

Wyo. Stat. § 7-19-302

Wyoming Statutes Annotated
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Title 7 Criminal Procedure
Chapter 19 Criminal History Records
Article 3. **Sex Offender Registration**

Wyo. Stat. § 7-19-302 (2017)

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

(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 palmed by the registering entity or another law enforcement agency and shall provide the following additional information when registering:

- (i)** Name, including any aliases ever used;
- (ii)** Address;
- (iii)** Date and place of birth;
- (iv)** Social security number;
- (v)** Place and physical address of employment;
- (vi)** Date and place of conviction;
- (vii)** Crime for which convicted;
- (viii)** The name and physical address of each educational institution in this state at which the person is employed or attending school;
- (ix)** The license plate number and a description of any vehicle owned or operated by the offender;
- (x)** A DNA sample. As used in this paragraph, "DNA" means as defined in W.S. 7-19-401(a)(vi);
- (xi)** The age of each victim;

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

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

(b) In addition to the requirements of subsection (a) of this section, the department, for offenders sentenced to imprisonment, and the sheriff of the county where judgment and sentence is entered for all other offenders, shall obtain the name of the offender, identifying features, anticipated future residence, offense history and documentation of any treatment received, including prescribed psychotropic medication history, for any psychiatric condition of the offender. This information shall be transmitted to the division within three (3) working days of receipt for entry into the central registration system. A person found to be an offender by a court in another state shall provide information required under this subsection at the time of registration under this act.

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

(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;

(ii) Offenders who are convicted of an offense subjecting them to registration under this act but who are not sentenced to a term of confinement shall register immediately after the imposition of the sentence. The sheriff of the county where the judgment and sentence is entered shall register the offender and perform the related duties specified in W.S. 7-19-305 unless the offender does not reside in the county where the judgment and sentence is entered, in which case he shall register in the county in which he resides within three (3) working days;

(iii) Offenders convicted of an offense subjecting them to registration, who, except as provided by paragraph (v) of this subsection, are sentenced on or after January 1, 1985, who reside in or enter this state for the purposes of residing and who are under the jurisdiction of the department or state board of parole or other public agency as a result of that offense shall register within three (3) working days of entering this state. The Wyoming agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to this state. Within three (3) working days after the offender arrives in this state, the Wyoming agency that has jurisdiction over the offender shall notify the county sheriff of the county in which the offender resides of the offender's presence in the county;

(iv) Offenders convicted of an offense subjecting them to registration, who, except as provided by paragraph (v) of this subsection, are sentenced on or after January 1, 1985, who reside in or enter this state and who are not under the jurisdiction or custody of the department, board of parole or other public agency as a result of that offense shall register within three (3) working days of entering this state if not a current resident;

(v) Offenders convicted of an offense subjecting them to registration, whose registration requirement was added by the 2011 amendments to this act and who are sentenced after July 1, 2001 shall register as required by paragraph (iii) or (iv) of this subsection as appropriate.

(d) A nonresident who is employed or attends school in this state shall register with the county sheriff of the county in which he is employed or attends school within three (3) working days of beginning employment or starting to attend school. A resident or nonresident who is employed, resides or attends school in more than one (1) location in this state, shall register with the county sheriff of each county in which he is employed, resides or attends school within three (3) working days of beginning employment, establishing a residence in this state or starting to attend

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

(e) If any person required to register under this act changes his residence address within the same county, he shall provide notice of the change of address in person to the sheriff of the county in which he resides within three (3) working days of establishing the new residence. If any person required to register under this act moves to a new county in this state, he shall notify in person the county sheriff in the new county and the county sheriff of the county of his previous residence within three (3) working days of establishing the new residence. If the person changes residence to another state and that state has a registration requirement, the division shall, within three (3) working days of receipt of the information, notify the law enforcement agency with which the person must register in the new state. Any person who has not established a new residence within three (3) working days of leaving his previous residence, or becomes transient through lack of residence, shall report on a weekly basis to the sheriff in the county in which he is registered, until he establishes another residence. The information provided to a sheriff under this subsection shall be transmitted by the sheriff to the division within three (3) working days of receipt for entry into the central registry. The division shall notify the victim, or if the victim is a minor the victim's parent or guardian, within the same time period if the victim, or a minor victim's parent or guardian, has requested in writing that the division provide notification of a change of address of the offender and has provided the division a current address of the victim, parent or guardian as applicable.

(f) An offender who changes residence to another state shall register the new address with the law enforcement agency with whom he last registered and shall also register with the designated law enforcement agency in the new state not later than three (3) working days after establishing residence in the new state.

(g) For an offender convicted of a violation of W.S. 6-2-316(a)(i) and (iv), 6-4-303(b)(iv) or W.S. 6-4-304(b) if the victim was a minor, 18 U.S.C. §§ 2252B, 2252C, 2424 and 2425, an offense in another jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances as a criminal offense specified in this subsection or an attempt or conspiracy to commit any of the offenses specified in this subsection, the division shall annually verify the accuracy of the offender's registered address, and the offender shall annually report, in person, his current address to the sheriff in the county in which the offender resides, during the period in which he is required to register. During the annual in-person verification, the sheriff shall photograph the offender. Confirmation of the in-person verification required under this subsection, along with the photograph of the offender, shall be transmitted by the sheriff to the division within three (3) working days. Any person under this subsection who has not established a residence or is transient, and who is reporting to the sheriff as required under subsection (e) of this section, shall be deemed in compliance with the address verification requirements of this section.

(h) For an offender convicted of a violation of W.S. 6-2-304(a)(iii) if the victim was at least fourteen (14) years of age, W.S. 6-2-314(a)(ii) and (iii), 6-2-315(a)(i) and (iii), W.S. 6-2-315(a)(iv) if the victim was thirteen (13) through fifteen (15) years of age, W.S. 6-2-317(a)(i) and (ii) or 6-2-318, W.S. 6-4-102 if the person solicited was a minor, W.S. 6-4-103 if the person enticed or compelled was a minor, W.S. 6-4-302(a)(i) if the offense involves the use of a minor in a sexual performance or W.S. 6-4-303(b)(i) through (iii), 18 U.S.C. § 2251, an offense in another jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances as a criminal offense specified in this subsection, an attempt or conspiracy to commit any of the offenses specified in this subsection, or any offense enumerated in subsection (g) of this section if the offender was previously convicted of any offense enumerated in subsection (g) of this section, the division shall verify the accuracy of the offender's registered address, and the offender shall report, in person, his current address to the sheriff in the county in which the offender resides, every six (6) months after the date of the initial release or commencement of parole. If the offender's appearance has changed substantially, and in any case at least annually, the sheriff shall photograph the offender. Confirmation of the in-person verification required by this subsection, and any new photographs of the offender, shall be transmitted by the sheriff to the division within three (3) working days. Any person under this subsection who has not established a residence or is transient, and who is reporting to the sheriff as required under subsection (e) of this section, shall be deemed in compliance with the address verification requirements of this section.

(j) For an offender convicted of a violation of W.S. 6-2-201 if the victim was a minor, W.S. 6-2-302 or 6-2-303, W.S. 6-2-304(a)(iii) if the victim was under fourteen (14) years of age, W.S. 6-2-314(a)(i), W.S. 6-2-314(a)(ii) and (iii) if the victim was less than thirteen (13) years of age, W.S.

6-2-315(a)(ii), W.S. 6-2-315(a)(iii) and (iv) if the victim was less than thirteen (13) years of age, W.S. 6-2-316(a)(ii) and (iii), 6-4-402, 18 U.S.C. § 2245, or an offense in another jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances as a criminal offense specified in this subsection, an attempt or conspiracy to commit any of the offenses specified in this subsection, any offense enumerated in subsection (h) of this section if the offender was previously convicted of any offense enumerated in subsection (g) of this section or any offense enumerated in subsection (g) or (h) of this section if the offender was previously convicted of any offense enumerated in subsection (h) of this section, the division shall verify the accuracy of the offender's registered address, and the offender shall report, in person, his current address to the sheriff in the county in which the offender resides every three (3) months after the date of the initial release or commencement of parole. If the offender's appearance has changed substantially, and in any case at least annually, the sheriff shall photograph the offender. Confirmation of the in-person verification required by this subsection, and any new photographs of the offender, shall be transmitted by the sheriff to the division within three (3) working days. Any person under this subsection who has not established a residence or is transient, and who is reporting to the sheriff as required under subsection (e) of this section, shall be deemed in compliance with the address verification requirements of this section.

(k) Any person required to register under this act shall provide information in person to the sheriff of the county in which he is registered and to any other relevant registering entity specified in subsection (c) of this section regarding each change in employment or enrollment status at any educational institution in this state, including any of the information collected pursuant to subsection (a) of this section within three (3) working days of the change to the entity with whom the offender last registered. This information shall be forwarded immediately from the registering entity to the division on a form prescribed by the division, and the division shall then enter the information into the central registry and forward the information to the campus police department or other law enforcement agency with jurisdiction over the educational institution.

(m) Any person required to register under this act shall provide information in person to the sheriff of the county in which he is registered and to any other relevant registering entity specified in subsection (c) of this section regarding each change of employment and shall disclose all places of employment if there is more than one (1), including any loss of employment, within three (3) working days of the change to the entity with whom the offender last registered. The information shall be forwarded within three (3) working days from the registering entity to the division and the division shall then enter the information into the central registry.

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

(o) If the division lacks sufficient information or documentation to identify the offender's crime for which convicted or equivalent Wyoming offense, it shall register the offender as if he were convicted of an offense listed in subsection (j) of this section. If the division receives additional verifiable information or documentation that demonstrates that the offender was not convicted of an offense specified under subsection (j) of this section or an offense from any other jurisdiction containing the same or similar elements or arising out of the same or similar facts or circumstances, it shall modify the offender's status.

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

(q) Any offender registered pursuant to this act shall notify the county sheriff of each county in which he is registered at least twenty-one (21) days before traveling outside of the United States of America. The notification shall include the name of each country the offender plans to visit, the dates the offender intends to be in each country, the purpose for which the offender is traveling, the offender's means of travel and the

offender's country of citizenship, passport number and country of issue. Each county sheriff receiving notification of an offender's intention to travel outside of the United States of America shall forward that information to the division within three (3) working days.

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

(i) At the time of initial registration, the offender shall pay a state registration fee in an amount not to exceed one hundred twenty dollars (\$ 120.00) and a county registration fee in an amount equal to twenty-five percent (25%) of the state registration fee;

(ii) Each time the offender is required to report updated information pursuant to subsection (e), (f), (k) or (m) of this section, the offender shall pay a state reporting fee in an amount not to exceed twenty-five dollars (\$ 25.00) and a county reporting fee in an amount equal to twenty-five percent (25%) of the state reporting fee;

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

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

(i) An offender in 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;

(ii) An indigent offender, as provided in rules established by the division. The rules shall establish criteria and procedures for determinations of indigency in accordance with the following:

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

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

(C) If an offender is unable to submit a complete application at the time of registration or reporting updated information, the offender may submit an application to the division or the sheriff of the county in which the offender is required to register or report updated information within thirty (30) days of registration or reporting. Failure to submit an application and all required information within thirty (30) days of registration or reporting updated information shall be deemed to be a waiver of the offender's ability to request a determination of indigency and the fees required under subsection (r) of this section shall be payable;

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

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

(F) If the division determines the offender is not indigent, the offender shall pay the fees required under subsection (r) of this section within thirty (30) days from the date the offender receives notice of the denial. An offender may apply for a determination of indigency only once per calendar year, unless the offender can show a material change in circumstances;

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

(t) The sheriff of the county in which the offender is required to register or report updated information shall:

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

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

(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

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

(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 updated information 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 to prohibit the prosecution of an offender for failure to register or report updated information or for any other offense.

HISTORY: Laws 1994, ch. 60, § 1; 1999, ch. 203, § 2; 2000, ch. 81, § 1; 2001, ch. 81, § 1; 2005, ch. 218, § 1; 2007, ch. 160, § 1; 2008, ch. 116, § 1; 2009, ch. 162, § 1; 2011, ch. 179, § 1; 2017, ch. 144, § 2.

NOTES:

Cross references. --

As to the penalties for failure to register within the required time, see § 7-19-307.

The 2005 amendment, effective July 1, 2005, added (a)(viii); in (c)(iii) and (c)(iv) substituted "ten (10) days" for "forty (40) days"; in (d) deleted the definitions for "employed" and "attends school"; in (e) added the fourth sentence; in (g) and (h) added the last sentence; and added (j).

The 2007 amendment, effective July 1, 2007, substituted "three (3) working" for "ten (10)" throughout; added (ix) and (x) in (a); in (b), deleted "aggravated sex" preceding "offenders," substituted "features" for "factors," substituted "psychiatric condition" for "mental abnormality or

personality disorder," substituted "an offender by a" for "a sexually violent predator by a sentencing"; rewrote (g) and (h) inserting internal references regarding offenders convicted of violations; added (J), redesignating the remaining subsection accordingly; and made related and stylistic changes.

Laws 2007, ch. 160, § 4, makes Section 3 of the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved July 1, 2007.

The 2008 amendment made stylistic changes.

Laws 2008, ch. 116, § 5, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 13, 2008.

The 2009 amendment, effective July 1, 2009, in the introductory language in (a), inserted "attending school or being employed," substituted "sheriff of the county in which he resides, attends school or is employed" for "division of criminal investigation," and substituted "or other relevant entity specified in subsection (c) of this section" for "or other entity in accordance with the provisions of this act"; added (a)(xi); in (c), added the last sentence in (c)(i), added the proviso at the end of (c)(ii), deleted "with the division" following "shall register" in (c)(iv); rewrote (d); in (e), in the first sentence, substituted "provide notice" for "send written notice," inserted "in person" following "change of address," and substituted "sheriff of the county in which he resides" for division, in the second sentence, substituted "notify in person" for "notify the division," rewrote the fifth sentence, which read: "The division shall, within three (3) working days of receipt of a registration or notice of change of address, notify the sheriff of the county in which an offender resides, unless the division received the registration information from the sheriff"; added the second-to-last sentence in (g); added the second and third sentences in (h); in (j), deleted "(g) or" preceding "(h) of this section" and added the second sentence; in (k), in the first sentence, deleted "In addition to any other requirements of this section and of this act" from the beginning, substituted "in person to the sheriff of the county in which he is registered and to any other relevant registering entity specified in subsection (c) of this section" for "in writing" and inserted "including any of the information collected pursuant to subsection (a) of this section," and in the second sentence, inserted "educational"; added (m), (n) and (o) and made stylistic and related changes.

The 2011 amendment, effective July 1, 2011, in (a)(v), inserted "and physical address"; in (a)(viii), substituted "physical address" for "location"; added (a)(xii) and (a)(xiii); inserted the exception in (c)(iii) and (c)(iv); deleted "or on or before August 1, 1999, if a current resident" at the end of the first sentence of (c)(iii) and also following "shall register" in (c)(iv); in (c)(iii), deleted "and shall register the offender and perform the related duties specified in W.S. 7-19-305" at the end of the second sentence, and added the last sentence; added (c)(v); in (d), inserted "within three (3) working days of beginning employment or starting to attend school" and "within three (3) working days of beginning employment, establishing a residence in this state or starting to attend school"; in (g), substituted "6-2-316(a)(i) and (iv)" for "6-2-202 if the victim was a minor and the offender is not the victim's parent or guardian, W.S. 6-2-203 if the victim was a minor and the offender is not the victim's parent or guardian, W.S. 6-2-315(a)(iv), 6-2-316(a)(iii) and (iv), 6-2-317(a)(i)," and inserted "18 U.S.C. §§ 2252B, 2252C, 2424 and 2425, an offense in another jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances as a criminal offense specified in this subsection"; in (h), substituted "6-2-315(a)(i) and (iii), W.S. 6-2-315(a)(iv) if the victim was thirteen (13) through fifteen (15) years of age, W.S. 6-2-317(a)(i) and (ii)" for "6-2-315(a)(iii), 6-2-316(a)(i), 6-2-317(a)(ii)," inserted "18 U.S.C. § 2251, an offense in another jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances as a criminal offense specified in this subsection," and substituted "offense enumerated in subsection (g) of this section if the offender was previously convicted of any offense enumerated in" for "felony enumerated in this section if the offender was previously convicted of a felony under"; in (j), substituted "W.S. 6-2-314(a)(ii) and (iii) if the victim was less than thirteen (13) years of age, W.S. 6-2-315(a)(ii), W.S. 6-2-315(a)(iii) and (iv) if the victim was less than thirteen (13) years of age, W.S. 6-2-316(a)(ii) and (iii), 6-4-402, 18 U.S.C. § 2245, or an offense in another jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances as a criminal offense specified in this subsection, an attempt or conspiracy to commit any of the offenses specified in this subsection, any offense enumerated in subsection (h) of this section if the offender was previously convicted of any offense enumerated in subsection (g) of this section or any offense enumerated in subsection (g) or (h)

of this section if the offender was previously convicted of any offense enumerated in" for "6-2-315(a)(i) and (ii), 6-2-316(a)(ii), 6-4-402, an attempt or conspiracy to commit any of the offenses specified in this subsection, or any felony enumerated in this section if the offender was previously convicted of a felony under"; added (p) and (q); and made related changes.

The 2017 amendment, effective July 1, 2017, added (r) through (u).

Editor's notes. --

There is no subsection (i) or (l) in this section as it appears in the printed acts.