipt for entry into the central registration system. A person found to be ~~a sexually violent predator an~~ offender by a ~~sentencing~~ court in another state shall provide information required under this subsection at the time of registration under this act.

(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 ~~ten (10)~~ three (3) working days of entering this state or on or before August 1, 1999, if a current 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

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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 ~~ten (10)~~ three (3) working days of entering this state if not a current resident.

(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)~~ three (3) working 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)~~ three (3) working days of establishing the new residence. If the person changes residence to another state and that 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)~~ three (3) working 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

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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.

(f) An offender who changes residence to another state shall register the new address with the law enforcement agency with whom he last registered and shall also register with the designated law enforcement agency in the new state not later than ~~ten (10)~~ three (3) working days after establishing residence in the new state.

(g) For an offender ~~other than an aggravated sex offender required to register under this act~~ convicted of a violation of W.S. 6-2-202 if the victim was a minor and the offender is not the victim's parent or guardian, W.S. 6-2-203 if the victim was a minor and the offender is not the victim's parent or guardian, W.S. 6-2-315(a)(iv), 6-2-316(a)(iii) and (iv), 6-2-317(a)(i) or W.S. 6-4-303(b)(iv) or 6-4-304(b) if the victim was a minor, or an attempt or conspiracy to commit any of the offenses specified in this subsection, the division shall annually verify the accuracy of the offender's registered address, and the offender shall annually report, in person, his current address to the ~~division~~ sheriff in the county in which the offender resides, 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.

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(h) For ~~aggravated sex offenders or those persons found to be sexually violent predators by a sentencing court in another state~~ an offender convicted of a violation of W.S. 6-2-304(a)(iii) if the victim was at least fourteen (14) years of age, W.S. 6-2-314(a)(ii) and (iii), 6-2-315(a)(iii), 6-2-316(a)(i), 6-2-317(a)(ii) or 6-2-318, W.S. 6-4-102 if the person solicited was a minor, W.S. 6-4-103 if the person enticed or compelled was a minor, W.S. 6-4-302(a)(i) if the offense involves the use of a minor in a sexual performance or W.S. 6-4-303(b)(i) through (iii), an attempt or conspiracy to commit any of the offenses specified in this subsection, or any felony enumerated in this section if the offender was previously convicted of a felony under subsection (g) of this section, the division shall verify the accuracy of the offender's registered address, and the offender shall report, in person, his current address to the ~~division~~ sheriff in the county in which the offender resides, every ~~ninety (90) days~~ six (6) months 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) For an offender convicted of a violation of W.S. 6-2-201 if the victim was a minor, W.S. 6-2-302 or 6-2-303, [W.S.] 6-2-304(a)(iii) if the victim was under fourteen (14) years of age, W.S. 6-2-314(a)(i), 6-2-315(a)(i) and (ii), 6-2-316(a)(ii), [or] 6-4-402, [or] an attempt or conspiracy to commit any of the offenses specified in this subsection, or any felony enumerated in this section if the offender was previously convicted of a felony under subsection (g) or (h) of this section, the division shall

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verify the accuracy of the offender's registered address, and the offender shall report, in person, his current address to the sheriff in the county in which the offender resides every three (3) months 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)~~(k) 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)~~ three (3) working 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:~~ except for that information collected in accordance with paragraph (c)(iii) of this section which information shall be a matter of public record.

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

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information, to the district attorney of the county where 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 make a finding 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~~ In addition, the following shall apply:

(ii) ~~If the risk of reoffense is moderate,~~ If the offender was convicted of an offense specified in W.S. 7-19-302(h) or (j), 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



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organizations, ~~as well as to the persons authorized under paragraph (i) of this subsection, through means specified in the court's 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;

(iii) ~~If the risk of reoffense is high,~~ Notification of registration under this act shall be provided to the public through a public registry, ~~and through any additional means specified in the court's order,~~ as well as to the persons and entities required by ~~paragraphs (i) and~~ paragraph (ii) of this subsection. The division shall make the public registry available to the public through electronic internet technology and shall include:

(H) History of all criminal convictions;  
and

(J) The license plate number and a description of any vehicle owned or operated by the offender.

(iv) The division shall adopt rules necessary to provide for the maintenance and dissemination of the information contained in the central registry of offenders.

(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~~

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~~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.

(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.~~

(k) The legislature directs the division to facilitate access to the information on the public registry available through electronic internet technology without the need to consider or assess the specific risk of reoffense with respect to any individual prior to his inclusion within the registry, and the division shall place a disclaimer on the division's internet website indicating that:

(i) No determination has been made that any individual included in the registry is currently dangerous;

(ii) Individuals included within the registry are included solely by virtue of their conviction record and state law; and

(iii) The main purpose of providing the information on the internet is to make the information more easily available and accessible, not to warn about any specific individual.

**7-19-304. Termination of duty to register.**

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(a) The duty to register under W.S. 7-19-302 shall ~~terminate as follows~~ begin on the date of sentencing and continue for the duration of the offender's life, subject to the following:

(i) For an offender ~~other than an aggravated sex offender or a recidivist~~ specified in W.S. 7-19-302(g), the duty to register shall end ~~ten (10)~~ fifteen (15) years after the offender was released from prison, placed on parole, supervised release or probation, provided the registration period shall be tolled for subsequent periods of confinement. The period of registration under this paragraph may be reduced by five (5) years if the offender maintains a clean record as provided in subsection (d) of this section; and

(ii) ~~For An aggravated sex offender or a recidivist, the duty to register shall continue for the duration of the offender's life~~ specified in W.S. 7-19-302(h) who has been registered for at least twenty-five (25) years, exclusive of periods of confinement, may petition the district court for the district in which the offender is registered to be relieved of the duty to continue to register. Upon a showing that the offender has had no further felony or misdemeanor convictions during the period of registration, the district court may order the offender relieved of the duty to continue registration.

(d) A registration period under subsection (a) of this section may be reduced if, after the duty to register arises, the offender specified in W.S. 7-19-302(g) maintains a clean record for ten (10) years by:

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(i) Having no conviction of any offense for which imprisonment for more than one (1) year may be imposed;

(ii) Having no conviction of any sex offense;

(iii) Successfully completing any periods of supervised release, probation and parole; and

(iv) Successfully completing an appropriate sex offender treatment program certified by the state.

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

(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)~~ through (j), 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)~~ 7-19-302(k), is punishable as provided in subsections (c) and (d) of this section.

(c) A person who knowingly fails to register as required by W.S. 7-19-302 is guilty of a ~~high misdemeanor~~ felony punishable by a fine of up to ~~seven hundred fifty dollars (\$750.00)~~ one thousand dollars (\$1,000.00), imprisonment for not more than ~~one (1) year~~ five (5) years, or both.

(d) A person convicted of a subsequent violation of knowingly failing to register as required by W.S. 7-19-302 is guilty of a felony punishable by a fine of one thousand

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dollars (\$1,000.00), imprisonment for not more than ~~five~~  
~~(5)-ten~~ (10) years, or both.

**Section 2** W.S. 7-19-301(a)(i), (ii) and (xii) through (xiv) and 7-19-303(b)(i), (ii), (c)(i), (d) and (e) are repealed.

**Section 3.** There is appropriated two hundred thousand dollars (\$200,000.00) from the general fund to the attorney general for the period beginning with the effective date of this section and ending June 30, 2008. The funds appropriated under this section shall only be used to purchase computer equipment and software necessary to implement the registration and notification requirements under W.S. 7-19-301 through 7-19-307.

**Section 4.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2007.

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(b) Section 3 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(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