

ENROLLED ACT NO. 15, SENATE

SIXTY-FOUR LEGISLATURE OF THE STATE OF WYOMING  
2016 BUDGET SESSION

AN ACT relating to criminal history records; requiring a court to conduct a hearing to determine the risk of reoffense for juvenile sex offenders as specified; requiring the disclosure of information as specified; providing a conflict of law provision; amending related provisions; and providing for an effective date.

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

**Section 1.** W.S. 7-19-309 is created to read:

**7-19-309. Juvenile sex offenders; risk assessment; factors; reporting requirements.**

(a) A minor offender convicted or adjudicated as a delinquent as specified in W.S. 7-19-301(a)(iii), shall be subject to this section.

(b) The division shall provide notification of registration under this section, including all registration information, to the district attorney of the county where the registered offender is residing at the time of registration or to which the offender moves. Upon receipt of notification, the district attorney shall file an application for hearing under this subsection if, based upon a review of the risk of reoffense factors specified in subsection (c) of this section, the review indicates that public safety requires that notification be provided to persons in addition to those authorized to receive criminal history record information under W.S. 7-19-106. Upon application of the district attorney and following notice to the offender and an in-camera hearing, the district or juvenile court shall, based upon its finding as to the risk of reoffense by the offender, authorize the division,

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county sheriff, police chief or their designee to release information regarding the offender as follows:

(i) If the risk of reoffense is low, notification shall be in accordance with the requirements of W.S. 7-19-106 to persons authorized to receive criminal history record information under W.S. 7-19-106;

(ii) If the risk of reoffense is moderate or high, notification shall be provided to residential neighbors within seven hundred fifty (750) feet of the offender's residence, organizations in the community including schools, religious and youth organizations and to the persons authorized under paragraph (i) of this subsection, through means specified in the court's order.

(c) In determining an offender's risk of reoffense under subsection (b) of this section, the court shall consider:

(i) Conditions of release that minimize risk of reoffense, including whether the offender is under supervision through a program provided in title 14 or a juvenile service program, on probation or parole, receiving counseling, therapy or treatment or residing in a home situation that provides guidance and supervision;

(ii) Physical conditions that minimize the risk of reoffense;

(iii) Criminal history factors indicative of high risk of reoffense, including:

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(A) Whether the offender's conduct was found to be characterized by repetitive and compulsive behavior;

(B) The age of the victim of the sexual offense;

(C) Whether psychological or psychiatric profiles indicate a risk of recidivism;

(D) The offender's response to treatment;

(E) Recent behavior, including behavior while confined or while under supervision in the community as well as behavior in the community following service of sentence;

(F) Recent threats against any person or expressions of intent to commit additional crimes;

(G) Other criminal history factors, including:

(I) The relationship between the offender and the victim;

(II) The number, date and nature of any prior offenses or acts resulting in an adjudication of delinquency; and

(H) Any other factors the court deems necessary and relevant.

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(d) To the extent any other provision of law conflicts with the disclosure requirements of this section, the provisions of this section shall govern.

**Section 2.** W.S. 7-19-102(c), 7-19-301(a)(xv) and 7-19-303(c)(iii)(intro) are amended to read:

**7-19-102. Scope and applicability of provisions.**

(c) Notwithstanding any provision of this act, specific provisions relating to confidentiality of records contained in Title 14, Wyoming statutes, shall govern in those circumstances to which the more specific statute applies. This subsection shall not apply to the disclosure requirements provided in W.S. 7-19-309.

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

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

(xv) "This act" means W.S. 7-19-301 through ~~7-19-307~~7-19-309;

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

(c) The division shall provide notification of registration under this act, including all registration information, to the district attorney of the county where the registered offender is residing at the time of registration or to which the offender moves. In addition, the following shall apply:

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(iii) Notification of registration under this act shall be provided to the public through a public registry, as well as to the persons and entities required by paragraph (ii) of this subsection. The division shall make the public registry available to the public, with the exception of internet identifiers, telephone numbers and adjudications as delinquent unless disclosure is authorized pursuant to W.S. 7-19-309, through electronic internet technology and shall include:

**Section 3.** This act shall apply to juvenile convictions or adjudications commenced on or after the effective date of this act.

ORIGINAL SENATE  
FILE NO. SF0047

ENGROSSED

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**Section 4.** This act is effective July 1, 2016.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk