

HOUSE BILL NO. HB0023

Sex offender registration amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to sex offender registration and
2 notification; amending the information sex offenders are
3 required to provide; requiring specified juveniles to
4 register as sex offenders; amending the information that
5 shall be provided to the public; amending the registration
6 requirements for specified offenses; conforming provisions;
7 requiring offenders convicted but not yet sentenced to
8 register as sex offenders; requiring notice by an offender
9 who will travel out of the country as specified;
10 eliminating language that may permit an offender who has
11 not registered as required to avoid sanctions after a
12 specified time; clarifying conditions under which an
13 offender may petition a court to be relieved of
14 registration requirements; amending and creating
15 definitions; and providing for an effective date.

16

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

1

2 **Section 1.** W.S. 7-19-301(a)(iii) and by creating new
3 paragraphs (xxii) and (xxiii), 7-19-302(a)(v), (viii), (x),
4 (xi), by creating new paragraphs (xii) and (xiii),
5 (c)(iii), (iv), (d), (g) through (j) and by creating new
6 subsections (p) and (q), 7-19-303(c)(iii)(intro), (H), (J)
7 and by creating new subparagraphs (K) and (M),
8 7-19-304(a)(i), (ii) and (d)(intro) and 7-19-307(a) are
9 amended to read:

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11 **7-19-301. Definitions.**

12

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

15

16 (iii) "Convicted" includes pleas of guilty, nolo
17 contendere, ~~and~~ verdicts of guilty upon which a judgment of
18 conviction may be rendered and adjudications as a
19 delinquent for offenses specified in W.S. 7-19-302(g) and
20 (h). "Convicted" shall not include dispositions pursuant
21 to W.S. 7-13-301;

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23 (xxii) "Vehicle" includes any of the following
24 that is registered under Wyoming law:

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(A) Aircraft as defined in W.S. 10-1-101(a)(i);

(B) Motor vehicle, commercial vehicle or trailer as defined in W.S. 31-1-101;

(B) Watercraft as defined in W.S. 41-13-101(a)(vii).

(xxiii) Words in the plural form include the singular and words in the singular form include the plural.

7-19-302. Registration of offenders; procedure; verification.

(a) Any offender residing in this state or entering this state for the purpose of residing, attending school or being employed in this state shall register with the sheriff of the county in which he resides, attends school or is employed, or other relevant entity specified in subsection (c) of this section. The offender shall be photographed, fingerprinted and palmprinted by the registering entity or another law enforcement agency and

1 shall provide the following additional information when
2 registering:

3

4 (v) Place and physical address of employment;

5

6 (viii) The name and ~~location~~ physical address of
7 each educational institution in this state at which the
8 person is employed or attending school;

9

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

12

13 (xi) The age of each victim; ~~and~~

14

15 (xii) Internet identifiers, including each email
16 address and other designations used by the offender for
17 self-identification or routing in internet communications
18 or postings. As used in this paragraph, "internet" means
19 as defined in W.S. 9-2-1035(a)(iii); and

20

21 (xiii) Any phone number at which the offender
22 may be reached or which may be used on a frequent basis by
23 the offender to place telephone calls.

24

1 (c) Offenders required to register under this act
2 shall register with the entities specified in this
3 subsection and within the following time periods:
4

5 (iii) Offenders convicted of an offense
6 subjecting them to registration, who are sentenced on or
7 after January 1, 1985, who reside in or enter this state
8 for the purposes of residing and who are under the
9 jurisdiction of the department or state board of parole or
10 other public agency as a result of that offense shall
11 register within three (3) working days of entering this
12 state. ~~or on or before August 1, 1999, if a current~~

13 ~~resident.~~ The Wyoming agency that has jurisdiction over the
14 offender shall notify the offender of the registration
15 requirements before the offender moves to this state. ~~and~~
16 ~~shall register the offender and perform the related duties~~
17 ~~specified in W.S. 7-19-305~~ Within three (3) working days
18 after the offender arrives in this state, the Wyoming
19 agency that has jurisdiction over the offender shall notify
20 the county sheriff of the county in which the offender
21 resides of the offender's presence in the county;
22

23 (iv) Offenders convicted of an offense
24 subjecting them to registration, who are sentenced on or

1 after January 1, 1985, who reside in or enter this state
2 and who are not under the jurisdiction or custody of the
3 department, board of parole or other public agency as a
4 result of that offense shall register ~~on or before August~~
5 ~~1, 1999, if a current resident, or~~ within three (3) working
6 days of entering this state if not a current resident.

7
8 (d) A nonresident who is employed or attends school
9 in this state shall register with the county sheriff of the
10 county in which he is employed or attends school within
11 three (3) working days of beginning employment or starting
12 to attend school. A resident or nonresident who is
13 employed, resides or attends school in more than one (1)
14 location in this state, shall register with the county
15 sheriff of each county in which he is employed, resides or
16 attends school within three (3) working days of beginning
17 employment, establishing a residence in this state or
18 starting to attend school. The registration information
19 accepted under this subsection shall be subject to the
20 provisions of W.S. 7-19-303.

21
22 (g) For an offender convicted of a violation of W.S.
23 6-2-202 if the victim was a minor and the offender is not
24 the victim's parent or guardian, W.S. 6-2-203 if the victim

1 was a minor and the offender is not the victim's parent or
2 guardian, W.S. 6-2-313, ~~6-2-315(a)(iv)~~, ~~6-2-316(a)(iii)~~
3 6-2-316(a)(i) and (iv), ~~6-2-317(a)(i)~~ ~~6-4-201(a)(iii)~~,
4 6-4-303(b)(iv) or W.S. 6-4-304(b) if the victim was a
5 minor, 18 U.S.C. §§ 2252B, 2252C, 2424 and 2425, an offense
6 in another jurisdiction containing the same or similar
7 elements, or arising out of the same or similar facts or
8 circumstances as a criminal offense specified in this
9 subsection or an attempt or conspiracy to commit any of the
10 offenses specified in this subsection, the division shall
11 annually verify the accuracy of the offender's registered
12 address, and the offender shall annually report, in person,
13 his current address to the sheriff in the county in which
14 the offender resides, during the period in which he is
15 required to register. During the annual in-person
16 verification, the sheriff shall photograph the offender.
17 Confirmation of the in-person verification required under
18 this subsection, along with the photograph of the offender,
19 shall be transmitted by the sheriff to the division within
20 three (3) working days. Any person under this subsection
21 who has not established a residence or is transient, and
22 who is reporting to the sheriff as required under
23 subsection (e) of this section, shall be deemed in

1 compliance with the address verification requirements of
2 this section.

3
4 (h) For an offender convicted of a violation of W.S.
5 6-2-304(a)(iii) if the victim was at least fourteen (14)
6 years of age, W.S. 6-2-314(a)(ii) and (iii),
7 ~~6-2-315(a)(iii)~~ 6-2-315(a)(i) and (iii), W.S.
8 6-2-315(a)(iv) if the victim was between thirteen (13) and
9 sixteen (16) years of age, 6-2-316(a)(i), 6-2-317(a)(ii)
10 W.S. 6-2-317(a)(i) and (ii) or 6-2-318, W.S. 6-4-102 if the
11 person solicited was a minor, W.S. 6-4-103 if the person
12 enticed or compelled was a minor, W.S. 6-4-302(a)(i) if the
13 offense involves the use of a minor in a sexual performance
14 or W.S. 6-4-303(b)(i) through (iii), 18 U.S.C. § 2251, an
15 offense in another jurisdiction containing the same or
16 similar elements, or arising out of the same or similar
17 facts or circumstances as a criminal offense specified in
18 this subsection, an attempt or conspiracy to commit any of
19 the offenses specified in this subsection, or any ~~felony~~
20 offense enumerated in subsection (g) of this section if the
21 offender was previously convicted of ~~a felony under any~~
22 offense enumerated in subsection (g) of this section, the
23 division shall verify the accuracy of the offender's
24 registered address, and the offender shall report, in

1 person, his current address to the sheriff in the county in
2 which the offender resides, every six (6) months after the
3 date of the initial release or commencement of parole. If
4 the offender's appearance has changed substantially, and in
5 any case at least annually, the sheriff shall photograph
6 the offender. Confirmation of the in-person verification
7 required by this subsection, and any new photographs of the
8 offender, shall be transmitted by the sheriff to the
9 division within three (3) working days. Any person under
10 this subsection who has not established a residence or is
11 transient, and who is reporting to the sheriff as required
12 under subsection (e) of this section, shall be deemed in
13 compliance with the address verification requirements of
14 this section.

15

16 (j) For an offender convicted of a violation of W.S.
17 6-2-201 if the victim was a minor, W.S. 6-2-302 or 6-2-303,
18 W.S. 6-2-304(a)(iii) if the victim was under fourteen (14)
19 years of age, W.S. 6-2-314(a)(i), W.S. 6-2-314(a)(ii) and
20 (iii) if the victim was under thirteen (13) years of age,
21 ~~6-2-315(a)(i) and (ii)~~ W.S. 6-2-315(a)(ii), W.S.
22 6-2-315(a)(iii) and (iv) if the victim was under thirteen
23 (13) years of age, W.S. 6-2-316(a)(ii) and (iii), 6-4-402,
24 18 U.S.C. § 2245, or an offense in another jurisdiction

1 containing the same or similar elements, or arising out of
2 the same or similar facts or circumstances as a criminal
3 offense specified in this subsection, an attempt or
4 conspiracy to commit any of the offenses specified in this
5 subsection, any offense enumerated in subsection (h) of
6 this section if the offender was previously convicted of
7 any offense enumerated in subsection (g) of this section or
8 any ~~felony~~offense enumerated in subsection (g) or (h) of
9 this section if the offender was previously convicted of ~~a~~
10 ~~felony under~~any offense enumerated in subsection (h) of
11 this section, the division shall verify the accuracy of the
12 offender's registered address, and the offender shall
13 report, in person, his current address to the sheriff in
14 the county in which the offender resides every three (3)
15 months after the date of the initial release or
16 commencement of parole. If the offender's appearance has
17 changed substantially, and in any case at least annually,
18 the sheriff shall photograph the offender. Confirmation of
19 the in-person verification required by this subsection, and
20 any new photographs of the offender, shall be transmitted
21 by the sheriff to the division within three (3) working
22 days. Any person under this subsection who has not
23 established a residence or is transient, and who is
24 reporting to the sheriff as required under subsection (e)

1 of this section, shall be deemed in compliance with the
2 address verification requirements of this section.

3

4 (p) Any person convicted of any offense enumerated in
5 subsection (g), (h) or (j) of this section who is released
6 from confinement for any reason before being sentenced
7 shall register as described in this section with the county
8 sheriff for each county in which that person resides, is
9 employed or attends school.

10

11 (q) Any offender registered pursuant to this act
12 shall notify the county sheriff of each county in which he
13 is registered at least twenty-one (21) days before
14 traveling outside of the United States of America. The
15 notification shall include the name of each country the
16 offender plans to visit, the dates the offender intends to
17 be in each country, the purpose for which the offender is
18 traveling, the offender's means of travel and the
19 offender's country of citizenship, passport number and
20 country of issue. Each county sheriff receiving
21 notification of an offender's intention to travel outside
22 of the United States of America shall forward that
23 information to the division within three (3) working days.

24

1 7-19-303. Offenders central registry; dissemination
2 of information.

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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 (iii) Notification of registration under this
12 act shall be provided to the public through a public
13 registry, as well as to the persons and entities required
14 by paragraph (ii) of this subsection. The division shall
15 make the public registry available to the public, with the
16 exception of adjudications as delinquent, through
17 electronic internet technology and shall include:

18

19 (H) History of all criminal convictions
20 subjecting an offender to the registration requirements of
21 this act; ~~and~~

22

1 (J) The license plate or registration
2 number and a description of any vehicle owned or operated
3 by the offender;~~;~~ and

4
5 (K) The physical address of any employer
6 that employs the offender; and

7
8 (M) The physical address of each
9 educational institution in this state at which the person
10 is attending school.

11

12 **7-19-304. Termination of duty to register.**

13

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

17

18 (i) ~~For~~ An offender specified in W.S.
19 7-19-302(g), ~~the duty to register shall end fifteen (15)~~
20 ~~years after the offender was released from prison, placed~~
21 ~~on parole, supervised release or probation, provided the~~
22 ~~registration period shall be tolled for subsequent~~ who has
23 been registered for at least ten (10) years, exclusive of
24 periods of confinement. ~~The offender~~ and periods in which

1 the offender was not registered as required by law, may
2 petition the district court for the district in ~~the~~ which
3 the offender is registered to ~~reduce the period of~~
4 ~~registration under this paragraph by five (5) years~~ be
5 relieved of the duty to continue to register if the
6 offender ~~maintains~~ has maintained a clean record as
7 provided in subsection (d) of this section. Upon a showing
8 that the offender has maintained a clean record as provided
9 in subsection (d) of this section for ten (10) years, the
10 district court may order the offender relieved of the duty
11 to continue registration;

12
13 (ii) An offender specified in W.S. 7-19-302(h)
14 who has been registered for at least twenty-five (25)
15 years, exclusive of periods of confinement and periods in
16 which the offender was not registered as required by law,
17 may petition the district court for the district in which
18 the offender is registered to be relieved of the duty to
19 continue to register if the offender has maintained a clean
20 record as provided in subsection (d) of this section. Upon
21 a showing that the offender has ~~had no further felony or~~
22 ~~misdemeanor convictions during the period of registration~~
23 maintained a clean record as provided in subsection (d) of
24 this section for twenty-five (25) years, the district court

1 may order the offender relieved of the duty to continue
2 registration; and

3
4 (d) ~~A registration period under subsection (a) of~~
5 ~~this section may be reduced if, after the duty to register~~
6 ~~arises, the offender specified in W.S. 7-19-302(g)~~
7 ~~maintains a clean record for ten (10) years by:~~ An offender
8 seeking a reduction in his registration period as provided
9 in paragraph (a)(i) or (ii) of this section shall
10 demonstrate to the court that he has maintained a clean
11 record by:

12

13 **7-19-307. Penalties.**

14

15 (a) Failure to register or update any registration
16 information within the time required under W.S. 7-19-302
17 constitutes a per se violation of this act and is
18 punishable as provided in subsections (c) and (d) of this
19 section. The division shall notify the appropriate
20 authorities when it discovers that an offender fails to
21 register or update any registration information within the
22 time required under W.S. 7-19-302 or when an offender
23 absconds.

24

1 **Section 2.** This act is effective July 1, 2011.

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(END)