



General Assembly

January Session, 2003

Raised Bill No. 6648

LCO No. 4176

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE DISSEMINATION OF INFORMATION ON REGISTERED SEXUAL OFFENDERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) Any person who (1)
2 has been convicted or found not guilty by reason of mental disease or
3 defect of a criminal offense against a victim who is a minor, a
4 nonviolent sexual offense or a sexually violent offense, as those terms
5 are defined in section 54-250 of the general statutes, or of a felony
6 found by the court to have been committed for a sexual purpose as
7 provided in section 54-254 of the general statutes and is required to
8 register or has registered under chapter 969 of the general statutes, or
9 (2) has been convicted of any other offense and is required to register
10 or has registered under chapter 969 of the general statutes as a
11 condition of probation imposed by the court or the Court Support
12 Services Division, may petition the court for an order that the
13 Department of Public Safety restrict the dissemination of the
14 registration information concerning such person to law enforcement
15 purposes only and not make such information available for public
16 access.

17 (b) Such petition shall be filed with the clerk of the court for the
18 judicial district or geographical area in which the judgment of
19 conviction or finding of not guilty by reason of mental disease or
20 defect was rendered. The court shall hold a hearing on such petition
21 not later than fourteen days after the filing of such petition. At such
22 hearing, the petitioner shall have the burden of proving, by a
23 preponderance of the evidence, that dissemination of the registration
24 information is not required for public safety.

25 (c) In determining whether to order the Department of Public Safety
26 to restrict the dissemination of the registration information, the court
27 shall consider the nature and circumstances of the offense, the criminal
28 and noncriminal behavior of the petitioner both before and after the
29 conviction or the finding of not guilty by reason of mental disease or
30 defect, the likelihood of the petitioner reoffending, the danger the
31 petitioner poses to the community and any other factors it deems
32 relevant.

33 (d) If the court finds that dissemination of the registration
34 information is not required for public safety, it shall order the
35 Department of Public Safety to restrict the dissemination of the
36 registration information to law enforcement purposes only and to not
37 make such information available for public access.

38 (e) The Commissioner of Public Safety, a state's attorney or the chief
39 of police of any municipal police department may, at any time, petition
40 the court to remove the restriction on the dissemination of such
41 registration information. The court shall order the Commissioner of
42 Public Safety to remove the restriction on the dissemination of such
43 registration information if it finds that public safety requires that such
44 person's registration information be made available to the public.

45 (f) Prior to ordering or removing the restriction on the
46 dissemination of such person's registration information, the court shall
47 consider any information or statements provided by the victim.

48 Sec. 2. Subsection (a) of section 54-258 of the general statutes is
49 repealed and the following is substituted in lieu thereof (*Effective*
50 *October 1, 2003*):

51 (a) (1) Notwithstanding any other provision of the general statutes,
52 except subdivisions (3) and (4) of this subsection, the registry
53 maintained by the Department of Public Safety shall be a public record
54 and shall be accessible to the public during normal business hours. The
55 Department of Public Safety shall make registry information available
56 to the public through the Internet. Registry information that is made
57 available to the public shall contain a brief description of the nature
58 and circumstances of the offense or offenses of which the registrant
59 was convicted or found not guilty by reason of mental disease or
60 defect, the criminal record of the registrant with respect to any prior
61 convictions or findings of not guilty by reason of mental disease or
62 defect for the commission of a criminal offense against a victim who is
63 a minor, a nonviolent sexual offense, a sexually violent offense or a
64 felony found by the sentencing court to have been committed for a
65 sexual purpose, and any other relevant information that is otherwise
66 available to the public concerning the registrant's risk of reoffending.
67 Not less than once per calendar quarter, the Department of Public
68 Safety shall issue notices to all print and electronic media in the state
69 regarding the availability and means of accessing the registry. Each
70 local police department and each state police troop shall keep a record
71 of all registration information transmitted to it by the Department of
72 Public Safety, and shall make such information accessible to the public
73 during normal business hours.

74 (2) Any state agency, the Judicial Department, any state police troop
75 or any local police department may, at its discretion, notify any
76 government agency, private organization or individual of registration
77 information when such agency, said department, such troop or such
78 local police department, as the case may be, believes such notification
79 is necessary to protect the public or any individual in any jurisdiction
80 from any person who is subject to registration under section 54-251,

81 54-252, 54-253 or 54-254.

82 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
83 this subsection, state agencies, the Judicial Department, state police
84 troops and local police departments shall not disclose the identity of
85 any victim of a crime committed by a registrant or treatment
86 information provided to the registry pursuant to sections 54-102g and
87 54-250 to 54-258a, inclusive, except to government agencies for bona
88 fide law enforcement or security purposes.

89 (4) Notwithstanding the provisions of subdivisions (1) and (2) of
90 this subsection, registration information the dissemination of which
91 has been restricted by court order pursuant to section 54-255 or section
92 1 of this act and which is not otherwise subject to disclosure, shall not
93 be a public record and shall be released only for law enforcement
94 purposes until such restriction is removed by the court pursuant to
95 said section.

96 (5) When any registrant completes the registrant's term of
97 registration or is otherwise released from the obligation to register
98 under section 54-251, 54-252, 54-253 or 54-254, the Department of
99 Public Safety shall notify any state police troop or local police
100 department having jurisdiction over the registrant's last reported
101 residence address that the person is no longer a registrant, and the
102 Department of Public Safety, state police troop and local police
103 department shall remove the registrant's name and information from
104 the registry.

105 Sec. 3. (*Effective from passage*) (a) There is established an advisory
106 committee to make recommendations concerning the development and
107 implementation of a risk assessment procedure to assess and evaluate
108 persons subject to registration under chapter 969 of the general statutes
109 to determine whether any such person poses a low, moderate or high
110 risk of engaging in illegal sexual behavior and whether making
111 registration and risk assessment information concerning such person
112 accessible to the public and available through the Internet is required

113 for public safety.

114 (b) The advisory committee shall be composed of the Commissioner
115 of Public Safety, the Commissioner of Mental Health and Addiction
116 Services, the Commissioner of Correction, the Chief State's Attorney,
117 the Chief Public Defender, the executive director of the Court Support
118 Services Division, the chairperson of the Board of Parole and the
119 Victim Advocate, or their designees.

120 (c) The advisory committee shall report its recommendations to the
121 joint standing committee of the General Assembly having cognizance
122 of matters relating to judiciary not later than February 4, 2004, in
123 accordance with the provisions of section 11-4a of the general statutes.
124 The advisory committee shall terminate on the date it submits such
125 report or February 4, 2004, whichever is earlier.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>from passage</i>

Statement of Purpose:

To allow a person subject to registration as a sexual offender to petition the court for an order restricting the public dissemination of the registration information, to provide more information on the Internet about persons who are registered sexual offenders and to establish a committee to make recommendations concerning the development and implementation of risk assessment procedures.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]