

SENATE FILE NO. SF0061

Sex offender registration.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to registration of sex offenders; amending
2 sex offender registration requirements; amending a
3 definition; clarifying with which law enforcement agency an
4 offender is required to register; amending information an
5 offender is required to provide; conforming registration
6 deadlines; specifying the category of offense under which
7 an offender will be classified if information is not
8 available to determine the proper classification;
9 clarifying the procedure for seeking a reduction in the
10 registration period for an offender; and providing for an
11 effective date.

12

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

14

15 **Section 1.** W.S. 7-19-301(a)(xi), 7-19-302(a)(intro),
16 (ix), (x), by creating a new paragraph (xi), (c)(i), (ii),
17 (iv), (d), (e), (g) through (k) and by creating new

1 subsections (m) through (o), 7-19-303(a), (c)(ii) and
2 (iii)(H), 7-19-304(a)(i) and (d)(iv), 7-19-305(a)(ii),
3 (iii) and (vi), 7-19-307(a) and 7-19-308(a)(intro) are
4 amended to read:

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6 **7-19-301. Definitions.**

7
8 (a) Unless otherwise provided, for the purposes of
9 this act:

10
11 (xi) "Reside" and words of similar import mean
12 ~~having established a permanent or temporary residence for~~
13 ~~ten (10) or more days;~~ the physical address of each
14 residence of an offender, including:

15
16 (A) All real property owned by the offender
17 that is used by the offender for the purpose of shelter or
18 other activities of daily living;

19
20 (B) Any physical address where the offender
21 habitually visits; and

22
23 (C) Temporary domiciles such as hotels,
24 motels, public or private housing, camping areas, parks,

1 public buildings, streets, roads, highways, restaurants,
2 libraries or other places the offender may frequent and use
3 for shelter or other activities of daily living.

4
5 **7-19-302. Registration of offenders; procedure;**
6 **verification.**

7
8 (a) Any offender residing in this state or entering
9 this state for the purpose of residing, attending school or
10 being employed in this state shall register with the
11 ~~division of criminal investigation~~ sheriff of the county in
12 which he resides, attends school or is employed, or other
13 relevant entity ~~in accordance with the provisions of this~~
14 ~~act~~ specified in subsection (c) of this section. The
15 offender shall be photographed, fingerprinted and
16 palmprinted by the registering entity or another law
17 enforcement agency and shall provide the following
18 additional information when registering:

19
20 (ix) The license plate number and a description
21 of any vehicle owned or operated by the offender; ~~and~~

22
23 (x) A DNA sample. As used in this paragraph,
24 "DNA" means as defined in W.S. 7-19-401(a)(vi) ~~;~~ and

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(xi) The age of each victim.

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

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(i) Offenders who, on or after July 1, 1999, are in custody of the department, local jail or a public or private agency pursuant to a court order, as a result of an offense subjecting them to registration, who are sentenced on or after January 1, 1985, shall register prior to release from custody. The agency with custody of the offender immediately prior to release shall register the offender and perform the duties specified in W.S. 7-19-305.If the offender refuses to register or refuses to provide the required information, the agency shall so notify local law enforcement before releasing the offender;

1 entered shall register the offender and perform the related
2 duties specified in W.S. 7-19-305 unless the offender does
3 not reside in the county where the judgment and sentence is
4 entered, in which case he shall register in the county in
5 which he resides within three (3) working days;

6
7 (iv) Offenders convicted of an offense
8 subjecting them to registration, who are sentenced on or
9 after January 1, 1985, who reside in or enter this state
10 and who are not under the jurisdiction or custody of the
11 department, board of parole or other public agency as a
12 result of that offense shall register ~~with the division~~ on
13 or before August 1, 1999, if a current resident, or within
14 three (3) working days of entering this state if not a
15 current resident.

16
17 (d) ~~The division shall accept registration~~
18 ~~information for~~ A nonresident who is employed or attends
19 school in this state. ~~For purposes of this subsection,~~
20 ~~"registration information" means the registrant's place of~~
21 ~~employment or the school attended in this state and his~~
22 ~~address in his state of residence~~ shall register with the
23 county sheriff of the county in which he is employed or
24 attends school. A resident or nonresident who is employed,

1 resides or attends school in more than one (1) location in
2 this state, shall register with the county sheriff of each
3 county in which he is employed, resides or attends school.

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

6
7 (e) If any person required to register under this act
8 changes his residence address within the same county, he
9 shall ~~send written~~ provide notice of the change of address
10 in person to the ~~division~~ sheriff of the county in which he
11 resides within three (3) working days of establishing the
12 new residence. If any person required to register under
13 this act moves to a new county in this state, he shall
14 notify ~~the division,~~ in person the county sheriff in the
15 new county and the county sheriff of the county of his
16 previous residence within three (3) working days of
17 establishing the new residence. If the person changes
18 residence to another state and that state has a
19 registration requirement, the division shall, within three
20 (3) working days of receipt of the information, notify the
21 law enforcement agency with which the person must register
22 in the new state. Any person who has not established a new
23 residence within three (3) working days of leaving his
24 previous residence, or becomes transient through lack of

1 residence, shall report on a weekly basis to the sheriff in
2 the county in which he is registered, until he establishes
3 another residence. ~~The division shall, within three (3)~~
4 ~~working days of receipt of a registration or notice of~~
5 ~~change of address, notify the sheriff of the county in~~
6 ~~which an offender resides, unless the division received the~~
7 ~~registration information from the sheriff~~ The information
8 provided to a sheriff under this subsection shall be
9 transmitted by the sheriff to the division within three (3)
10 working days of receipt for entry into the central
11 registry. The division shall ~~also~~ notify the victim, or if
12 the victim is a minor the victim's parent or guardian,
13 within the same time period if the victim, or a minor
14 victim's parent or guardian, has requested in writing that
15 the division provide notification of a change of address of
16 the offender and has provided the division a current
17 address of the victim, parent or guardian as applicable.

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19 (g) For an offender convicted of a violation of W.S.
20 6-2-202 if the victim was a minor and the offender is not
21 the victim's parent or guardian, W.S. 6-2-203 if the victim
22 was a minor and the offender is not the victim's parent or
23 guardian, W.S. 6-2-315(a)(iv), 6-2-316(a)(iii) and (iv),
24 6-2-317(a)(i), 6-4-303(b)(iv) or W.S. 6-4-304(b) if the

1 victim was a minor, or an attempt or conspiracy to commit
2 any of the offenses specified in this subsection, the
3 division shall annually verify the accuracy of the
4 offender's registered address, and the offender shall
5 annually report, in person, his current address to the
6 sheriff in the county in which the offender resides, during
7 the period in which he is required to register. During the
8 annual in-person verification, the sheriff shall photograph
9 the offender. Confirmation of the in-person verification
10 required under this subsection, along with the photograph
11 of the offender, shall be transmitted by the sheriff to the
12 division within three (3) working days. Any person under
13 this subsection who has not established a residence or is
14 transient, and who is reporting to the sheriff as required
15 under subsection (e) of this section, shall be deemed in
16 compliance with the address verification requirements of
17 this section.

18
19 (h) For an offender convicted of a violation of W.S.
20 6-2-304(a)(iii) if the victim was at least fourteen (14)
21 years of age, W.S. 6-2-314(a)(ii) and (iii),
22 6-2-315(a)(iii), 6-2-316(a)(i), 6-2-317(a)(ii) or 6-2-318,
23 W.S. 6-4-102 if the person solicited was a minor, W.S.
24 6-4-103 if the person enticed or compelled was a minor,

1 W.S. 6-4-302(a)(i) if the offense involves the use of a
2 minor in a sexual performance or W.S. 6-4-303(b)(i) through
3 (iii), an attempt or conspiracy to commit any of the
4 offenses specified in this subsection, or any felony
5 enumerated in this section if the offender was previously
6 convicted of a felony under subsection (g) of this section,
7 the division shall verify the accuracy of the offender's
8 registered address, and the offender shall report, in
9 person, his current address to the sheriff in the county in
10 which the offender resides, every six (6) months after the
11 date of the initial release or commencement of parole. If
12 the offender's appearance has changed substantially, and in
13 any case at least annually, the sheriff shall photograph
14 the offender. Confirmation of the in-person verification
15 required by this subsection, and any new photographs of the
16 offender, shall be transmitted by the sheriff to the
17 division within three (3) working days. Any person under
18 this subsection who has not established a residence or is
19 transient, and who is reporting to the sheriff as required
20 under subsection (e) of this section, shall be deemed in
21 compliance with the address verification requirements of
22 this section.

23

1 (j) For an offender convicted of a violation of W.S.
2 6-2-201 if the victim was a minor, W.S. 6-2-302 or 6-2-303,
3 W.S. 6-2-304(a)(iii) if the victim was under fourteen (14)
4 years of age, W.S. 6-2-314(a)(i), 6-2-315(a)(i) and (ii),
5 6-2-316(a)(ii), 6-4-402, an attempt or conspiracy to commit
6 any of the offenses specified in this subsection, or any
7 felony enumerated in this section if the offender was
8 previously convicted of a felony under subsection ~~(g) or~~
9 (h) of this section, the division shall verify the accuracy
10 of the offender's registered address, and the offender
11 shall report, in person, his current address to the sheriff
12 in the county in which the offender resides every three (3)
13 months after the date of the initial release or
14 commencement of parole. If the offender's appearance has
15 changed substantially, and in any case at least annually,
16 the sheriff shall photograph the offender. Confirmation of
17 the in-person verification required by this subsection, and
18 any new photographs of the offender, shall be transmitted
19 by the sheriff to the division within three (3) working
20 days. Any person under this subsection who has not
21 established a residence or is transient, and who is
22 reporting to the sheriff as required under subsection (e)
23 of this section, shall be deemed in compliance with the
24 address verification requirements of this section.

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2 (k) ~~In addition to any other requirements of this~~
3 ~~section and of this act,~~ Any person required to register
4 under this act shall provide information in ~~writing~~ person
5 to the sheriff of the county in which he is registered and
6 to any other relevant registering entity specified in
7 subsection (c) of this section regarding each change in
8 employment or enrollment status at any educational
9 institution in this state, including any of the information
10 collected pursuant to subsection (a) of this section within
11 three (3) working days of the change to the entity with
12 whom the offender last registered. This information shall
13 be forwarded immediately from the registering entity to the
14 division on a form prescribed by the division, and the
15 division shall then enter the information into the central
16 registry and forward the information to the campus police
17 department or other law enforcement agency with
18 jurisdiction over the educational institution.

19

20 (m) Any person required to register under this act
21 shall provide information in person to the sheriff of the
22 county in which he is registered and to any other relevant
23 registering entity specified in subsection (c) of this
24 section regarding each change of employment and shall

1 disclose all places of employment if there is more than one
2 (1), including any loss of employment, within three (3)
3 working days of the change to the entity with whom the
4 offender last registered. The information shall be
5 forwarded within three (3) working days from the
6 registering entity to the division and the division shall
7 then enter the information into the central registry.

8
9 (n) Any person required to register under this act
10 shall provide any new or updated information in person to
11 the sheriff of the county in which he is registered and to
12 any other relevant registering entity specified in
13 subsection (c) of this section regarding any changes,
14 modifications or other information necessary to keep
15 current any of the information specified in this section
16 and W.S. 7-19-303, within three (3) working days of the
17 change to the entity with whom the offender last
18 registered. The information shall be forwarded within
19 three (3) working days from the registering entity to the
20 division and the division shall then enter the information
21 into the central registry.

22
23 (o) If the division lacks sufficient information or
24 documentation to identify the offender's crime for which

1 convicted or equivalent Wyoming offense, it shall register
2 the offender as if he were convicted of an offense listed
3 in subsection (j) of this section. If the division
4 receives additional verifiable information or documentation
5 that demonstrates that the offender was not convicted of an
6 offense specified under subsection (j) of this section or
7 an offense from any other jurisdiction containing the same
8 or similar elements or arising out of the same or similar
9 facts or circumstances, it shall modify the offender's
10 status.

11
12 **7-19-303. Offenders central registry; dissemination**
13 **of information.**

14
15 (a) An entity registering an offender shall forward
16 the information and fingerprints obtained pursuant to W.S.
17 7-19-302 to the division within three (3) working days. The
18 division shall maintain a central registry of offenders
19 required to register under W.S. 7-19-302 and shall adopt
20 rules necessary to carry out the purposes of W.S. 7-19-302.
21 The division shall immediately enter information received
22 pursuant to this act into the central registry and shall
23 immediately transmit the conviction data, palmpoints and

1 fingerprints to the federal bureau of investigation and
2 national sex offender registry.

3
4 (c) The division shall provide notification of
5 registration under this act, including all registration
6 information, to the district attorney of the county where
7 the registered offender is residing at the time of
8 registration or to which the offender moves. In addition,
9 the following shall apply:

10
11 (ii) If the offender was convicted of an offense
12 specified in W.S. 7-19-302(h) or (j), notification shall be
13 provided by mail, personally or by any other means
14 reasonably calculated to ensure delivery of the notice to
15 residential neighbors within at least seven hundred fifty
16 (750) feet of the offender's residence, organizations in
17 the community, including schools, religious and youth
18 organizations by the sheriff or his designee. In addition,
19 notification regarding an offender employed by or attending
20 school at any educational institution shall be provided
21 upon request by the educational institution to a member of
22 the institution's campus community as defined by subsection
23 (h) of this section;

(iii) Notification of registration under this act shall be provided to the public through a public registry, as well as to the persons and entities required by 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 subjecting an offender to the registration requirements of this act; and

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

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

(i) For an offender specified in W.S. 7-19-302(g), the duty to register shall end 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 offender may petition the district court for the district in the which the offender is

1 registered to reduce the period of registration under this
2 paragraph ~~may be reduced~~ by five (5) years if the offender
3 maintains a clean record as provided in subsection (d) of
4 this section; and

5

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

10

11 (iv) Successfully completing ~~an appropriate~~ any
12 sex offender treatment ~~program certified by the state~~
13 previously ordered by the trial court or by his probation
14 or parole agent.

15

16 **7-19-305. Registration; duties of registering**
17 **entities; notice to persons required to register.**

18

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

1 offender. When registering an offender the registering
2 entity shall:

3

4 (ii) Inform the offender that if he changes
5 residence address he shall give the new address to the
6 ~~division~~ sheriff in ~~writing~~ person within ~~ten (10)~~ three
7 (3) working days, or if he ~~has not established a new~~
8 ~~residence within ten (10) days of leaving his previous~~
9 ~~residence or~~ becomes transient through lack of residence,
10 he shall report on a weekly basis to the sheriff in the
11 county in which he is registered until he establishes
12 another residence;

13

14 (iii) Inform the offender that if he changes
15 residence to another state, he shall register the new
16 address with the law enforcement agency with whom he last
17 registered and shall also register with the designated law
18 enforcement agency in the new state not later than ~~ten (10)~~
19 three (3) working days after establishing residence in the
20 new state;

21

22 (vi) Inform the offender that in addition to any
23 other registration requirements of this act, if the
24 offender becomes employed by or attends school at any

1 educational institution in this state, or if his status of
2 employment or enrollment at any educational institution in
3 this state as reported during his last registration changes
4 in any manner, he shall register the change within ~~ten (10)~~
5 three (3) working days of the change with the entity with
6 whom he last registered.

7
8 **7-19-307. Penalties.**

9
10 (a) Failure to register or update any registration
11 information within the time required under W.S. 7-19-302
12 constitutes a per se violation of this act and is
13 punishable as provided in subsections (c) and (d) of this
14 section. ~~Failure to report his address as required by W.S.~~
15 ~~7-19-302(g) through (j), or failure to provide information~~
16 ~~regarding any change in employment or enrollment status at~~
17 ~~any educational institution in this state as required by~~
18 ~~W.S. 7-19-302(k), is punishable as provided in subsections~~
19 ~~(c) and (d) of this section.~~

20
21 **7-19-308. Harboring a sex offender; penalties;**
22 **exceptions.**

1 (a) A person is guilty of the crime of harboring,
2 assisting, concealing, or withholding information about, a
3 sex offender, if the person has knowledge that a sex
4 offender ~~who~~ is required to register under W.S. 7-19-302 ~~is~~
5 ~~not complying, or has not complied, with the requirements~~
6 ~~of W.S. 7-19-302~~ and the person:

8 **Section 2.** This act is effective July 1, 2009.

10 (END)