

SENATE FILE NO. SF0101

Child predator tracking.

Sponsored by: Senator(s) Jennings, Aullman and Cooper and
Representative(s) Davison, Gingery and
Hammons

A BILL

for

1 AN ACT relating to persons convicted of a criminal offense
2 against a minor; creating a pilot project to track
3 specified sex offenders; requiring offenders convicted of a
4 criminal offense against minors to wear active global
5 position monitoring devices as specified; restricting
6 movements and places of habitation of offenders convicted
7 of a criminal offense against minors; establishing
8 criteria; providing penalties; requiring rulemaking;
9 providing an appropriation; authorizing positions;
10 requiring a report; providing a termination date for the
11 pilot project; and providing for an effective date.

12

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

14

15 **Section 1.** W.S. 7-19-308 is created to read:

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2 **7-19-308. Active global position monitoring devices;**
3 **requirements; sex offender free zones; penalties.**

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5 (a) There is created a pilot project to require all
6 offenders living or working in Natrona county who were
7 convicted of a criminal offense against a minor as defined
8 in W.S. 7-19-301(a)(iv) and who are required to register
9 pursuant to W.S. 7-19-302, be assigned an active global
10 position monitoring device for the duration of the
11 registration. The director of the department of corrections
12 shall administer the monitoring of the active global
13 position monitoring devices. The director shall contract
14 by competitive bid process for the rental of an active
15 system of global position monitoring devices, including use
16 of a monitoring facility, and for the training of
17 department of correction personnel to operate and attach
18 the devices to the offender.

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20 (b) The device shall be attached by authorized
21 department of correction personnel and shall be worn by the
22 offender from the date of conviction, regardless of any
23 appeal the offender may pursue as a result of the
24 conviction, until the registration period terminates under

1 W.S. 7-19-304 or the person successfully appeals the
2 conviction or until the pilot project ends, whichever
3 occurs earlier.

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5 (c) An offender convicted of a criminal offense
6 against a minor assigned to electronic monitoring under
7 this section shall be required to reimburse the department
8 of corrections for all or part of the costs of any
9 monitoring device required to be worn by the offender,
10 supervision costs and other necessary costs associated with
11 the monitoring of the device while it is assigned to the
12 offender. The court shall determine whether the offender
13 has the ability to pay all or part of such costs or fees.
14 The court may allow an offender to perform community
15 service and be granted credit against all or part of such
16 costs and fees at the rate of five dollars (\$5.00) for each
17 hour of community service performed.

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19 (d) Any offender convicted of a criminal offense
20 against a minor assigned an active global position
21 monitoring device shall wear the device at all times while
22 registered as an offender unless the offender is
23 incarcerated. No such offender shall live within a sex
24 offender free zone, which shall consist of the area within

1 one thousand (1,000) feet of the boundaries of real
2 property used as a daycare center or as a school for
3 education of any student from preschool through twelfth
4 grade. An offender who is required to travel within a sex
5 offender free zone, as a condition of employment or for
6 medical, educational or other reasonable purposes necessary
7 to conduct other basic requirements of life as established
8 by rule of the department of corrections, shall only travel
9 within such zone for a period of time necessary to complete
10 the task. An offender who has completed a contract to
11 purchase a home within a sex offender free zone prior to
12 the effective date of this act shall be granted an
13 exception to continue residency within that sex offender
14 free zone. The contracted monitoring facility shall
15 contact law enforcement officers if the offender remains
16 within the boundaries of property specified in this
17 subsection for any period of time in excess of the time
18 allowed by rule of the department of corrections. An
19 offender who violates the provisions of this subsection
20 more than two (2) times shall be charged with a violation
21 of this subsection and, upon conviction, shall be subject
22 to imprisonment for not less than two (2) years, nor more
23 than five (5) years in addition to any probation or parole
24 revocation.

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2 (e) The department of corrections shall promulgate
3 rules and regulations which shall include:

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5 (i) Standards and procedures regarding the use
6 of assigned global position monitoring devices to ensure
7 persons assigned a device are aware of the requirements and
8 restrictions of this section and rules adopted pursuant to
9 this section;

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11 (ii) Standards regarding the removal of the
12 assigned active global position monitoring device when an
13 offender assigned such device leaves the state;

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15 (iii) Standard times regarding authorized travel
16 within sex offender free zones and other travel by
17 offenders, including times allowed for authorized travel.
18 The rules for travel times within restricted zones shall be
19 established in recognition of the task, the mode of
20 transportation and the distance involved, and such other
21 factors the department determines reasonable to consider in
22 establishing times necessary for completing the authorized
23 task. Each offender subject to this section shall be

1 provided a list of the times authorized for specific
2 authorized tasks;

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4 (iv) Standards and procedures for reporting by
5 offenders assigned an active global position monitoring
6 device;

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8 (v) Procedures for notification of local law
9 enforcement agencies to respond when an active global
10 position monitoring device indicates an offender is in
11 violation of this section, including rules adopted pursuant
12 to this section.

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14 (f) Removal of a global positioning device from the
15 body of an assigned offender convicted of a criminal
16 offense against a minor by an unauthorized individual is a
17 misdemeanor punishable by a fine of up to seven hundred
18 fifty dollars (\$750.00), imprisonment for not more than one
19 (1) year, or both.

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21 (g) This section is repealed effective June 30, 2008.

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23 **Section 2.**

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1 (a) There is appropriated four hundred thousand
2 dollars (\$400,000.00) from the general fund to the
3 department of corrections, for the period beginning with
4 the effective date of this act and ending June 30, 2008, to
5 implement the purposes of this act. Of this amount, the
6 department of corrections is authorized two (2) full-time
7 positions. No expenditure shall be made without approval
8 of the state chief information officer.

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10 (b) The director of the department of corrections
11 shall report to the legislature no later than January 15,
12 2008. The report shall include:

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14 (i) The total number of reported criminal
15 offenses against minors as defined in W.S. 7-19-301(a)(iv)
16 in the state for the previous year;

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18 (ii) The total number of convictions for
19 criminal offenses against minors as defined in W.S.
20 7-19-301(a)(iv) in the state for the previous year;

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22 (iii) The total number of monitoring devices
23 attached and removed in the state for the previous year;

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1 (iv) Recommendations to increase the efficiency
2 of the program; and

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4 (v) Recommendations on which categories of sex
5 offenders should be assigned active global positioning
6 systems in the event the pilot program is renewed or
7 expanded by the legislature.

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9 **Section 3.** This act is effective immediately upon
10 completion of all acts necessary for a bill to become law
11 as provided by Article 4, Section 8 of the Wyoming
12 Constitution.

13

14 (END)