



Substitute House Bill No. 6881

Public Act No. 05-146

AN ACT CONCERNING NOTIFICATION OF INMATE APPLICATIONS FOR RELEASE OR OTHER RELIEF.

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

Section 1. Section 54-229 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

Any state's attorney, assistant state's attorney or deputy assistant state's attorney who desires to be notified whenever an inmate makes an application to the Board of Pardons and Paroles, Department of Correction, sentencing court or judge or review division as provided in section 54-227, as amended by this act, may complete and file a request for notification with the Office of Victim Services or the Victim Services Unit within the Department of Correction. Such request for notification shall be in such form and content as the Office of the Chief Court Administrator may prescribe.

Sec. 2. Section 54-227 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) Any inmate who makes an application to the Board of Pardons and Paroles or Department of Correction for release other than a furlough from a correctional institution or who applies to the sentencing court or judge for a reduction in sentence pursuant to

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section 53a-39, or who applies to the review division for a review of sentence pursuant to section 51-195, shall notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of such application on a form prescribed by the Office of the Chief Court Administrator. Notwithstanding any provision of the general statutes, no such application shall be accepted unless the applicant has notified the Office of Victim Services and the Victim Services Unit within the Department of Correction pursuant to this subsection and provides proof of such notice as part of the application.

(b) Any person who files an application with the court to be exempted from the registration requirements of section 54-251, as amended by this act, pursuant to subsection (b) or (c) of said section and any person who files a petition with the court pursuant to section 54-255, as amended by this act, for an order restricting the dissemination of the registration information or removing such restriction shall notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of the filing of such application or petition on a form prescribed by the Office of the Chief Court Administrator. Notwithstanding any provision of the general statutes, no such application or petition shall be considered unless such person has notified the Office of Victim Services and the Victim Services Unit within the Department of Correction pursuant to this subsection and provides proof of such notice as part of the application or petition.

(c) Notwithstanding any provision of the general statutes to the contrary, the Board of Pardons and Paroles, sentencing court and sentence review division may make available to the Office of Victim Services and the Victim Services Unit within the Department of Correction direct access to records in their custody, including computerized criminal history record information, for the purpose of performing said office's and department's duties regarding victim

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notification.

Sec. 3. Section 54-228 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) Any victim of a crime or any member of an inmate's immediate family who desires to be notified whenever an inmate makes an application to the Board of Pardons and Paroles, Department of Correction, sentencing court or judge or review division as provided in section 54-227, as amended by this act, or whenever an inmate is scheduled to be released from a correctional institution other than on a furlough, may complete and file a request for notification with the Office of Victim Services or the Victim Services Unit within the Department of Correction.

(b) Any victim of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, or a felony found by the sentencing court to have been committed for a sexual purpose, as provided in section 54-254, who desires to be notified whenever the person who was convicted or found not guilty by reason of mental disease or defect of such offense files an application with the court to be exempted from the registration requirements of section 54-251, as amended by this act, pursuant to subsection (b) or (c) of said section or files a petition with the court pursuant to section 54-255, as amended by this act, for an order restricting the dissemination of the registration information, or removing such restriction, may complete and file a request for notification with the Office of Victim Services or the Victim Services Unit within the Department of Correction.

(c) Such request for notification shall be in such form and content as the Office of the Chief Court Administrator may prescribe. Such request for notification shall be confidential and shall remain confidential while in the custody of the Office of Victim Services and

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the Department of Correction and shall not be disclosed. It shall be the responsibility of the victim to notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of his or her current mailing address, which shall be kept confidential and shall not be disclosed by the Office of Victim Services and the Department of Correction.

Sec. 4. Section 54-230a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) Upon receipt of notice from an inmate pursuant to section 54-227, as amended by this act, the Victim Services Unit within the Department of Correction shall notify by certified mail all persons who have requested to be notified pursuant to subsection (a) of section 54-228, as amended by this act, and section 54-229, as amended by this act, whenever such inmate makes application for release or sentence reduction or review. Such notice shall be in writing and notify each person of the nature of the release or sentence reduction or review being applied for, the address and telephone number of the board or agency to which the application by the inmate was made, and the date and place of the hearing or session, if any, scheduled on the application.

(b) Upon receipt of notice from a person pursuant to subsection (b) of section 54-227, as amended by this act, the Victim Services Unit within the Department of Correction shall notify by certified mail all persons who have requested to be notified pursuant to subsection (b) of section 54-228, as amended by this act, whenever such person files an application with the court to be exempted from the registration requirements of section 54-251, as amended by this act, pursuant to subsections (b) or (c) of said section or files a petition with the court pursuant to section 54-255, as amended by this act, for an order restricting the dissemination of the registration information, or removing such restriction. Such notice shall be in writing and notify

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each person of the nature of the exemption or of the restriction or the removal of the restriction being applied for, the address and telephone number of the court to which the application or petition by the person was made, and the date and place of the hearing or session, if any, scheduled on the application or petition.

(c) Upon compliance with the notification requirements of this section, the Victim Services Unit within the Department of Correction shall notify, on a form prescribed by the Office of the Chief Court Administrator, the board, agency or court to which the application or petition was made of such compliance.

Sec. 5. Subsection (d) of section 54-251 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(d) Any person who files an application with the court to be exempted from the registration requirements of this section pursuant to subsection (b) or (c) of this section shall, pursuant to subsection (b) of section 54-227, as amended by this act, notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of the filing of such application. The Office of Victim Services or the Victim Services Unit within the Department of Correction, or both, shall, pursuant to section 54-230 or 54-230a, as amended by this act, notify any victim who has requested notification of the filing of such application. Prior to granting or denying such application, the court shall consider any information or statement provided by the victim.

Sec. 6. Subsection (c) of section 54-255 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(c) Any person who: (1) Has been convicted or found not guilty by

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reason of mental disease or defect of a violation of subdivision (1) of subsection (a) of section 53a-71 between October 1, 1988, and June 30, 1999, and was under nineteen years of age at the time of the offense; (2) has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (2) of subsection (a) of section 53a-73a between October 1, 1988, and June 30, 1999; (3) has been convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, between October 1, 1988, and June 30, 1999, where the victim of such offense was, at the time of the offense, under eighteen years of age and related to such person within any of the degrees of kindred specified in section 46b-21; (4) has been convicted or found not guilty by reason of mental disease or defect of a violation of section 53a-70b between October 1, 1988, and June 30, 1999; or (5) has been convicted or found not guilty by reason of mental disease or defect of any crime between October 1, 1988, and September 30, 1998, which requires registration under sections 54-250 to 54-258a, inclusive, and (A) served no jail or prison time as a result of such conviction or finding of not guilty by reason of mental disease or defect, (B) has not been subsequently convicted or found not guilty by reason of mental disease or defect of any crime which would require registration under sections 54-250 to 54-258a, inclusive, and (C) has registered with the Department of Public Safety in accordance with sections 54-250 to 54-258a, inclusive; may petition the court to order the Department of Public Safety to restrict the dissemination of the registration information to law enforcement purposes only and to not make such information available for public access. Any person who files such a petition shall, pursuant to subsection (b) of section 54-227, as amended by this act, notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of the filing of such petition. The Office of Victim Services or the Victim Services Unit within the Department of Correction, or both, shall, pursuant to section 54-230 or 54-230a, as amended by this act, notify any victim who has requested

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notification pursuant to subsection (b) of section 54-228, as amended by this act, of the filing of such petition. Prior to granting or denying such petition, the court shall consider any information or statements provided by the victim. The court may order the Department of Public Safety to restrict the dissemination of the registration information to law enforcement purposes only and to not make such information available for public access, provided the court finds that dissemination of the registration information is not required for public safety.

Sec. 7. (NEW) (*Effective October 1, 2005*) There is established a Victim Services Unit within the Department of Correction. The duties and responsibilities of the unit shall include, but not be limited to: (1) Receiving notices pursuant to section 54-227 of the general statutes, as amended by this act, from inmates applying for release or sentence reduction or review, persons applying for exemption from the registration requirements of section 54-251 of the general statutes, as amended by this act, and persons filing a petition for an order restricting the dissemination of registration information or removing such restriction pursuant to section 54-255 of the general statutes, as amended by this act, (2) receiving requests for notification from victims of crime or members of an inmate's immediate family pursuant to section 54-228 of the general statutes, as amended by this act, and receiving notices of changes of address from victims pursuant to said section, (3) receiving requests for notification from prosecuting officials pursuant to section 54-229 of the general statutes, as amended by this act, and (4) notifying persons pursuant to section 54-230a of the general statutes, as amended by this act, who have requested to be notified pursuant to section 54-228 or 54-229 of the general statutes, as amended by this act.

Approved June 24, 2005