

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.

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

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

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

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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.

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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.**

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

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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.**

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1 (r) Except as provided in subsection (s) of this
2 section, all offenders required to register or report
3 updated information pursuant to this act shall pay fees
4 established by rules of the division. The division shall
5 establish fees in 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 one hundred twenty dollars (\$120.00) and a
10 county registration fee in an amount equal to twenty-five
11 percent (25%) of the state registration fee;

12
13 (ii) Each time the offender is required to
14 report updated information pursuant to subsection (e), (f),
15 (k) or (m) of this section, the offender shall pay a state
16 reporting fee in an amount not to exceed twenty-five
17 dollars (\$25.00) and a county reporting fee in an amount
18 equal to twenty-five percent (25%) of the state reporting
19 fee;

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21 (iii) The state registration and reporting fees
22 established by the division shall, to the extent
23 practicable, generate a total revenue that approximates,

1 but does not exceed, the direct and indirect costs of
2 administering and enforcing the provisions of this act.

3
4 (s) No fee required under subsection (r) of this
5 section shall be charged to:

6
7 (i) An offender in custody of the department, a
8 local jail or a public or private agency pursuant to a
9 court order during the period in which the offender is in
10 custody;

11
12 (ii) An indigent offender, as provided in rules
13 established by the division. The rules shall establish
14 criteria and procedures for determinations of indigency in
15 accordance with the following:

16
17 (A) Standards for indigency shall be
18 similar to the standards used to determine indigency for
19 the purposes of the appointment of counsel;

20
21 (B) An offender shall apply for a
22 determination of indigency at the time of registration or
23 reporting updated information by submitting to the division

1 or the sheriff of the county in which the offender is
2 required to register or report, under penalty of perjury,
3 an application and supporting documentation regarding the
4 offender's income, property owned, outstanding obligations,
5 number and ages of the offender's dependents and any other
6 factors relevant to the offender's ability to pay
7 registration and reporting fees. The application and
8 information shall detail the offender's financial status
9 for a period of not less than one (1) year preceding the
10 date of the application;

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

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(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

1 judicial review as provided under W.S. 16-3-114 and
2 16-3-115.

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

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

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

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

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

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7-19-307. Penalties.

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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 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.

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

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11 (e) A person who willfully fails to pay fees required
12 under W.S. 7-19-302 is guilty of a misdemeanor punishable
13 by a fine of not more than seven hundred fifty dollars
14 (\$750.00), imprisonment in the county jail for not more
15 than six (6) months, or both.

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

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(END)