



Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

Regular Rules

1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address	h. Adoption Date	
i. Program		

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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3. State Government Notice of Intended Rulemaking

- a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:
- approved as to form by the Registrar of Rules; and
 - provided to the Legislative Service Office and Attorney General:
- October 4, 2017
 - October 3, 2017

4. Public Notice of Intended Rulemaking

- a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No, Yes, N/A
- b. A public hearing was held on the proposed rules. No, Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

- c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

5. Final Filing of Rules

- a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: October 3, 2017
- b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office: October 4, 2017
- c. The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Peter K. Michael
Signatory Title	Attorney General
Date of Signature	October 3, 2017

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	



Office of the Attorney General

Governor
Matthew H. Mead

Attorney General
Peter K. Michael

Criminal Division
2320 Capitol Avenue
Cheyenne, Wyoming 82002
307-777-7977 Telephone
307-777-5034 Fax

Chief Deputy Attorney General
John G. Knepper

MEMORANDUM

DATE: October 3, 2017
TO: Interested Parties
FROM: Peter K. Michael, Wyoming Attorney General
SUBJECT: Statement of Principal Reasons for Rule Adoption

During the 2017 General Session, the Legislature adopted House Enrolled Act 86 (HEA86). This legislation amends the Wyoming Sex Offender Registration Act, Wyoming Statutes §§ 7-19-301 through -310, requiring sex offenders to pay registration and reporting fees associated with the Act. This legislation became effective July 1, 2017, and contains certain rulemaking requirements for Wyoming Attorney General's Office, Division of Criminal Investigation to effectuate its purpose. To this end, emergency rules are currently in place. Permanent rules are necessary to fully implement HEA86. Additional changes were made for the purpose of simplifying and clarifying the current rules.

SUMMARY OF COMMENTS

The Attorney General received no comments on the proposed rules during the 45-day comment period.

CHAPTER 2

DEFINITIONS

Section 1. Definitions.

(a) As used in these rules:

(i) “Address” means the actual address of the physical location where the sex offender resides; “address” does not mean a post office box number of general delivery;

(ii) ~~“Division” means the Division of Criminal Investigation within the Office of the Attorney General of the State of Wyoming as defined by W.S. § 9-1-611~~“Indigent offender” means an offender who has been determined by the Division to have insufficient income to afford the costs incurred as a result of being required to register as a sex offender;

(iii) ~~“Reside” and words of similar import mean having established a permanent or temporary domicile for thirty (30) or more days~~“Material Change” means a change in an offender’s economic status resulting in his inability to pay the required initial sex offender registration fees or the fees for reporting updated sex offender information;

(iv) ~~“Sex offender” means a person who has been convicted of a sex offense, as defined in W.S. 7-19-301(a) (v), in which the victim was less than sixteen (16) years of age and the offender was at least four (4) years older than the victim~~“Sheriff” means any duly qualified and acting Sheriff or his Undersheriff or Deputy to whom the Sheriff’s duties hereunder may have been delegated by the Sheriff;

(v) ~~“Sheriff” means any duly qualified and acting Sheriff or his Undersheriff or Deputy to whom the Sheriff’s duties hereunder may have been delegated by the Sheriff~~“Social Security Number” means the social security number assigned by the Social Security Administration to the offender;

(vi) ~~“Social Security Number” means the social security number assigned by the Social Security Administration to the applicant~~The singular includes the plural, the plural the singular, and the masculine the feminine or neuter when consistent with the intent of these rules and necessary to effect their purpose.

~~(vii) The singular includes the plural, the plural the singular, and the masculine the feminine or neuter when consistent with the intent of these rules and necessary to effect their purpose;~~

~~(viii) This act means W.S. 7-19-301 through 7-19-306 (1994 Cum. Supp.).~~

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(a) As used in these rules:

(i) “Address” means the actual address of the physical location where the sex offender resides; “address” does not mean a post office box number of general delivery;

(ii) “Indigent offender” means an offender who has been determined by the Division to have insufficient income to afford the costs incurred as a result of being required to register as a sex offender;

(iii) “Material Change” means a change in an offender’s economic status resulting in his inability to pay the required initial sex offender registration fees or the fees for reporting updated sex offender information;

(iv) “Sheriff” means any duly qualified and acting Sheriff or his Undersheriff or Deputy to whom the Sheriff’s duties hereunder may have been delegated by the Sheriff;

(v) “Social Security Number” means the social security number assigned by the Social Security Administration to the offender;

(vi) The singular includes the plural, the plural the singular, and the masculine the feminine or neuter when consistent with the intent of these rules and necessary to effect their purpose.

CHAPTER 3

REGISTRATION PROCEDURES

Section 1. Registration Form; Contents and Procedure.

(a) Each sex offender required to register under this act shall complete a registration form prepared by the Division. Registration forms shall be available from each Sheriff's office. The sex offender is required to provide the following information when registering:

- (i) Name, including any aliases ever used;
- (ii) Current address;
- (iii) Date and place of birth;
- (iv) Social Security #Number;
- (v) Name and address of employer;
- (vi) Date and place of conviction; and
- (vii) Crime for which convicted.

(b) The official receiving the registration from the sex offender shall insure the form is complete and that the sex offender has signed and dated the registration form. The official shall complete the part marked for sSheriff's use only.

Section 2. Requirements for Fingerprinting.

(a) Each sex offender required to register under this act shall be fingerprinted by the sSheriff of the county of residence on a standard 8 x 8 ~~black~~red fingerprint card, which card must contain the following information:

- (i) Complete name of sex offender;
- (ii) Signature of person fingerprinted;
- (iii) All aliases used;
- (iv) Contributor's agency and ORI;
- (v) Date of birth;

- (vi) Date and signature of person taking fingerprints;
- (vii) Date of registration (in date of arrest box);
- (viii) Sex, race, height, eye color, hair color, and place of birth;
- (ix) Citizenship;
- (x) FBI number if known;
- (xi) SID number if known;
- (xii) Social sSecurity #Number;

(xiii) The statement SEX OFFENDER REGISTRATION entered in the box marked offense description, and the offense for which convicted as indicated on the registration form.

(b) All information shall be either typewritten or printed legibly on the fingerprint card. Failure to do so may result in the card being returned to the sSheriff for correction.

(c) Procedures for obtaining classifiable fingerprints to be submitted to the Division shall comply with those specified in Chapter III, Section 3 of the Wyoming Attorney General's rules and regulations promulgated under the Wyoming Criminal History Record Act, W.S. §§ 7-19-101 through -109, as amended~~Division's Criminal History Record Act Rules and Regulations.~~

Section 3. Requirements for Photographs.

(a) Each sex offender required to register under this act shall be photographed by the sSheriff of the county of registration. ~~Photographs should be of the Polaroid type. A new photograph is required; file photos may not be used. The reverse side of the photograph shall have printed on it the following information:~~

- ~~(i) Sex offender's name~~
- ~~(ii) Sex offender's date of birth;~~
- ~~(iii) SID of the sex offender, if known.~~

~~Section 4. Submission of Information to the Division.~~

~~The county sheriff shall forward the completed registration form, fingerprints and photograph as a single packet to the Division within five (5) working days.~~

~~Section 5. — Change of Address.~~

~~(a) — 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 county sheriff within ten (10) days of establishing the new residence. Within five (5) working days of receiving the change of address notification, the sheriff shall complete and forward to the Division a new registration form, indicating a change of address. The registration form shall include:~~

- ~~(i) Complete name of sex offender;~~
- ~~(ii) Date of birth;~~
- ~~(iii) New residence address;~~
- ~~(iv) Complete information in the box marked for sheriff's use only.~~

~~Section 6. — Reimbursement to the Counties.~~

~~(a) — The Division will reimburse counties fifteen dollars (\$15.00) for each complete sex offender registration packet received pursuant to Sections 1 through 4, or 5 (b) of this Chapter. Reimbursement to a county will occur once each month.~~

Section 4. Sex Offender Registration Fees

(a) At the time of initial registration, an offender shall pay a state registration fee in the amount of one hundred and twenty dollars (\$120.00). Fees shall be submitted to the Sheriff's office of the offender's county of residence.

(b) Each time an offender is required to report updated information under the Act, he shall pay a state reporting fee of twenty-five dollars (\$25.00).

(c) County registration fees collected for initial registration and county fees collected for updating offender information shall be separate from and in addition to all state registration fees.

(d) No fee shall be charged to an offender during the time in which he is in the custody of the Department, a local jail or a public or private agency pursuant to a court order during the period in which the offender is in custody. Once such custody has terminated, the offender shall be charged the initial state registration fee in the amount of one hundred and twenty dollars (\$120.00), along with the attendant county registration fee.

(e) If an offender is an unemancipated juvenile, all fees due and owing under this section shall be the responsibility of the juvenile's parent or guardian having legal custody.

(f) On a monthly basis each county Sheriff's office shall remit to the Division all fees collected for the previous month, along with a statement indicating the offender from whom the fees were collected. Said fees shall be remitted to the Division by means of a check or an electronic payment.

Section 5. Indigency Applications and Procedure

(a) Indigency applications shall be made available by the Division to all Sheriffs' offices and through the division's website.

(b) In determining whether an offender classifies as an "indigent offender" for the purpose of registration fees and reporting fees, the Division shall take following factors into consideration:

(i) offender's net income;

(ii) offender's monthly expenses

(iii) offender's bank accounts and savings;

(iv) any property or real estate owned by the offender;

(v) outstanding financial obligations owed by the offender;

(vi) number and age of offender's dependents, if any;

(vii) Any other factors the Division deems necessary and relevant to an offender's ability to pay registration and reporting fees.

(c) Completed indigency applications shall be notarized and, along with all supporting documentation regarding the factors identified in subsection (b) of this section, shall be submitted to the Sheriff's office of the offender's county of residence; applications and supporting documentation shall thereafter be remitted by the Sheriff's office to the division for an indigency determination.

(d) Upon making its indigency determination, the Division shall notify the offender of its determination by letter delivered to the offender's mailing address on record with the Division.

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(b) The official receiving the registration from the sex offender shall insure the form is complete and that the sex offender has signed and dated the registration form. The official shall complete the part marked for Sheriff's use only.

Section 2. Requirements for Fingerprinting.

(a) Each sex offender required to register under this act shall be fingerprinted by the Sheriff of the county of residence on a standard 8 x 8 red fingerprint card, which card must contain the following information:

- (i) Complete name of sex offender;
- (ii) Signature of person fingerprinted;
- (iii) All aliases used;
- (iv) Contributor's agency and ORI;
- (v) Date of birth;

- (vi) Date and signature of person taking fingerprints;
- (vii) Date of registration (in date of arrest box);
- (viii) Sex, race, height, eye color, hair color, and place of birth;
- (ix) Citizenship;
- (x) FBI number if known;
- (xi) SID number if known;
- (xii) Social Security Number;

(xiii) The statement SEX OFFENDER REGISTRATION entered in the box marked offense description, and the offense for which convicted as indicated on the registration form.

(b) All information shall be either typewritten or printed legibly on the fingerprint card. Failure to do so may result in the card being returned to the Sheriff for correction.

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