



WYOMING LEGISLATIVE SERVICE OFFICE

Memorandum

DATE November 6, 2023

TO Joint Judiciary Committee

FROM Katie Adams, Staff Attorney

SUBJECT Classification of W.S. 6-2-316(a)(ii) under the Wyoming Sex Offender Registration Act

At the Committee's September 2023 meeting, the Committee directed LSO to conduct research related to the classification of W.S. 6-2-316(a)(ii) as a Tier III offense under W.S. 7-19-302(j) of the Wyoming Sex Offender Registration Act (i.e., an offense that requires an offender to appear in-person quarterly to update the offender's registration and for which an offender must register for life). Based upon LSO's research, in 2007, the Legislature enacted W.S. 6-2-316(a)(ii) and designated this offense as a Tier III registerable offense under W.S. 7-19-302(j).

For reference, an actor commits third degree sexual abuse of a minor under W.S. 6-2-316(a)(ii) if:

Being twenty (20) years of age or older, the actor engages in sexual intrusion with a victim who is either sixteen (16) or seventeen (17) years of age, and the victim is at least four (4) years younger than the actor, and the actor occupies a position of authority in relation to the victim[.]¹

¹ W.S. 6-2-316(a)(ii) (emphasis added).

“Sexual intrusion” and “position of authority” are statutorily defined.² Third degree sexual abuse of a minor is punishable by imprisonment for not more than 15 years (whether under W.S. 6-2-316(a)(ii) or another provision of subsection (a) of that section).³

2007 General Session

Senate File 0104 – Sex offenses.

In 2007, the Legislature passed Senate File 0104, which was sponsored by the Joint Judiciary Committee.⁴ Senate File 0104 created four new criminal offenses: first through fourth degree sexual abuse of a minor (W.S. 6-2-314 through 6-2-317).⁵ Senate File 0104 also amended the penalties for various existing sexual offenses and moved the existing crimes of soliciting minors to engage in illicit sexual relations and indecent liberties against a minor from Title 14 to Title 6.⁶

House Bill 0120 – Sex offender registration.

Also in 2007, the Legislature passed House Bill 0120, which was sponsored by the Joint Judiciary Committee.⁷ House Bill 0120 revised the sex offender registration statutes following enactment of Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA).⁸ Among other things, House Bill 0120 created three tiers of offenders based upon the crime for which a person was convicted (W.S. 7-19-302(g), (h) and (j)) instead of requiring individualized hearings to assess a person’s risk of reoffense.⁹

² W.S. 6-2-301(a)(vii) (“‘Sexual intrusion’ means: (A) Any intrusion, however slight, by any object or any part of a person’s body, except the mouth, tongue or penis, into the genital or anal opening of another person’s body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse; or (B) Sexual intercourse, cunnilingus, fellatio, analingus or anal intercourse with or without emission.”); W.S. 6-2-301(a)(iv) (“‘Position of authority’ means that position occupied by a parent, guardian, relative, household member, teacher, employer, custodian, health care provider or any other person who, by reason of his position, is able to exercise significant influence over a person[.]”).

³ W.S. 6-2-316(b). A person who is convicted of third degree sexual abuse of a minor after having two previous convictions for designated sexual assault offenses must be sentenced to life imprisonment without parole. W.S. 6-2-306(d).

⁴ 2007 Legislation, SF0104 – Sex offenses, <https://www.wyoleg.gov/Legislation/2007/SF0104>.

⁵ 2007 Wyo. Sess. Laws, Ch. 159, § 1; 2007 Legislation, SF0104 – Sex offenses, <https://www.wyoleg.gov/Legislation/2007/SF0104>.

⁶ *Id.*

⁷ 2007 Legislation, HB0120 – Sex offender registration, <https://www.wyoleg.gov/Legislation/2007/HB0120>.

⁸ 2007 Wyo. Sess. Laws, Ch. 160, § 1; 2007 Archived Floor Debate, Feb. 23, 2007, Senate Afternoon at 44:30 through 52:02 (explaining the general purpose of House Bill 0120 and its relationship to federal SORNA), <https://wyoleg.gov/2007/Audio/senate/s022307pm1.mp3>.

⁹ 2007 Wyo. Sess. Laws, Ch. 160, § 1.

After House Bill 0120 was placed on General File in the Senate, and Senate File 0104 passed the House, a Senator who was on the Joint Judiciary Committee proposed an amendment (HB0120SW001) to House Bill 0120 to add the sexual abuse of a minor crimes created by Senate File 0104 to House Bill 0120.¹⁰ This included adding W.S. 6-2-316(a)(ii) to W.S. 7-19-302(j), as a Tier III offense.¹¹ The amendment was adopted.¹²

Federal SORNA

In August 2019, the U.S. Department of Justice (DOJ), Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) issued a substantial implementation review of the State of Wyoming’s implementation of SORNA.¹³ In the review, the SMART Office noted that “SORNA requires tier II offenders register for a minimum of 25 years and semiannually verify registration information.”¹⁴ According to the SMART Office, W.S. 6-2-316(a)(ii) “would require, at a minimum, tier II registration requirements under SORNA.”¹⁵

In other words, federal SORNA would require third degree sexual abuse of a minor under W.S. 6-2-316(a)(ii) to be classified, at a minimum, as a Tier II offense under W.S. 7-19-302(h). As set forth above, in 2007, the Legislature classified W.S. 6-2-316(a)(ii) as a Tier III offense under W.S. 7-19-302(j). For reference, offenders who are convicted of a Tier II offense may petition a court to be relieved of the duty to continue registering after 25

¹⁰ 2007 Legislation, HB0120 – Sex offender registration, Amendments, HB0120SW001, <https://wyoleg.gov/2007/Amends/HB0120SW001.htm>; 2007 Archived Floor Debate, Feb. 23, 2007, Senate Afternoon at 52:20 through 53:55 (explaining the reason for the amendment), <https://wyoleg.gov/2007/Audio/senate/s022307pm1.mp3>.

¹¹ 2007 Legislation, HB0120 – Sex offender registration, Amendments, HB0120SW001, <https://wyoleg.gov/2007/Amends/HB0120SW001.htm>. In the same amendment, the following offenses were added to W.S. 7-19-302(g): W.S. 6-2-315(a)(iv), 6-2-316(a)(iii) and (iv) and 6-2-317(a)(i). *Id.* The following offenses were added to W.S. 7-19-302(h): W.S. 6-2-314(a)(ii) and (iii), 6-2-315(a)(iii), 6-2-316(a)(i), 6-2-317(a)(ii) and 6-2-318. *Id.* And, in addition to W.S. 6-2-316(a)(ii), the following offenses were added to W.S. 7-19-302(j): W.S. 6-2-314(a)(i) and 6-2-315(a)(i) and (ii). Some of these offenses have been moved to different categories since 2007. *See* W.S. 7-19-302(g), (h), (j); 2011 Legislation, HB0023 – Sex offender registration amendments, <https://wyoleg.gov/Legislation/2011/HB0023>.

¹² 2007 Legislation, HB0120 – Sex offender registration, Amendments, Digest, <https://www.wyoleg.gov/Legislation/2007/HB0120>.

¹³ U.S. DOJ, SMART Office, SORNA Substantial Implementation Review: State of Wyoming – Revised (Aug. 2019), <https://smart.ojp.gov/sites/g/files/xyckuh231/files/media/document/wyoming-revised.pdf>.

¹⁴ *Id.* at 11.

¹⁵ *Id.*

years.¹⁶ But offenders who are convicted of a Tier III offense are required to register for life and cannot petition to be relieved of the duty to continue registering.¹⁷

The SMART Office's August 2019 review is included as Attachment A to this memorandum. In addition, a chart previously provided to the Committee outlining which offenses are included under W.S. 7-19-302(g), (h) and (j) of the Wyoming Sex Offender Registration Act is included as Attachment B to this memorandum.

¹⁶ W.S. 7-19-304(a)(ii) (“An offender specified in W.S. 7-19-302(h) who has been registered for at least twenty-five (25) years, exclusive of periods of confinement and periods in which the offender was not registered as required by law, may petition the district court for the district in which the offender is registered to be relieved of the duty to continue to register if the offender has maintained a clean record as provided in subsection (d) of this section. Upon a showing that the offender has maintained a clean record as provided in subsection (d) of this section for twenty-five (25) years, the district court may order the offender relieved of the duty to continue registration.”).

¹⁷ W.S. 7-19-304(a). Please note that a juvenile adjudicated delinquent for a Tier III offense may petition a court to be relieved of the duty to continue registering after 10 years. W.S. 7-19-304(a)(i) (“An offender specified in W.S. 7-19-302(g) or adjudicated as a delinquent for offenses specified in W.S. 7-19-302(j), who has been registered for at least ten (10) years, exclusive of periods of confinement and periods in which the offender was not registered as required by law, may petition the district court for the district in which the offender is registered to be relieved of the duty to continue to register if the offender has maintained a clean record as provided in subsection (d) of this section. Upon a showing that the offender has maintained a clean record as provided in subsection (d) of this section for ten (10) years, the district court may order the offender relieved of the duty to continue registration[.]”).



August 2019

SORNA Substantial Implementation Review State of Wyoming – Revised

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) applauds the state of Wyoming for its extensive work and effort to substantially implement Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA). The SMART Office has completed its review of Wyoming's SORNA substantial implementation materials and has determined Wyoming continues to substantially implement SORNA.

Wyoming's initial review in September 2010 found that although the state had made significant progress toward implementing SORNA, it fell short of substantial implementation. Wyoming addressed the areas that did not meet the minimum requirements by passing legislation in March 2011. The SMART Office issued a revised review in April 2011 finding that Wyoming had substantially implemented SORNA. In December 2018, the Division of Criminal Investigation, Sex Offender Registry submitted updated materials that included revised statutes to supplement the state's previous substantial implementation package. The SMART Office has reviewed current laws and policies governing sex offender registration and notification in Wyoming, as well as other documents. In addition, email and phone correspondence with the Wyoming Attorney General's Office and Division of Criminal Investigation, Sex Offender Registry filled in gaps in information and procedure, which informed our review.

Our review of these materials follows the outline of the SMART Office Substantial Implementation Checklist-Revised, which contains 14 sections addressing the SORNA requirements. Under each section, we indicate whether Wyoming meets the SORNA requirements of that section, or deviates from the SORNA requirements in a way that does not substantially disserve SORNA's requirements. While Wyoming is encouraged to work toward rectifying any deviations that do not disserve SORNA's requirements in order to achieve full implementation of SORNA, this is not required to maintain substantial implementation.

This report is an exhaustive review based on the totality of materials received from Wyoming. The report details every area in which Wyoming deviates, but does not substantially disserve the requirements of SORNA. We encourage Wyoming to review the information below, share it with relevant stakeholders and contact the SMART Office to develop a strategy to address these remaining issues. The SMART Office will continue to provide any necessary technical assistance to help Wyoming achieve full implementation. Wyoming is required to keep the SMART Office informed of its progress in addressing the remaining provisions and annually certify continuing implementation of SORNA.

I. Immediate Transfer of Information

SORNA requires that when an offender initially registers and/or updates his or her information in a jurisdiction, that the initial registration information or updated information be immediately sent to other jurisdictions where the offender has to register, as well as to the National Crime Information Center's National Sex Offender Registry (NCIC/NSOR) and the jurisdiction's public sex offender registry website.

Wyoming meets all of the SORNA requirements in this section.

II. Offenses That Must Be Included in the Registry

SORNA requires certain federal, military and foreign offenses be included in a jurisdiction's registration scheme. In addition, SORNA requires that the jurisdiction capture certain sex offenses, both offenses from its jurisdiction and from other SORNA registration jurisdictions, in its registration scheme. SORNA also requires that certain adjudications of delinquency are included in a jurisdiction's registration scheme.

A. Wyoming Offenses

Wyoming includes almost all of the state offenses for which SORNA requires registration in its registration scheme. The following state offenses are not included in Wyoming's registration law:

- W.S. § 6-2-313 Sexual Battery
- W.S. § 6-4-201(a)(iii) Public Indecency (where the victim is an adult)
- W.S. § 6-2-203 False Imprisonment (where the victim is a minor and the offender is not the victim's parent or guardian)
- W.S. § 6-2-202 Felonious Restraint (where the victim is a minor and the offender is not the victim's parent or guardian)

In addition, Wyoming does not register offenders that have not been "convicted" as defined under state law. Under W.S. § 7-13-301, Wyoming allows for a court (with the consent of the district attorney and defendant) to withhold entering a judgment of guilt or conviction for many offenses, including many registerable sex offenses, and place the offender on probation for up to five years. The court may dismiss the charges after the offender satisfies the terms of probation. An offender with a prior felony conviction is ineligible for this procedure. Although this disposition does not constitute a "conviction" under state law, it may satisfy SORNA's definition of "conviction" as the offender is subject to "penal consequences" as explained in the 2008 Attorney General National Guidelines for Sex Offender Registration and Notification.

B. Offenses of Other SORNA Registration Jurisdictions

Wyoming requires registration for any offense from any other jurisdiction that is equivalent to a Wyoming offense that requires registration. Specifically, an offense from another jurisdiction is equivalent if it contains "the same or similar elements, or arising out of the same

or similar facts or circumstances” as a registerable Wyoming offense.¹ Wyoming conducts a legal review to determine equivalency and does not consider whether the offender has a requirement to register in the jurisdiction of conviction or any other jurisdiction.

C. Federal Offenses

Wyoming includes federal convictions in its registration scheme by specifically referencing certain federal offenses and by generally capturing any offenses equivalent to registerable Wyoming offenses. The following federal offenses however are not specifically referenced and do not have an equivalent registerable offense under Wyoming law and, therefore, do not require registration under Wyoming’s existing scheme:

- 18 U.S.C. § 1591(a)(2) and (d) Sex trafficking of children or by force, fraud, or coercion
- 18 U.S.C. § 2423(d) Transportation of minors (for illicit sexual conduct)

D. Military Offenses

Wyoming includes military offense convictions in its registration scheme if the offense is equivalent to a registerable Wyoming offense. Therefore, there are some military offenses (such as Conduct Unbecoming) that do not appear to have an equivalent under Wyoming law and, if not, may not require registration under Wyoming’s existing scheme.

E. Foreign Offenses

Wyoming includes foreign convictions in its registration scheme if the offense is equivalent to a registerable Wyoming offense. Therefore, there are some foreign offenses that do not appear to have an equivalent offense under Wyoming law and, if not, may not require registration under Wyoming’s existing scheme.

F. Juveniles

Wyoming registers juveniles adjudicated delinquent for certain serious sex offenses listed in W.S. § 7-19-302(j), which includes offenses comparable to or more severe than 18 U.S.C. § 2241 Aggravated Sexual Abuse.

However, Wyoming allows for a juvenile court, under W.S. § 14-6-228, to issue a “consent decree” (with the consent of the district attorney, juvenile, juvenile’s attorney and notice to the juvenile’s parents) to order proceedings held in abeyance and require the juvenile to comply with certain terms, including up to one year probation. The juvenile may be discharged after satisfying the terms of the decree and is not adjudicated a delinquent. In such a case, the juvenile is not subject to registration, as this disposition is not considered a “conviction” under state law.

¹ W.S. § 7-19-301.

If, as part of the “consent decree,” the juvenile made an admission to the allegations, this disposition may satisfy SORNA’s definition of “conviction” as the juvenile is subject to “penal consequences” as explained in the 2008 Attorney General National Guidelines for Sex Offender Registration and Notification. A juvenile discharged under this procedure may be required to register under SORNA.

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

III. Required Registration Information

SORNA requires the jurisdiction collect certain pieces of information from and for each offender that it registers, and requires the jurisdiction keep that registration information, in a digitized form, in its registry.

Wyoming meets all of the SORNA requirements in this section.

IV. Where Registration Is Required

SORNA requires the jurisdiction register an offender if the jurisdiction is the one in which he or she is convicted or incarcerated. In addition, SORNA requires the jurisdiction register offenders who reside, work or attend school in the jurisdiction.

Wyoming meets all of the SORNA requirements in this section.

V. Initial Registration: Generally

SORNA requires that when an offender is incarcerated within the jurisdiction, registration must occur before release from imprisonment for the registration offense. Similarly, when an offender is sentenced within the jurisdiction, but not incarcerated, SORNA requires registration occur within three business days of sentencing. Finally, when an offender has been convicted, sentenced or incarcerated in another jurisdiction (including federal or military court), the jurisdiction must register the offender within three business days of the offender establishing residence, employment or school attendance within the jurisdiction. SORNA also requires that, during the initial registration process, the jurisdiction inform the offender of his or her registration duties and require the offender to acknowledge in writing that he or she understands those duties.

Wyoming meets all of the SORNA requirements in this section.

VI. Initial Registration: Retroactive Classes of Offenders

SORNA requires each registration jurisdiction have a procedure in place to recapture three categories of sex offenders: (1) those who are currently incarcerated or under supervision, either for the predicate sex offense or for some other crime, (2) those who are already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction’s law, and

(3) those who re-enter the jurisdiction's criminal justice system because of a some other felony conviction (whether or not it is a sex offense).

Wyoming deviates from SORNA requirements in that offenders convicted as adults are required to register if they were sentenced on or after January 1, 1985.² Juveniles adjudicated delinquent are required to register if they were sentenced after July 1, 2001.³

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

VII. Keeping the Registration Current

SORNA requires that when a registered sex offender resides in a jurisdiction, the sex offender must immediately appear in person to update his or her name, residence, employment, school attendance and termination of residence. SORNA also requires that when an offender resides in a jurisdiction, the sex offender must immediately update any changes to his or her email addresses, internet identifiers, telephonic communications, vehicle information and temporary lodging information.

When an offender works in a jurisdiction, but does not reside or attend school there, SORNA requires the offender immediately appear in person to update employment-related information. When an offender attends school in a jurisdiction, but does not reside or work there, SORNA requires the offender immediately appear in person to update school-related information.

SORNA also requires when an offender intends to travel outside the United States, the offender notify the residence jurisdiction at least 21 days in advance of such travel.

In addition, SORNA requires when an offender notifies the jurisdiction of intent to relocate to another country to live, work or attend school, or intent to travel to another country, the jurisdiction must do three things: (1) immediately notify any other jurisdiction where the offender is either registered or is required to register of that updated information, (2) immediately notify the United States Marshals Service, and (3) immediately update NCIC/NSOR.

Wyoming meets all of the SORNA requirements in this section.

VIII. Offense Tiering and Verification/Appearance Requirements

SORNA requires offenses be classified based on the nature of the offense of conviction and that offenders register for a duration of time, and make in-person appearances at the registering agency, based on the tier of the offense of conviction.

² W.S. § 7-19-302(c)(iv)

³ W.S. § 7-19-302(c)(v)

Wyoming classifies its sex offenders into three tiers. All offenders are initially required to register for life. Offenses are classified based on the nature of the offense of conviction for purposes of determining the frequency of in-person appearances and eligibility to petition for removal of registration requirements. Tier I offenders appear annually, tier II offenders appear semiannually, and tier III offenders appear quarterly.

A. Offense Tiering

The SMART Office has reviewed all statutes identified in the substantial implementation submission package and has identified Wyoming's placement of these statutes within the SORNA three tier levels (see the Appendix "Wyoming Offense Tiering Policy Review" for information about Wyoming's classification of its offenders and associated registration requirements). Wyoming correctly places its statutes within at least the minimum appropriate SORNA tiers, with the following exceptions:

- W.S. § 6-2-314(a)(ii) and (iii) Sexual Abuse of a Minor in the First Degree
(where victim is 13-15)
Wyoming classifies this offense as a tier II offense but it requires a tier III classification under SORNA because it involves a "sexual act" with a victim between 13 and 15 years of age.
- W.S. § 6-2-315(a)(i) Sexual Abuse of a Minor in the Second Degree
(where victim is under 16)
Wyoming classifies this offense as a tier II offense but it requires a tier III classification under SORNA because it involves a "sexual act" with a victim under 16 years of age.
- W.S. § 6-2-316(a)(i) Sexual Abuse of a Minor in the Third Degree
(where victim is 13-15)
Wyoming classifies this offense as a tier I offense but it requires a tier II classification under SORNA because it involves "sexual contact" with a victim between 13 and 15 years of age.

B. Duration of Registration

SORNA requires offenders register for a duration of time based on the tier of the offense of conviction. Specifically, SORNA requires tier I offenders register for 15 years, tier II offenders register for 25 years and tier III offenders register for life.

Wyoming requires all offenders to register for life.

C. Frequency of Registration

SORNA requires offenders make in-person appearances at the registering agency based on the tier of the offense of conviction. Specifically, SORNA requires tier I offenders appear

once a year, tier II offenders appear every six months and tier III offenders appear every three months.

Wyoming requires offenders convicted of an offense enumerated in W.S. § 7-19-302(g) to appear annually in person; offenders convicted of an offense enumerated in W.S. § 7-19-302(h) to appear semiannually in person; and offenders convicted of an offense enumerated in W.S. § 7-19-302(j) to appear quarterly in person.

D. Reduction of Registration Periods

SORNA creates certain requirements under which a jurisdiction can allow an offender to have a reduced registration period.

Wyoming allows certain offenders to apply for a reduction of their registration period if they maintain a clean record. Tier I offenders convicted of an offense enumerated in W.S. § 7-19-302(g) may petition for removal from the registry after maintaining a clean record for 10 years. Tier II offenders convicted of an offense enumerated in W.S. § 7-19-302(h) may petition for removal from the registry after maintaining a clean record for 25 years. Tier III offenders convicted of an offense enumerated in W.S. § 7-19-302(j) are not eligible for early removal unless they are a juvenile adjudicated delinquent.

Wyoming deviates from the SORNA requirements in this subsection in that a juvenile adjudicated delinquent for an offense enumerated in W.S. § 7-19-302(j), the most serious sex offenses, may petition for removal from the registry after maintaining a clean record for 10 years as opposed to 25 years under SORNA.

E. Clean Record Requirements

Under SORNA, a registered sex offender has a clean record if he or she has satisfied certain requirements.

Wyoming's clean record provision mirrors the requirements under SORNA.

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

IX. Public Registry Website Requirements

SORNA requires each jurisdiction maintain a public sex offender registry website and publish certain registration information on that website. SORNA also requires that certain information not be displayed on a jurisdiction's public registry website.

Wyoming meets all of the SORNA requirements in this section.⁴

⁴ Wyoming prohibits juveniles adjudicated delinquent from being included on the public sex offender registry website, which is discretionary under the 2011 Attorney General Supplemental Guidelines for Sex Offender Registration and Notification.

X. Community Notification

SORNA requires each jurisdiction disseminate certain initial and updated registration information to particular agencies within the jurisdiction. In addition, SORNA requires each jurisdiction also disseminate certain initial and updated registration information to the community.

Wyoming meets all of the SORNA requirements in this section.

XI. Failure to Register as a Sex Offender: State Penalty

SORNA requires that each jurisdiction, other than a federally recognized Indian tribe, provide a criminal penalty that includes a maximum term of imprisonment that is greater than one year for the failure of a sex offender to comply with their registration requirements.

Wyoming meets all of the SORNA requirements in this section.

XII. When a Sex Offender Fails to Appear for Registration

SORNA requires that when a jurisdiction is notified of a sex offender's intent to reside, be employed or attend school in its jurisdiction, and that offender fails to appear for registration as required, the jurisdiction receiving the notice inform the originating jurisdiction (the jurisdiction that provided the initial notification) that the sex offender failed to appear for registration.

Wyoming meets all of the SORNA requirements in this section.

XIII. When a Jurisdiction Has Information That a Sex Offender May Have Absconded

SORNA requires that when a jurisdiction has information that a sex offender may have absconded, the jurisdiction take certain actions to investigate the absconder and notify various law enforcement agencies.

Wyoming deviates from SORNA requirements in that seeking a warrant for an absconder is discretionary rather than mandatory and, although the United States Marshals Service is notified, the notification is not required to be done within three business days.

XIV. Tribal Considerations

Wyoming has two federally recognized Indian tribes located within its boundaries: the Northern Arapaho Tribe and the Eastern Shoshone Tribe, which together form the Wind River Indian Reservation. The Eastern Shoshone Tribe signed a Memorandum of Agreement with the Northern Arapaho Tribe assigning its SORNA responsibilities to the Northern Arapaho Tribe. The Northern Arapaho Tribe therefore administers and maintains the Wind River SORNA program on behalf of both tribes. Both tribes were found to have substantially implemented SORNA in May 2014 and continue to do so as of the date of this review.

As the SMART Office continues to work with Wyoming on SORNA implementation, we will notify the SORNA tribes within the state of any processes, policies or procedures that facilitate the sharing of criminal justice information.

Conclusion

Wyoming has performed exceptional work in substantially implementing SORNA and enhancing its sex offender registration and notification system. However, there remain provisions identified in this report that should be addressed in order for Wyoming to fully implement SORNA.

We encourage you to contact the SMART Office once you have had the opportunity to review and discuss our findings. Please let us know if we can be of assistance in developing a strategy for addressing and adopting the remaining provisions of SORNA.

Appendix: Wyoming Offense Tiering Policy Review

The SMART Office has reviewed all Wyoming statutes identified in its substantial implementation submission package and has identified Wyoming's placement of these statutes within the tiering policy structure created in Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA). Unless indicated, the SMART Office has not reviewed any statutes (or subsections) that were not included in the legislation provided by Wyoming.

In reviewing Wyoming's statutes, the SMART Office understands that Wyoming has three categories of registrants for purposes of its duration of registration and frequency of registration requirements:

- Offenders convicted of an offense listed in § 7-19-302(g) are subject to annual in-person verifications and may petition for removal from the registry after 10 years;
- A person convicted of an offense listed in § 7-19-302(h) is subject to semiannual in-person verifications and may petition for removal from the registry after 25 years; and
- A person convicted of an offense listed in § 7-19-302(j) is subject to quarterly in-person verifications and is not eligible for any reduction in the duration of their registration obligation.

In addition, persons required to register based on a juvenile adjudication must appear in-person every three months and may petition for termination of registration after 10 years.

SORNA Tier I Offenses

SORNA requires tier I offenders register for a minimum of 15 years and annually verify registration information. The following offenses listed in Wyoming's statutes would require, at a minimum, tier I registration requirements under SORNA.

W.S. § 6-2-202	Felonious Restraint (minor victim)
W.S. § 6-2-203	False Imprisonment (minor victim)
W.S. § 6-2-303(b)	Sexual Assault in the Second Degree (adult victim)
W.S. § 6-2-313	Sexual Battery
W.S. § 6-4-201(a)(3)	Public Indecency
W.S. § 6-4-303(iv)	Possession of Child Pornography
W.S. § 6-4-304(b)	Voyeurism

SORNA Tier II Offenses

SORNA requires tier II offenders register for a minimum of 25 years and semiannually verify registration information. The following offenses listed in Wyoming's statutes would require, at a minimum, tier II registration requirements under SORNA.

W.S. § 6-2-303(a)(vii)	Sexual Assault in the Second Degree (victim 16-17)
W.S. § 6-2-303(b)	Sexual Assault in the Second Degree (victim 13-18)
W.S. § 6-2-304(a)(iii)	Sexual Assault in the Third Degree (victim 13-18)
W.S. § 6-2-314(a)(ii)	Sexual Abuse of a Minor in the First Degree (victim 16-17)
W.S. § 6-2-315(a)(iii)	Sexual Abuse of a Minor in the Second Degree (victim 13-18)
W.S. § 6-2-315(a)(iv)	Sexual Abuse of a Minor in the Second Degree (victim 13-16)
W.S. § 6-2-316(a)(i-ii, iv)	Sexual Abuse of a Minor in the Third Degree
W.S. § 6-2-317(a)(ii)	Sexual Abuse of a Minor in the Fourth Degree
W.S. § 6-2-318	Soliciting to Engage in Illicit Sexual Relations
W.S. § 6-4-102	Soliciting an Act of Prostitution (where the person solicited is a minor)
W.S. § 6-4-103	Promoting Prostitution (where the person enticed or compelled is a minor)
W.S. § 6-4-302(a)(i)	Promoting Obscenity (if the offense involves the use of a minor in a sexual performance)
W.S. § 6-4-303(b)(i-iii)	Sexual Exploitation of Children
W.S. § 6-4-402	Incest (sexual act with a victim 16 or 17; or sexual contact with a victim 13-18)

SORNA Tier III Offenses

SORNA requires tier III offenders register for life and quarterly verify registration information. The following offenses listed in Wyoming's statutes would require, at a minimum, tier III registration requirements under SORNA.

W.S. § 6-2-201	Kidnapping (minor victim)
W.S. § 6-2-302	Sexual Assault in the First Degree
W.S. § 6-2-303	Sexual Assault in the Second Degree (except as noted above in tier I and tier II)
W.S. § 6-2-304(a)(iii)	Sexual Assault in the Third Degree (victim under 13)
W.S. § 6-2-314(a)(i)	Sexual Abuse of a Minor in the First Degree
W.S. § 6-2-314(a)(ii)	Sexual Abuse of a Minor in the First Degree (victim under 16)
W.S. § 6-2-314(a)(iii)	Sexual Abuse of a Minor in the First Degree
W.S. § 6-2-315(a)(i-ii)	Sexual Abuse of a Minor in the Second Degree
W.S. § 6-2-315(a)(iii-iv)	Sexual Abuse of a Minor in the Second Degree (victim under 13)
W.S. § 6-2-316(a)(iii)	Sexual Abuse of a Minor in the Third Degree

W.S. § 6-4-402

Incest (sexual act with a victim under 16; or sexual contact with a victim under 13)

Further Review

In addition, Wyoming registers the following offense; however, without the commission of (or the attempt or conspiracy to commit) a sexual offense, registration of this offenses exceed the minimum standards of SORNA. This offense does not require registration under SORNA but in no way disserve the purposes of the SORNA requirements:

W.S. § 6-2-317(a)(i)

Sexual Abuse of a Minor in the Fourth Degree



WYOMING LEGISLATIVE SERVICE OFFICE

Memorandum

DATE April 2023

TO Joint Judiciary Committee

FROM Katie Adams, Staff Attorney

SUBJECT Topic Summary: Wyoming Sex Offender Registration Act

This summary provides background information on the Wyoming Sex Offender Registration Act (W.S. 7-19-301 through 7-19-310), particularly who must register as a sex offender in the state of Wyoming and who may be relieved of the duty to continue registering.

Approved Interim Topic

Priority #2—Law Enforcement Issues

The Committee will study and review issues identified by law enforcement and the Attorney General as needing review, including internet crimes against children, sex offender registry requirements, parental abductions, controlled substances and the revision of the substance types, and unsolved murders.

The Wyoming Sex Offender Registration Act

The Legislature enacted the Wyoming Sex Offender Registration Act in 1994.¹ The Wyoming Supreme Court has stated that the Act’s purpose “is not to punish, but to facilitate law enforcement and [the] protection of children[.]”²

¹ 1994 Wyo. Sess. Laws, Ch. 60, § 1.

² Harrison v. State, 2021 WY 40, ¶ 12, 482 P.3d 353, 357 (Wyo. 2021).

Who Must Register

The Act generally provides that any “offender” who resides in the state of Wyoming or who enters the state of Wyoming to reside, attend school, or be employed in this state must register with the sheriff of the county in which he resides, attends school or is employed.³ Further details about the mechanics of the registration process, the central registry, and penalties for not registering are not addressed in this memorandum.

The Act defines an “[o]ffender” as a person who has been:

- “[C]onvicted of a criminal offense specified in W.S. 7-19-302(g) through (j), 6-2-702, 6-2-703, 6-2-705 or 6-2-706”;
- Convicted “[a]s an accessory before the fact as provided in W.S. 6-1-201 for a criminal offense specified in W.S. 7-19-302(g) through (j), 6-2-702, 6-2-703, 6-2-705 or 6-2-706”;
- Convicted “[o]f a criminal offense in Wyoming or any other jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances, as a criminal offense specified in W.S. 7-19-302(g) through (j), 6-2-702, 6-2-703, 6-2-705 or 6-2-706.”⁴

The Act defines “[c]onvicted” to include “pleas of guilty, nolo contendere, verdicts of guilty upon which a judgment of conviction may be rendered and adjudications as a delinquent for offenses specified in W.S. 7-19-302(j)” but excludes “dispositions pursuant to W.S. 7-13-301”—commonly referred to as deferred prosecutions.⁵

W.S. 7-19-302(g), (h), and (j) list registerable offenses and specify how often—annually, every six months, or every three months—offenders convicted of those offenses must report in person to the sheriff.⁶ W.S. 7-19-302(g) lists the following offenses for which an offender must annually report in person:

³ W.S. 7-19-302(a).

⁴ W.S. 7-19-301(a)(viii). For a description of the registerable offenses, see **APPENDIX A**.

⁵ W.S. 7-19-301(a)(iii); see, e.g., Belanger v. State, 2021 WY 110, ¶ 1, 496 P.3d 770, 772 (Wyo. 2021).

⁶ W.S. 7-19-302(g), (h), (j).

- W.S. 6-2-316(a)(i) and (iv).
- W.S. 6-4-303(b)(iv).
- W.S. 6-4-304(b), if the victim was a minor.
- 18 U.S.C. §§ 2252B, 2252C, 2424, and 2425.⁷
- 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.⁸

W.S. 7-19-302(h) lists the following offenses for which an offender must report in person every six months:

- W.S. 6-2-304(a)(iii), if the victim was at least 14.
- W.S. 6-2-314(a)(ii) and (iii).
- W.S. 6-2-315(a)(i) and (iii).
- W.S. 6-2-315(a)(iv), if the victim was 13 through 15.
- W.S. 6-2-317(a)(i) and (ii).
- W.S. 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.

⁷ The Sex Offender Registration and Notification Act (SORNA), which Congress enacted in 2006, “provides a comprehensive set of minimum standards for sex offender registration and notification in the United States.” Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), Current Law, <https://smart.ojp.gov/sorna/current-law> (last visited March 27, 2023). Among those standards are requirements for which federal offenses must be included in a state’s registration scheme. SMART, *Sex Offender Registration and Notification Act: Substantial Implementation Checklist – Revised (2020)*, available at https://smart.ojp.gov/sites/g/files/xyckuh231/files/media/document/Substantial_Implementation_Checklist_2020.pdf (last visited March 27, 2023). Wyoming has substantially implemented SORNA. SMART, SORNA Implementation Status, <https://smart.ojp.gov/sorna/sorna-implementation-status> (last visited March 27, 2023).

⁸ W.S. 7-19-302(g).

- 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.
- Any offense enumerated in subsection (g) if the offender was previously convicted of any offense enumerated in subsection (g).⁹

W.S. 7-19-302(j) lists the following offenses for which an offender must report in person every three months:

- W.S. 6-2-201, if the victim was a minor.
- W.S. 6-2-302.
- W.S. 6-2-303.
- W.S. 6-2-304(a)(iii), if the victim was under 14.
- W.S. 6-2-314(a)(i).
- W.S. 6-2-314(a)(ii) and (iii), if the victim was less than 13.
- W.S. 6-2-315(a)(ii).
- W.S. 6-2-315(a)(iii) and (iv), if the victim was less than 13.
- W.S. 6-2-316(a)(ii) and (iii).
- W.S. 6-4-402.
- 18 U.S.C. § 2245.
- 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) if the offender was previously convicted of any offense enumerated in subsection (g).

⁹ W.S. 7-19-302(h).

- Any offense enumerated in subsection (g) or (h) if the offender was previously convicted of any offense enumerated in subsection (h).¹⁰

Who May Be Relieved of the Duty to Continue Registering

W.S. 7-19-304 addresses termination of the duty to register. The general rule is that an offender's obligation to register as a sex offender begins on the date of sentencing and continues for the duration of the offender's life.¹¹ But there are three categories of offenders who may petition the district court (for the district in which the offender is registered) to be relieved of the duty to continue registering:

- (1) An offender specified in W.S. 7-19-302(g) who has been registered for at least 10 years—exclusive of periods of confinement and periods in which the offender was not registered as required by law—and who has maintained a clean record for 10 years.¹²
- (2) An offender adjudicated as a delinquent for an offense specified in W.S. 7-19-302(j), who has been registered for at least 10 years—exclusive of periods of confinement and periods in which the offender was not registered as required by law—and who has maintained a clean record for 10 years.¹³
- (3) An offender specified in W.S. 7-19-302(h) who has been registered for at least 25 years—exclusive of periods of confinement and periods in which the offender was not registered as required by law—and who has maintained a clean record for 25 years.¹⁴

Any petition filed under this section must be served on the prosecuting attorney for the county in which the petition is filed, and the prosecuting attorney may file a responsive pleading within 30 days after service of the petition.¹⁵

¹⁰ W.S. 7-19-302(j).

¹¹ W.S. 7-19-304(a).

¹² W.S. 7-19-304(a)(i).

¹³ Id.

¹⁴ W.S. 7-19-304(a)(ii).

¹⁵ W.S. 7-19-304(a)(iii).

Subsection (d) specifies what it means for an offender to have maintained a clean record.¹⁶ Specifically, the offender must demonstrate to the district court that he has maintained a clean record by:

- (i) Having no conviction of any offense for which imprisonment for more than one year may be imposed;
- (ii) Having no conviction of any sex offense;
- (iii) Successfully completing any periods of supervised release, probation and parole; and
- (iv) Successfully completing any sex offender treatment previously ordered by the trial court or by his probation or parole agent.¹⁷

If an offender who petitions for relief meets all the requirements in W.S. 7-19-304, then the district court “may” order the offender relieved of the duty to continue registering as a sex offender.¹⁸ Relief from registration is not automatic nor is it guaranteed; in other words, the district court retains discretion to grant relief from the requirement to register.¹⁹

Conclusion

This summary is meant to provide a broad and basic overview of the Wyoming Sex Offender Registration Act, particularly who is required to register and who may be relieved of the duty to continue registering. Please let me know if you have any questions or need further information.

¹⁶ W.S. 7-19-304(d).

¹⁷ Id.

¹⁸ W.S. 7-19-304(a)(i), (ii).

¹⁹ See id.

APPENDIX A – WYOMING SEX OFFENDER REGISTRATION ACT – REGISTERABLE OFFENSES

Table 1: W.S. 7-19-301(a)(viii) (definition of “offender”)

Registerable offense	Name of offense	General description of offense	Eligibility for relief under W.S. 7-19-304
W.S. 7-19-302(g) through (j)	<i>See infra.</i>	<i>See infra.</i>	<i>See infra.</i>
W.S. 6-2-702	Human trafficking in the first degree	Intentionally or knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains or entices an individual for the purpose of: (i) Forced labor or servitude; (ii) Sexual servitude; or (iii) Sexual servitude of a minor.	Unclear. Not expressly listed in W.S. 7-19-302(g), (h), or (j).
W.S. 6-2-703	Human trafficking in the second degree	Recklessly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains or entices an individual for the purpose of: (i) Forced labor or servitude; (ii) Sexual servitude; (iii) Sexual servitude of a minor.	Unclear. Not expressly listed in W.S. 7-19-302(g), (h), or (j).

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W. S. 6-2-705	Sexual servitude of an adult	Intentionally, knowingly or recklessly uses coercion, deception or fraud to compel an individual 18 or older to engage in commercial sexual services.	Unclear. Not expressly listed in W.S. 7-19-302(g), (h), or (j).
W. S. 6-2-706	Sexual servitude of a minor	Intentionally, knowingly or recklessly offers, obtains, procures or provides an individual less than 18 to engage in commercial sexual services.	Unclear. Not expressly listed in W.S. 7-19-302(g), (h), or (j).
Convicted as an accessory before the fact as provided in W.S. 6-1-201 for a criminal offense specified in W.S. 7-19-302(g) through (j), 6-2-702, 6-2-703, 6-2-705 or 6-2-706.	Accessory before the fact	Knowingly aids or abets in the commission of a felony, or who counsels, encourages, hires, commands or procures a felony to be committed, is an accessory before the fact.	Depends on the offense for which the person was an accessory. <i>See infra.</i>
Convicted of a criminal offense in Wyoming or any other jurisdiction containing the same or similar elements, or arising out of the			Depends on the similar offense for which the person was convicted. <i>See infra.</i>

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<p>same or similar facts or circumstances, as a criminal offense specified in W.S. 7-19-302(g) through (j), 6-2-702, 6-2-703, 6-2-705 or 6-2-706.</p>			
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Table 2: W.S. 7-19-302(g) (annual in-person reporting)

Registerable offense	Name of offense	General description of offense	Eligibility for relief under W.S. 7-19-304
W.S. 6-2-316(a)(i)	Sexual abuse of a minor in the third degree	Being 17 or older, the actor engages in sexual contact with a victim who is 13 through 15, and the victim is at least 4 years younger than the actor.	Yes, under (a)(i).
W.S. 6-2-316(a)(iv)	Sexual abuse of a minor in the third degree	Being 17 or older, the actor knowingly takes immodest, immoral or indecent liberties with a victim who is less than 17 and the victim is at least 4 years younger than the actor.	Yes, under (a)(i).
W.S. 6-4-303(b)(iv)	Sexual exploitation of children	Knowingly possesses child pornography.	Yes, under (a)(i).

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<p>W.S. 6-4-304(b), if the victim was a minor</p>	<p>Voyeurism (felony)</p>	<p>(i) Commits the offense specified in subsection (a) by knowingly or intentionally capturing an image by means of a camera, a video camera or any other image recording device; or</p> <p>(ii) Uses a camera, video camera or any other image recording device: (A) For the purpose of observing, viewing, photographing, filming, recording, livestreaming or videotaping the intimate areas of another person; (B) Under clothing being worn by the other person; and (C) Without the consent of the other person.</p>	<p>Yes, under (a)(i).</p>
<p>18 U.S.C. § 2252B</p>	<p>Misleading domain names on the internet</p>	<p>Knowingly uses a misleading domain name on the Internet with intent to deceive a person into viewing material constituting obscenity or to deceive a minor into viewing material that is harmful to minors on the Internet.</p>	<p>Yes, under (a)(i).</p>
<p>18 U.S.C. § 2252C</p>	<p>Misleading words or digital images on the internet</p>	<p>Knowingly embeds words or digital images into the source code of a website with intent to deceive a person into viewing material constituting obscenity or to deceive a minor into viewing material harmful to minors on the Internet.</p>	<p>Yes, under (a)(i).</p>
<p>18 U.S.C. § 2424</p>	<p>Filing factual statement about alien individual</p>	<p>Keeps, maintains, controls, supports, or harbors in any house or place for the purpose of prostitution, or for any other immoral purpose, any individual, knowing or in reckless disregard of the fact that the individual is an alien, and fails to file a required statement with the Commissioner of Immigration and</p>	<p>Yes, under (a)(i).</p>

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		Naturalization or files a false statement.	
18 U.S.C. § 2425	Use of interstate facilities to transmit information about a minor	Knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so.	Yes, under (a)(i).
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.			Yes, under (a)(i).
An attempt or conspiracy to commit any of the offenses specified in this subsection.			Yes, under (a)(i).

WYOMING LEGISLATIVE SERVICE OFFICE *Memorandum*

Table 3: W.S. 7-19-302(h) (in-person reporting every six months)

Registerable offense	Name of offense	General description of offense	Eligibility for relief under W.S. 7-19-304
W.S. 6-2-304(a)(iii), if the victim was at least 14	Sexual assault in the third degree	The actor subjects a victim to sexual contact under any of the circumstances of W.S. 6-2-302(a)(i) through (iv) or 6-2-303(a)(i) through (vii) and (ix) without inflicting sexual intrusion and without causing serious bodily injury.	Yes, under (a)(ii).
W.S. 6-2-314(a)(ii)	Sexual abuse of a minor in the first degree	Being 18 or older, the actor inflicts sexual intrusion on a victim who is less than 18, and the actor is the victim's legal guardian or an individual specified in W.S. 6-4-402.	Yes, under (a)(ii).
W.S. 6-2-314(a)(iii)	Sexual abuse of a minor in the first degree	Being 18 or older, the actor inflicts sexual intrusion on a victim who is less than 16 and the actor occupies a position of authority in relation to the victim.	Yes, under (a)(ii).
W.S. 6-2-315(a)(i)	Sexual abuse of a minor in the second degree	Being 17 or older, the actor inflicts sexual intrusion on a victim who is 13 through 15, and the victim is at least 4 years younger than the actor.	Yes, under (a)(ii).
W.S. 6-2-315(a)(iii)	Sexual abuse of a minor in the second degree	Being 18 or older, the actor engages in sexual contact with a victim who is less than 18 and the actor is the victim's legal guardian or an individual specified in W.S. 6-4-402.	Yes, under (a)(ii).

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W.S. 6-2-315(a)(iv), if the victim was 13 through 15	Sexual abuse of a minor in the second degree	Being 18 or older, the actor engages in sexual contact with a victim who is less than 16 and the actor occupies a position of authority in relation to the victim.	Yes, under (a)(ii).
W.S. 6-2-317(a)(i)	Sexual abuse of a minor in the fourth degree	Being less than 16, the actor engages in sexual contact with a victim who is less than 13, and the victim is at least 3 years younger than the actor.	Yes, under (a)(ii).
W.S. 6-2-317(a)(ii)	Sexual abuse of a minor in the fourth degree	Being 20 or older, the actor engages in sexual contact with a victim who is either 16 or 17, and the victim is at least 4 years younger than the actor, and the actor occupies a position of authority in relation to the victim.	Yes, under (a)(ii).
W.S. 6-2-318	Soliciting to engage in illicit sexual relations	Solicits, procures or knowingly encourages anyone less than 14, or a person purported to be less than 14, to engage in sexual intrusion.	Yes, under (a)(ii).
W.S. 6-4-102, if the person solicited was a minor	Soliciting an act of prostitution	With the intent that an act of sexual intrusion be committed, that person knowingly or intentionally pays, or offers or agrees to pay money or other property to another person under circumstances strongly corroborative of the intention that an act of prostitution be committed.	Yes, under (a)(ii).
W.S. 6-4-103, if the person enticed or compelled was a minor	Promoting prostitution	(i) Knowingly or intentionally entices or compels another person to become a prostitute; (ii) Knowingly or intentionally procures, or offers or agrees to procure, a person for another person for the purpose of	Yes, under (a)(ii).

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		<p>prostitution;</p> <p>(iii) Having control over the use of a place, knowingly or intentionally permits another person to use the place for prostitution; or</p> <p>(iv) Receives money or other property from a prostitute, without lawful consideration, knowing it was earned in whole or in part from prostitution.</p>	
W.S. 6-4-302(a)(i), if the offense involves the use of a minor in a sexual performance	Promoting obscenity	Produces or reproduces obscene material with the intent of disseminating it.	Yes, under (a)(ii).
W.S. 6-4-303(b)(i) through (iii)	Sexual exploitation of children	<p>Knowingly:</p> <p>(i) Causes, induces, entices, coerces or permits a child to engage in, or be used for, the making of child pornography;</p> <p>(ii) Causes, induces, entices or coerces a child to engage in, or be used for, any explicit sexual conduct;</p> <p>(iii) Manufactures, generates, creates, receives, distributes, reproduces, delivers or possesses with the intent to deliver, including through digital or electronic means, whether or not by computer, any child pornography.</p>	Yes, under (a)(ii).
18 U.S.C. § 2251	Sexual exploitation of children	Employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or	Yes, under (a)(ii).

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		Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct.	
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.			Yes, under (a)(ii).
An attempt or conspiracy to commit any of the offenses specified in this subsection.			Yes, under (a)(ii).
Any offense enumerated in subsection (g) if the offender was previously convicted			Yes, under (a)(ii).

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of any offense enumerated in subsection (g).			
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Table 4: W.S. 7-19-302(j) (in-person reporting every three months)

Registerable offense	Name of offense	General description of offense	Eligibility for relief under W.S. 7-19-304
W.S. 6-2-201, if the victim was a minor	Kidnapping	Unlawfully removes or confines with intent to: (i) Hold for ransom or reward, or as a shield or hostage; (ii) Facilitate the commission of a felony; or (iii) Inflict bodily injury on or to terrorize the victim or another.	Only eligible under (a)(i) if adjudicated as a juvenile.
W.S. 6-2-302	Sexual assault in the first degree	Inflicts sexual intrusion on a victim and: (i) The actor causes submission through the actual application, reasonably calculated to cause submission, of physical force or forcible confinement; (ii) The actor causes submission by threat of death, serious bodily injury, extreme physical pain or kidnapping to be inflicted on anyone and the victim reasonably believes the actor has the present ability to execute these threats; (iii) The victim is physically helpless, and the actor knows or reasonably should know the victim is physically helpless and that the victim has not consented; or (iv) The actor knows or reasonably should know the victim through a mental illness, mental deficiency or developmental	Only eligible under (a)(i) if adjudicated as a juvenile.

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		disability is incapable of appraising the nature of the victim’s conduct.	
W.S. 6-2-303	Sexual assault in the second degree	<p>Inflicts sexual intrusion on a victim and:</p> <ul style="list-style-type: none"> (i) The actor causes submission by threatening to retaliate in the future against the victim or the victim’s family, and the victim reasonably believes the actor will execute this threat. (ii) The actor causes submission by any means that would prevent resistance by a victim of ordinary resolution; (iii) The actor administers, or knows someone else administered to the victim, without the prior knowledge or consent of the victim, any substance which substantially impairs the victim’s power to appraise or control his conduct; (iv) The actor knows or should reasonably know the victim submits erroneously believing the actor to be the victim’s spouse; (v) Repealed by Laws 2007, ch. 159, § 3. (vi) The actor is in a position of authority over the victim and uses this position of authority to cause the victim to submit; (vii) The actor is an employee, independent contractor or volunteer of a state, county, city or town, or privately operated adult or juvenile correctional system and the victim is known or should be known by the actor to be a resident of such facility or under supervision of the correctional system; (viii) Repealed by Laws 2018, ch. 80, § 3 (ix) The actor is an employee or volunteer of an elementary or secondary public or private school who, by virtue of the actor’s 	Only eligible under (a)(i) if adjudicated as a juvenile.

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		employment or volunteer relationship with the school, has interaction with the victim who is a student or participant in the activities of the school and is more than 4 years older than the victim.	
W.S. 6-2-304(a)(iii), if the victim was under 14	Sexual assault in the third degree	The actor subjects a victim to sexual contact under any of the circumstances of W.S. 6-2-302(a)(i) through (iv) or 6-2-303(a)(i) through (vii) and (ix) without inflicting sexual intrusion and without causing serious bodily injury to the victim.	Only eligible under (a)(i) if adjudicated as a juvenile.
W.S. 6-2-314(a)(i)	Sexual abuse of a minor in the first degree	Being 16 or older, the actor inflicts sexual intrusion on a victim who is less than 13.	Only eligible under (a)(i) if adjudicated as a juvenile.
W.S. 6-2-314(a)(ii), if the victim was less than 13	Sexual abuse of a minor in the first degree	Being 18 or older, the actor inflicts sexual intrusion on a victim who is less than 18, and the actor is the victim's legal guardian or an individual specified in W.S. 6-4-402.	Only eligible under (a)(i) if adjudicated as a juvenile.
W.S. 6-2-314(a)(iii), if the victim was less than 13	Sexual abuse of a minor in the first degree	Being 18 or older, the actor inflicts sexual intrusion on a victim who is less than 16 and the actor occupies a position of authority in relation to the victim.	Only eligible under (a)(i) if adjudicated as a juvenile.
W.S. 6-2-315(a)(ii)	Sexual abuse of a minor in the second degree	Being 16 or older, the actor engages in sexual contact of a victim who is less than 13.	Only eligible under (a)(i) if adjudicated as a

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			juvenile.
W.S. 6-2-315(a)(iii), if the victim was less than 13	Sexual abuse of a minor in the second degree	Being 18 or older, the actor engages in sexual contact with a victim who is less than 18 and the actor is the victim's legal guardian or an individual specified in W.S. 6-4-402.	Only eligible under (a)(i) if adjudicated as a juvenile.
W.S. 6-2-315(a)(iv), if the victim was less than 13	Sexual abuse of a minor in the second degree	Being 18 or older, the actor engages in sexual contact with a victim who is less than 16 and the actor occupies a position of authority in relation to the victim.	Only eligible under (a)(i) if adjudicated as a juvenile.
W.S. 6-2-316(a)(ii)	Sexual abuse of a minor in the third degree	Being 20 or older, the actor engages in sexual intrusion with a victim who is either 16 or 17, and the victim is at least 4 years younger than the actor, and the actor occupies a position of authority in relation to the victim.	Only eligible under (a)(i) if adjudicated as a juvenile.
W.S. 6-2-316(a)(iii)	Sexual abuse of a minor in the third degree	Being less than 16, the actor inflicts sexual intrusion on a victim who is less than 13, and the victim is at least 3 years younger than the actor.	Only eligible under (a)(i) if adjudicated as a juvenile.
W.S. 6-4-402	Incest	A person is guilty of incest if he knowingly commits sexual intrusion or sexual contact with an ancestor or descendant or a brother or sister of the whole or half blood. The relationships referred to herein include relationships of: (i) Parent and child by adoption;	Only eligible under (a)(i) if adjudicated as a juvenile.

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		(ii) Blood relationships without regard to legitimacy; and (iii) Stepparent and stepchild.	
18 U.S.C. § 2245	Offenses resulting in death	A person who in the course of committing a specified sexual abuse crime murders an individual.	Only eligible under (a)(i) if adjudicated as a juvenile.
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.			Only eligible under (a)(i) if adjudicated as a juvenile.
An attempt or conspiracy to commit any of the offenses specified in this subsection.			Only eligible under (a)(i) if adjudicated as a juvenile.
Any offense enumerated in subsection (h) if the offender was			Only eligible under (a)(i) if adjudicated as a juvenile.

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previously convicted of any offense enumerated in subsection (g).			
Any offense enumerated in subsection (g) or (h) if the offender was previously convicted of any offense enumerated in subsection (h).			Only eligible under (a)(i) if adjudicated as a juvenile.

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