

Written Comments of Governor Dave Freudenthal to the Joint Judiciary Interim Committee
BY GOV. DAVE FREUDENTHAL
Thursday, August 24, 2006

Please accept my thanks for your continued work on legislation that will protect Wyoming citizens from rapists and child molesters. The issue of enhancing penalties for those who commit the heinous act of sexual assault or child molestation is a serious issue worthy of your serious consideration.

When I appeared before your committee on May 23, 2006, I clearly announced my resolve to push for at least two changes to Wyoming statutes:

1. Statutory provisions calling for a minimum mandatory life sentence on a first offense of sexual assault on a child; and
2. Statutory provisions requiring all convicted sex offenders to be posted on a public website.

I am pleased that the committee is still pushing forward on legislation that will require all sex offenders to be posted on public website. I strongly urge your adoption as a committee of bill 07LSO-0009.W1, which will require all offenders to be posted on a public website. The time to pass this legislation is now. As will be more fully explained by my representatives at the meeting, such legislation is necessary under the Adam Walsh Child Protection and Safety Act of 2006.

The public deserves to know whether one of their neighbors has been convicted of a sexual offense regardless of some assessment of future dangerousness. Judges and psychiatrists do not have a crystal ball predicting future behavior and if we have to err, I will err on the side of giving the citizens of Wyoming and the public information they need to take steps to protect themselves and their children.

I am, however, disappointed that your committee is apparently not considering 06LSO-070 (HB66 from last session), which was a committee bill last session. This bill, which provides for life without parole for a second offense of sexually assaulting a child, is a priority for me. We all know that a "first conviction" for sexually assaulting a child does not equate into a "first offense" of sexually assaulting a child. Please see my written comments from the May 23, 2006, hearing which are attached hereto. By the time a person has been convicted of sexually assaulting a child a second time, the person has left a string of hundreds of traumatized victims in his wake. We need to act now to separate these monsters from society and our children. As I have said on prior occasions, I would prefer a "one strike and you are out" law but can live with a "two strikes" law as set forth in 06 LSO-0171. I strongly urge this committee to consider this bill for the upcoming session.

I also want to comment on the effect of the Adam Walsh Child Protection and Safety Act of 2006. This federal legislation, which comes with the usual federal threat of loss of federal money if we don't pass conforming statutes, must be complied with within the next three years. I urge the committee to go forward with your important work on the issues of sex offender registry and modification of sexual assault statutes. The passage of 07LSO-0009 is a necessary step in compliance with Adam Walsh and should be passed now. There will, no doubt, be some fine

tuning of Wyoming statutes necessary in future sessions but we should not delay passage of important legislation because of concern about the effect of the vagaries of the federal legislation.

Our citizens deserve greater protection from pedophiles and rapists today regardless of what legislation has been passed at the federal level.