



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised November 2016

1. General Information			
a. Agency/Board Name* Wyoming Attorney General's Office			
b. Agency/Board Address 2320 Capitol Avenue	c. City Cheyenne	d. Zip Code 82002	
e. Name of Agency Liaison John Brodie	f. Agency Liaison Telephone Number (307) 777-7977		
g. Agency Liaison Email Address john.brodie@wyo.gov			
h. Date of Public Notice 08/10/2017	i. Comment Period End Date 09/25/2017		
j. Public Comment URL or Email Address: john.brodie@wyo.gov			
k. Program Sex Offender Registration			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
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?			
<input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes. Please provide the Enrolled Act Numbers and Years Enacted: HEA0086 (2017)			
3. Rule Type and Information			
a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter. <i>Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.</i>			
Chapter Number:	Chapter Name:	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
2	Definitions		
Chapter Number:	Chapter Name:	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
3	Registration Procedures		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

Not Applicable.

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

_____ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

_____ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	Peter K. Michael <i>PKM</i>
<i>Title of Authorized Individual</i>	Attorney General
<i>Date of Authorization</i>	<i>8/3/17</i>



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

Division Deputy
David L. Delicath

MEMORANDUM

DATE: August 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.

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) “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.

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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) ~~“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.).~~

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 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.

(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.

Section 3. Requirements for Photographs.

(a) Each sex offender required to register under this act shall be photographed by the Sheriff of the county of registration.

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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- (iii) Date and place of birth;
- (iv) Social Security ~~h~~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 ~~s~~heriff's use only.

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

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- (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;
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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

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(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.

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