

HOUSE BILL NO. HB0015

Sex offender registration fees and penalties.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to sex offender registration; providing for
 2 registration and reporting fees as specified; creating the
 3 sex offender registration account; requiring rulemaking;
 4 establishing penalties; and providing for an effective
 5 date.

6

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

8

9 **Section 1.** W.S. 7-19-310 is created to read:

10

11 **7-19-310. Sex offender registration account;**
 12 **purposes.**

13

14 There is created the sex offender registration account to
 15 be administered by the division. Any state registration or
 16 reporting fees collected pursuant to W.S. 7-19-302 shall be

1 deposited into the account. Funds in the account shall be
2 expended only upon appropriation by the legislature and
3 shall not be transferred or expended for any purpose other
4 than administering and enforcing the provisions of this
5 act. Interest accruing to the account shall be retained in
6 the account and shall be expended for the purposes provided
7 in this section.

8

9 **Section 2.** W.S. 7-19-301(a)(xv), 7-19-302 by creating
10 new subsections (r) through (u) and 7-19-307(a) and by
11 creating a new subsection (e) are amended to read:

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13 **7-19-301. Definitions.**

14

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

17

18 (xv) "This act" means W.S. 7-19-301 through
19 ~~7-19-309~~ 7-19-310;

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21 **7-19-302. Registration of offenders; procedure;
22 verification; fees.**

23

1 (r) Except as provided in subsection (s) of this
2 section, all offenders required to register or report
3 pursuant to this act shall pay fees established by rules of
4 the division. The division shall establish fees in
5 accordance with the following:

6
7 (i) At the time of initial registration, the
8 offender shall pay a state registration fee in an amount
9 not to exceed eighty dollars (\$80.00) and a county
10 registration fee in an amount equal to twenty-five percent
11 (25%) of the state registration fee;

12
13 (ii) Each time the offender is required to
14 report under the applicable provisions of subsections (g)
15 through (j) of this section, the offender shall pay a state
16 reporting fee in an amount not to exceed sixty dollars
17 (\$60.00) and a county reporting fee in an amount equal to
18 twenty-five percent (25%) of the state reporting fee. An
19 offender who has not established a residence or is
20 transient and who is reporting to the sheriff as required
21 under subsection (e) of this section shall pay the fees
22 required under this paragraph at the reporting intervals

1 specified under the applicable provisions of subsections
2 (g) through (j) of this section;

3
4 (iii) The state registration and reporting fees
5 established by the division shall, to the extent
6 practicable, generate a total revenue that approximates,
7 but does not exceed, the direct and indirect costs of
8 administering and enforcing the provisions of this act.

9
10 (s) No fee required under subsection (r) of this
11 section shall be charged to:

12
13 (i) An offender in custody of the department, a
14 local jail or a public or private agency pursuant to a
15 court order during the period in which the offender is in
16 custody;

17
18 (ii) An offender who updates information
19 pursuant to subsection (e), (f), (k), (m), (n) or (q) of
20 this section;

21
22 (iii) An indigent offender, as provided in rules
23 established by the division. The rules shall establish

1 criteria and procedures for determinations of indigency in
2 accordance with the following:

3
4 (A) Standards for indigency shall be
5 similar to the standards used to determine indigency for
6 the purposes of the appointment of counsel;

7
8 (B) An offender shall apply for a
9 determination of indigency at the time of registration or
10 reporting by submitting to the division or the sheriff of
11 the county in which the offender is required to register or
12 report, under penalty of perjury, an application and
13 supporting documentation regarding the offender's income,
14 property owned, outstanding obligations, number and ages of
15 the offender's dependents and any other factors relevant to
16 the offender's ability to pay registration and reporting
17 fees. The application and information shall detail the
18 offender's financial status for a period of not less than
19 one (1) year preceding the date of the application;

20
21 (C) If an offender is unable to submit a
22 complete application at the time of registration or
23 reporting, the offender may submit an application to the

1 division or the sheriff of the county in which the offender
2 is required to register or report within thirty (30) days
3 of registration or reporting. Failure to submit an
4 application and all required information within thirty (30)
5 days of registration or reporting shall be deemed to be a
6 waiver of the offender's ability to request a determination
7 of indigency and the fees required under subsection (r) of
8 this section shall be payable;

9
10 (D) The division shall approve or deny an
11 application for a determination of indigency and provide
12 notice of the determination to the offender within thirty
13 (30) days of receipt of the application;

14
15 (E) The division's determination that the
16 offender is indigent shall be valid for a period of one (1)
17 calendar year from the registration or reporting date for
18 which the application was submitted. Upon the expiration
19 of the period, the offender may submit an application for a
20 new determination of indigency;

21
22 (F) If the division determines the offender
23 is not indigent, the offender shall pay the fees required

1 under subsection (r) of this section within thirty (30)
2 days from the date the offender receives notice of the
3 denial. An offender may apply for a determination of
4 indigency only once per calendar year, unless the offender
5 can show a material change in circumstances;

6
7 (G) The division's determination that an
8 offender is not indigent is an agency action subject to
9 judicial review as provided under W.S. 16-3-114 and
10 16-3-115.

11
12 (t) The sheriff of the county in which the offender
13 is required to register or report shall:

14
15 (i) Collect the fees required under subsection
16 (r) of this section;

17
18 (ii) Retain the county registration and
19 reporting fees collected to be expended for purposes of
20 administering and enforcing the provisions of this act and
21 to cover the administrative expenses and costs of
22 collecting and remitting the state registration and
23 reporting fees;

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(iii) Remit to the division the state registration and reporting fees to be deposited in the sex offender registration account created by W.S. 7-19-310; and

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6

(iv) Forward to the division any applications for a determination of indigency.

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(u) If an offender fails to pay the fees required under subsection (r) of this section, the sheriff of the county in which the offender is required to register or report shall provide to the division the registration or reporting information required under this act and notify the division of the offender's failure to pay. Unpaid fees become delinquent thirty (30) days after the date the fee is imposed, the date the offender waives the ability to request a determination of indigency by failing to submit an application or the date the division notifies the offender he does not qualify as indigent, whichever is later. Unpaid fees may be collected by the division as otherwise provided by law and as provided in W.S. 9-1-415(a). Nothing in this subsection shall be construed

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1 to prohibit the prosecution of an offender for failure to
2 register or report or for any other offense.

3
4 **7-19-307. Penalties.**

5
6 (a) Failure to register, ~~or~~ update any registration
7 information or pay any fee required under subsection (r) of
8 this section within the time required under W.S. 7-19-302
9 constitutes a per se violation of this act and is
10 punishable as provided in ~~subsections (c) and (d) of~~ this
11 section. The division shall notify the appropriate
12 authorities when it discovers that an offender fails to
13 register, ~~or~~ update any registration information or pay any
14 fee required under subsection (r) of this section within
15 the time required under W.S. 7-19-302 or when an offender
16 absconds.

17
18 (e) A person who willfully fails to pay fees required
19 under W.S. 7-19-302 is guilty of a misdemeanor punishable
20 by a fine of not more than seven hundred fifty dollars
21 (\$750.00), imprisonment in the county jail for not more
22 than six (6) months, or both.

23

1 **Section 3.** This act is effective July 1, 2017.

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(END)