



General Assembly

January Session, 2005

Raised Bill No. 6749

LCO No. 3651

03651_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE REGISTRATION OF SEXUAL OFFENDERS.

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

1 Section 1. Subdivision (2) of section 54-250 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (2) "Criminal offense against a victim who is a minor" means (A) a
5 violation of subdivision (2) of section 53-21 of the general statutes in
6 effect prior to October 1, 2000, subdivision (2) of subsection (a) of
7 section 53-21, subdivision (2) of subsection (a) of section 53a-70,
8 subdivision (1), (4), [or] (8) or (10) or subparagraph (B) of subdivision
9 (9) of subsection (a) of section 53a-71, subdivision (2) of subsection (a)
10 of section 53a-72a, subdivision (2) of subsection (a) of section 53a-86,
11 subdivision (2) of subsection (a) of section 53a-87, section 53a-90a,
12 53a-196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f, (B) a
13 violation of subparagraph (A) of subdivision (9) of subsection (a) of
14 section 53a-71 or section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96
15 or 53a-186, provided the court makes a finding that, at the time of the
16 offense, the victim was under eighteen years of age, (C) a violation of

17 any of the offenses specified in subparagraph (A) or (B) of this
18 subdivision for which a person is criminally liable under section 53a-8,
19 53a-48 or 53a-49, or (D) a violation of any predecessor statute to any
20 offense specified in subparagraph (A), (B) or (C) of this subdivision the
21 essential elements of which are substantially the same as said offense.

22 Sec. 2. Subdivision (5) of section 54-250 of the general statutes is
23 repealed and the following is substituted in lieu thereof (*Effective from*
24 *passage*):

25 (5) "Nonviolent sexual offense" means a violation of section 53a-73a
26 or a violation of section 53a-73a for which a person is criminally liable
27 under section 53a-8, 53a-48 or 53a-49.

28 Sec. 3. Subdivision (11) of section 54-250 of the general statutes is
29 repealed and the following is substituted in lieu thereof (*Effective from*
30 *passage*):

31 (11) "Sexually violent offense" means (A) a violation of section
32 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a,
33 53a-70b, 53a-71, except subdivision (1), (4), [or] (8) or (10) or
34 subparagraph (B) of subdivision (9) of subsection (a) of said section or
35 subparagraph (A) of subdivision (9) of subsection (a) of said section if
36 the court makes a finding that, at the time of the offense, the victim
37 was under eighteen years of age, 53a-72a, except subdivision (2) of
38 subsection (a) of said section, or 53a-72b, or of section 53a-92 or
39 53a-92a, provided the court makes a finding that the offense was
40 committed with intent to sexually violate or abuse the victim, (B) a
41 violation of any of the offenses specified in subparagraph (A) of this
42 subdivision for which a person is criminally liable under section 53a-8,
43 53a-48 or 53a-49, or (C) a violation of any predecessor statute to any of
44 the offenses specified in subparagraph (A) or (B) of this subdivision
45 the essential elements of which are substantially the same as said
46 offense.

47 Sec. 4. Subsection (a) of section 54-251 of the general statutes is

48 repealed and the following is substituted in lieu thereof (*Effective from*
49 *passage*):

50 (a) Any person who has been convicted or found not guilty by
51 reason of mental disease or defect of a criminal offense against a victim
52 who is a minor or a nonviolent sexual offense, and is released into the
53 community on or after October 1, 1998, shall, within three days
54 following such release or, if such person is in the custody of the
55 Commissioner of Correction, at such time prior to release as the
56 commissioner shall direct, and whether or not such person's place of
57 residence is in this state, register such person's name, identifying
58 factors, criminal history record and residence address with the
59 Commissioner of Public Safety, on such forms and in such locations as
60 the commissioner shall direct, and shall maintain such registration for
61 ten years except that any person who has one or more prior
62 convictions of any such offense or who is convicted of a violation of
63 subdivision (2) of subsection (a) of section 53a-70 shall maintain such
64 registration for life. Prior to accepting a plea of guilty or nolo
65 contendere from a person with respect to a criminal offense against a
66 victim who is a minor or a nonviolent sexual offense, the court shall (1)
67 inform the person that the entry of a finding of guilty after acceptance
68 of the plea will subject the person to the registration requirements of
69 this section, and (2) determine that the person fully understands the
70 consequences of the plea. If any person who is subject to registration
71 under this section changes such person's name such person shall,
72 within five days, register the new name in writing with the
73 Commissioner of Public Safety. If [such] any person who is subject to
74 registration under this section changes such person's address such
75 person shall, within five days, register the new address in writing with
76 the Commissioner of Public Safety, and, if the new address is in
77 another state, such person shall also register with an appropriate
78 agency in that state, provided that state has a registration requirement
79 for such offenders. If any person who is subject to registration under
80 this section is employed at, carries on a vocation at or is a student at a
81 trade or professional institution or institution of higher learning in this

82 state, such person shall notify the Commissioner of Public Safety of
83 such status and of any change in such status. If any person who is
84 subject to registration under this section is employed in another state,
85 carries on a vocation in another state or is a student in another state,
86 such person shall notify the Commissioner of Public Safety and shall
87 also register with an appropriate agency in that state provided that
88 state has a registration requirement for such offenders. During such
89 period of registration, each registrant shall complete and return forms
90 mailed to such registrant to verify such registrant's residence address
91 and shall submit to the retaking of a photographic image upon request
92 of the Commissioner of Public Safety. [If any person who is subject to
93 registration under this section is employed at, carries on a vocation at
94 or is a student at a trade or professional institution or institution of
95 higher learning in this state, such person shall notify the
96 Commissioner of Public Safety of such status and of any change in
97 such status.]

98 Sec. 5. Subsections (a) and (b) of section 54-252 of the general
99 statutes are repealed and the following is substituted in lieu thereof
100 (*Effective from passage*):

101 (a) Any person who has been convicted or found not guilty by
102 reason of mental disease or defect of a sexually violent offense, and (1)
103 is released into the community on or after October 1, 1988, and prior to
104 October 1, 1998, and resides in this state, shall, on October 1, 1998, or
105 within three days of residing in this state, whichever is later, or (2) is
106 released into the community on or after October 1, 1998, shall, within
107 three days following such release or, if such person is in the custody of
108 the Commissioner of Correction, at such time prior to release as the
109 commissioner shall direct, register such person's name, identifying
110 factors, criminal history record, documentation of any treatment
111 received for mental abnormality or personality disorder, and residence
112 address with the Commissioner of Public Safety on such forms and in
113 such locations as said commissioner shall direct, and shall maintain
114 such registration for life. Prior to accepting a plea of guilty or nolo

115 contendere from a person with respect to a sexually violent offense, the
116 court shall (A) inform the person that the entry of a finding of guilty
117 after acceptance of the plea will subject the person to the registration
118 requirements of this section, and (B) determine that the person fully
119 understands the consequences of the plea. If any person who is subject
120 to registration under this section changes such person's name such
121 person shall, within five days, register the new name in writing with
122 the Commissioner of Public Safety. If [such] any person who is subject
123 to registration under this section changes such person's address such
124 person shall, within five days, register the new address in writing with
125 the Commissioner of Public Safety, and, if the new address is in
126 another state, such person shall also register with an appropriate
127 agency in that state, provided that state has a registration requirement
128 for such offenders. If any person who is subject to registration under
129 this section is employed at, carries on a vocation at or is a student at a
130 trade or professional institution or institution of higher learning in this
131 state, such person shall notify the Commissioner of Public Safety of
132 such status and of any change in such status. If any person who is
133 subject to registration under this section is employed in another state,
134 carries on a vocation in another state or is a student in another state,
135 such person shall notify the Commissioner of Public Safety and shall
136 also register with an appropriate agency in that state, provided that
137 state has a registration requirement for such offenders. During such
138 period of registration, each registrant shall complete and return forms
139 mailed to such registrant to verify such registrant's residence address
140 and shall submit to the retaking of a photographic image upon request
141 of the Commissioner of Public Safety. [If any person who is subject to
142 registration under this section is employed at, carries on a vocation at
143 or is a student at a trade or professional institution or institution of
144 higher learning in this state, such person shall notify the
145 Commissioner of Public Safety of such status and of any change in
146 such status.]

147 (b) Any person who has been subject to the registration
148 requirements of section 54-102r of the general statutes, revised to

149 January 1, 1997, as amended by section 1 of public act 97-183, shall, not
150 later than three working days after October 1, 1998, register under this
151 section and thereafter comply with the provisions of sections 54-102g
152 and 54-250 to 54-258a, inclusive, as amended by this act, except that
153 any person who was convicted or found not guilty by reason of mental
154 disease or defect of an offense that is classified as a criminal offense
155 against a victim who is a minor under subdivision (2) of section 54-250,
156 as amended by this act, and that is subject to a ten-year period of
157 registration under section 54-251, as amended by this act, shall
158 maintain such registration for ten years.

159 Sec. 6. Section 54-253 of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective from passage*):

161 (a) Any person who has been convicted or found not guilty by
162 reason of mental disease or defect in any other state, in a federal or
163 military court or in any foreign jurisdiction of any crime [the essential
164 elements of which are substantially the same as any of the crimes
165 specified in subdivisions (2), (5) and (11) of section 54-250] that
166 requires registration as a sexual offender in that other state, federal or
167 military system or foreign jurisdiction and who resides in this state on
168 and after October 1, 1998, shall, within ten days of residing in this
169 state, register with the Commissioner of Public Safety in the same
170 manner as if such person had been convicted or found not guilty by
171 reason of mental disease or defect of such crime in this state, except
172 that [for purposes of determining the ten-year period of registration
173 under section 54-251 such person shall be deemed to have initially
174 registered on the date of such person's release into the community] the
175 commissioner shall maintain such registration until such person is
176 released from the registration requirement in such other state, federal
177 or military system or foreign jurisdiction.

178 (b) If any person who is subject to registration under this section
179 changes such person's name such person shall, within five days,
180 register the new name in writing with the Commissioner of Public

181 Safety. If any person who is subject to registration under this section
182 changes such person's address such person shall, within five days,
183 register the new address in writing with the Commissioner of Public
184 Safety and, if the new address is in another state, such person shall also
185 register with an appropriate agency in that state, provided that state
186 has a registration requirement for such offenders. If any person who is
187 subject to registration under this section is employed at, carries on a
188 vocation at or is a student at a trade or professional institution or
189 institution of higher learning in this state, such person shall notify the
190 Commissioner of Public Safety of such status and of any change in
191 such status. If any person who is subject to registration under this
192 section is employed in another state, carries on a vocation in another
193 state or is a student in another state, such person shall notify the
194 Commissioner of Public Safety and shall also register with an
195 appropriate agency in that state, provided that state has a registration
196 requirement for such offenders. During such period of registration,
197 each registrant shall complete and return forms mailed to such
198 registrant to verify such registrant's residence address and shall submit
199 to the retaking of a photographic image upon request of the
200 Commissioner of Public Safety.

201 [(b)] (c) Any person not a resident of this state who is registered as a
202 sexual offender under the laws of any other state and who is employed
203 in this state, carries on a vocation in this state or is a student in this
204 state, shall, within five days after the commencement of such
205 employment, vocation or education in this state, register such person's
206 name, identifying factors, criminal history record, locations visited on
207 a recurring basis or residence address, if any, in this state, and
208 residence address in such person's home state with the Commissioner
209 of Public Safety on such forms and in such locations as said
210 commissioner shall direct and shall maintain such registration until
211 such employment, vocation or education terminates or until such
212 person is released from registration as a sexual offender in such other
213 state. If such person terminates such person's employment, vocation or
214 education in this state or changes such person's address in this state

215 such person shall, within five days, provide notice in writing to the
216 Commissioner of Public Safety.

217 [(c) If any person who is subject to registration under this section is
218 employed at, carries on a vocation at or is a student at a trade or
219 professional institution or institution of higher learning in this state,
220 such person shall notify the Commissioner of Public Safety of such
221 status and of any change in such status.]

222 (d) Any person not a resident of this state who is registered as a
223 sexual offender under the laws of any other state and who travels in
224 this state on a recurring basis for periods of less than five days shall
225 notify the Commissioner of Public Safety of such person's temporary
226 residence in this state and of a telephone number at which such person
227 may be contacted.

228 (e) Any person who violates the provisions of this section shall be
229 guilty of a class D felony.

230 Sec. 7. Subsection (a) of section 54-254 of the general statutes is
231 repealed and the following is substituted in lieu thereof (*Effective from*
232 *passage*):

233 (a) Any person who has been convicted or found not guilty by
234 reason of mental disease or defect in this state on or after October 1,
235 1998, of any felony that the court finds was committed for a sexual
236 purpose, may be required by the court upon release into the
237 community or, if such person is in the custody of the Commissioner of
238 Correction, at such time prior to release as the commissioner shall
239 direct to register such person's name, identifying factors, criminal
240 history record and residence address with the Commissioner of Public
241 Safety, on such forms and in such locations as the commissioner shall
242 direct, and to maintain such registration for ten years. If the court finds
243 that a person has committed a felony for a sexual purpose and intends
244 to require such person to register under this section, prior to accepting
245 a plea of guilty or nolo contendere from such person with respect to

246 such felony, the court shall (1) inform the person that the entry of a
 247 finding of guilty after acceptance of the plea will subject the person to
 248 the registration requirements of this section, and (2) determine that the
 249 person fully understands the consequences of the plea. If any person
 250 who is subject to registration under this section changes such person's
 251 name such person shall, within five days, register the new name in
 252 writing with the Commissioner of Public Safety. If [such] any person
 253 who is subject to registration under this section changes such person's
 254 address such person shall, within five days, register the new address in
 255 writing with the Commissioner of Public Safety, and, if the new
 256 address is in another state, such person shall also register with an
 257 appropriate agency in that state, provided that state has a registration
 258 requirement for such offenders. If any person who is subject to
 259 registration under this section is employed at, carries on a vocation at
 260 or is a student at a trade or professional institution or institution of
 261 higher learning in this state, such person shall notify the
 262 Commissioner of Public Safety of such status and of any change in
 263 such status. If any person who is subject to registration under this
 264 section is employed in another state, carries on a vocation in another
 265 state or is a student in another state, such person shall notify the
 266 Commissioner of Public Safety and shall also register with an
 267 appropriate agency in that state, provided that state has a registration
 268 requirement for such offenders. During such period of registration,
 269 each registrant shall complete and return forms mailed to such
 270 registrant to verify such registrant's residence address and shall submit
 271 to the retaking of a photographic image upon request of the
 272 Commissioner of Public Safety.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	54-250(2)
Sec. 2	<i>from passage</i>	54-250(5)
Sec. 3	<i>from passage</i>	54-250(11)
Sec. 4	<i>from passage</i>	54-251(a)
Sec. 5	<i>from passage</i>	54-252(a) and (b)

Sec. 6	<i>from passage</i>	54-253
Sec. 7	<i>from passage</i>	54-254(a)

Statement of Purpose:

To classify certain offenses for registration purposes as criminal offenses against a victim who is a minor, require registered sexual offenders to report name changes, authorize the registration of offenders prior to their release from the custody of the Commissioner of Correction, clarify the registration period for certain offenders who were registered under the pre-1998 law, require the registration of out-of-state offenders who move to this state if they were required to register in that other jurisdiction and without regard to whether they were convicted of substantially equivalent crimes that would require registration in this state and clarify registration and reporting requirements for such out-of-state offenders.

[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.]